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

Agendas and agenda packets may be accessed electronically from your laptop or smartphone. Visit the Town's website at www.townofblackmountain.org. **Click** on **Government** and select **Town Council** to access agenda materials for Town Council meetings. You can also scan this QR code with your smartphone to access agenda materials.

Conserve Resources; print only when necessary.

The Town of Black Mountain is committed to providing accessible facilities, programs, and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Wesley Barker at: town.clerk@tobm.org, or **(828) 419-9300 / TDD (800) 735-2962**

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

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. 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

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Josh Henderson, Recreation & Parks Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Communications from Staff, Councils, Commissions & Agencies	**DEPARTMENT:**	Recreation & Parks

TITLE OF ITEM: Recreation & Parks Department Annual Report

SUGGESTED MOTION(S):
n/a- presentation only.

SUMMARY:

Recreation & Parks Director Josh Henderson will present the department's annual report to the Town 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. 2024 Rec and Parks Annual Report

2024 Annual Report

Recreation and Parks



Black Mountain
Recreation & Parks

Mission

The department, in partnership with our citizens and with respect to our environment, will provide community-based recreation programs, wellness opportunities, facilities, and services to enrich the quality of life in Black Mountain.

Reach

Facebook:

- 6,100 followers
- 32,356 reached

Instagram:

- 2,331 followers
- 5,400 reached

Website:

- 9,292 recreation page views
- 11,799 lake tomahawk page views
- 9,620 black mtn pool page views
- 4,248 park rhythms page views
- 2,949 facility rental page views

WNCW:

- 100,000 weekly listeners

The Valley Echo:

- 4,000 facebook followers
- 1,493 Instagram followers

Black Mountain News:

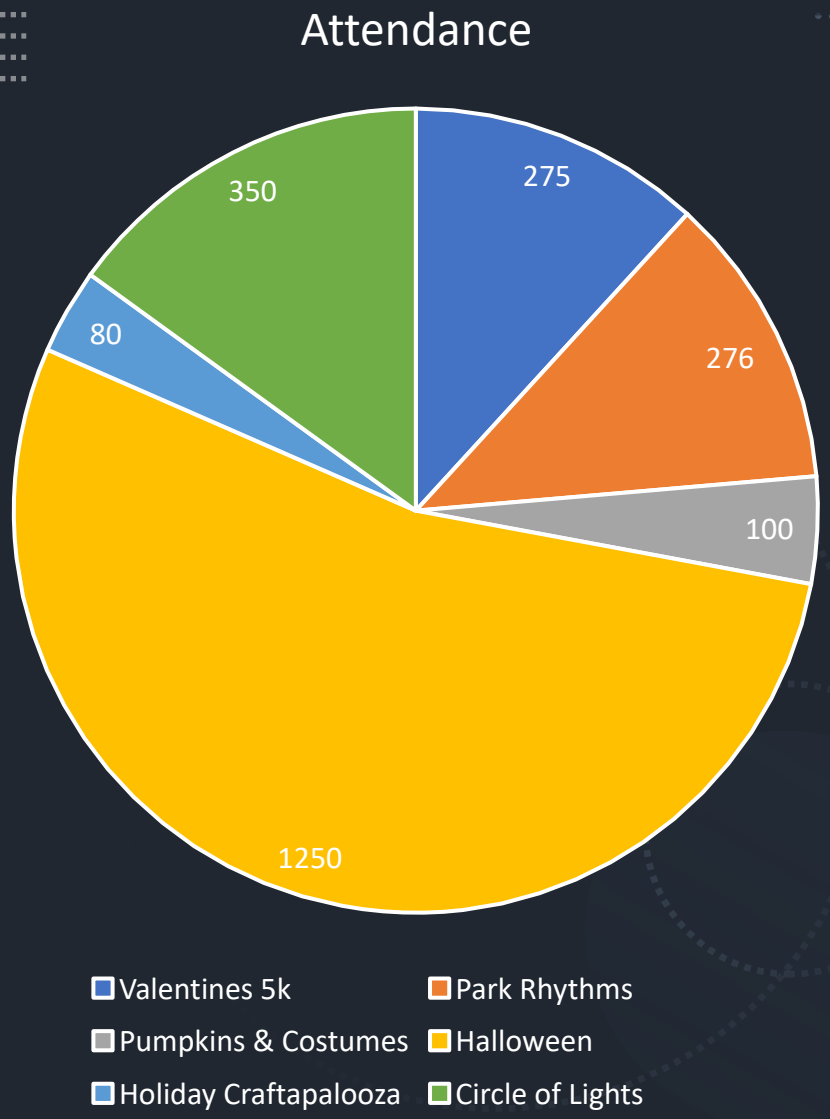
- 7,200 facebook followers

AVL Today:

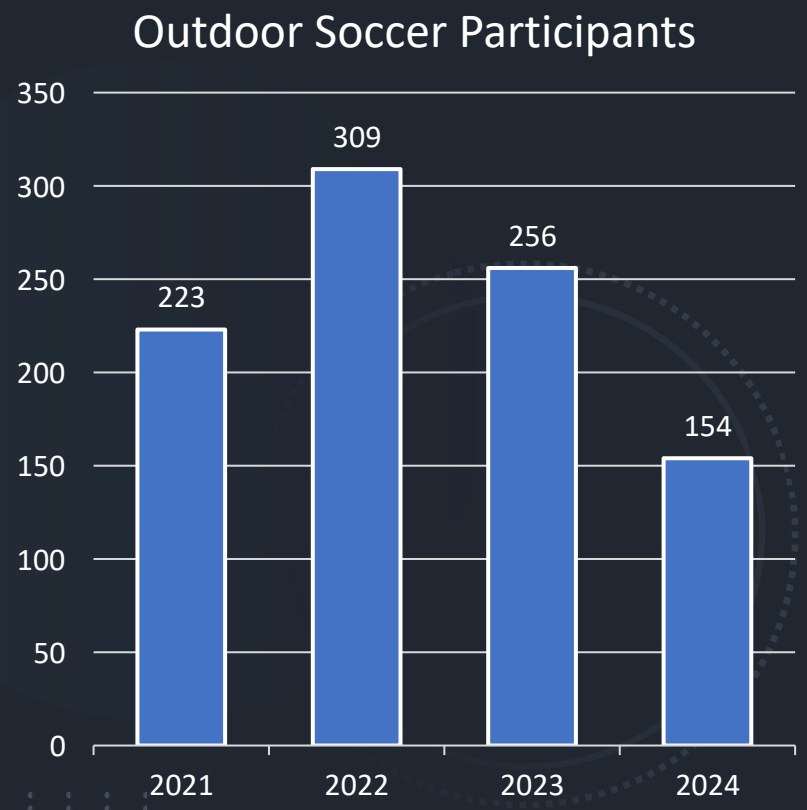
- 644,000 followers
- 1 million subscribers

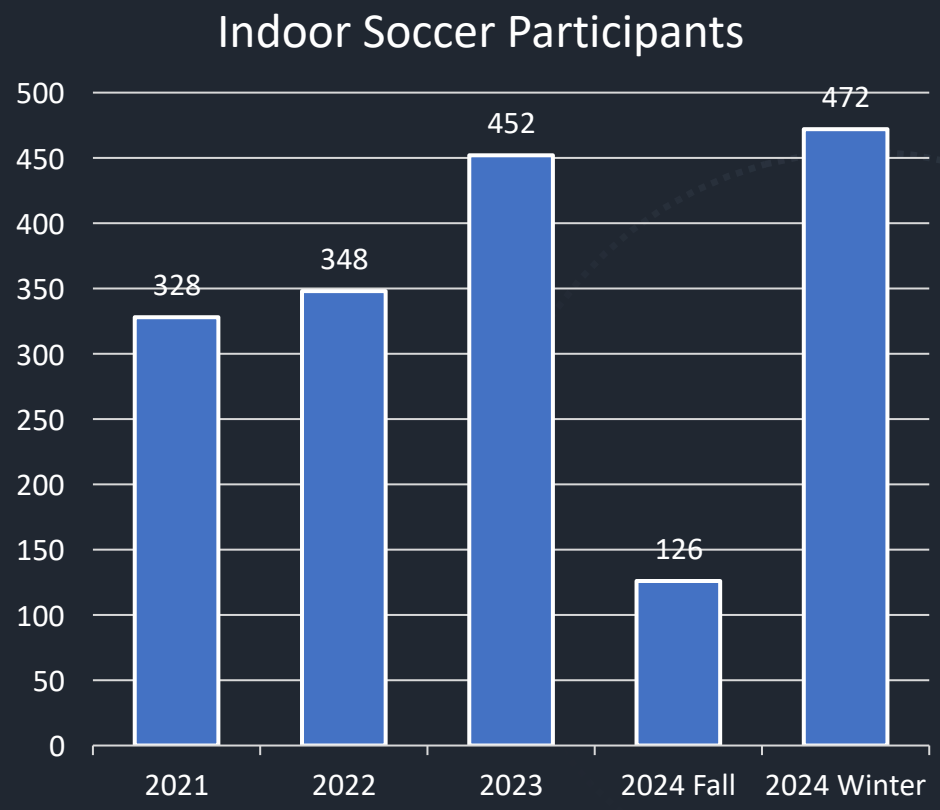
Events

- Valentine Greenway Challenge 5k/10k
- Park Rhythms (6-week avg.)
  - 2 weeks cancelled due to inclement weather
  - 2 weeks moved indoors due to inclement weather and baseball tournament
- Pumpkin painting & costume giveaway
- Halloween (town square)
- Holiday Craftapalooza
- Circle of Lights (town square)



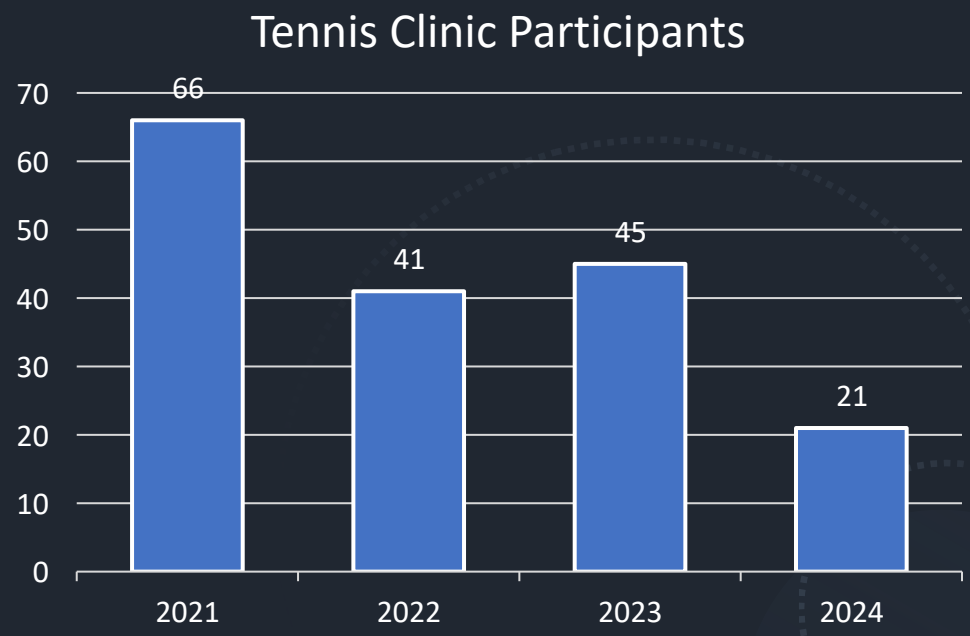
Youth Sports





Youth Sports





Outdoor Programs

**All programs capped at 15 participants each*

Cabin Fever Defeater Series (12 programs) (Jan-Feb)

- **Indoor rock climbing, hikes, riverbank clean-ups, trail workdays**

Spring Ascension Series (14 programs) (Mar-April)

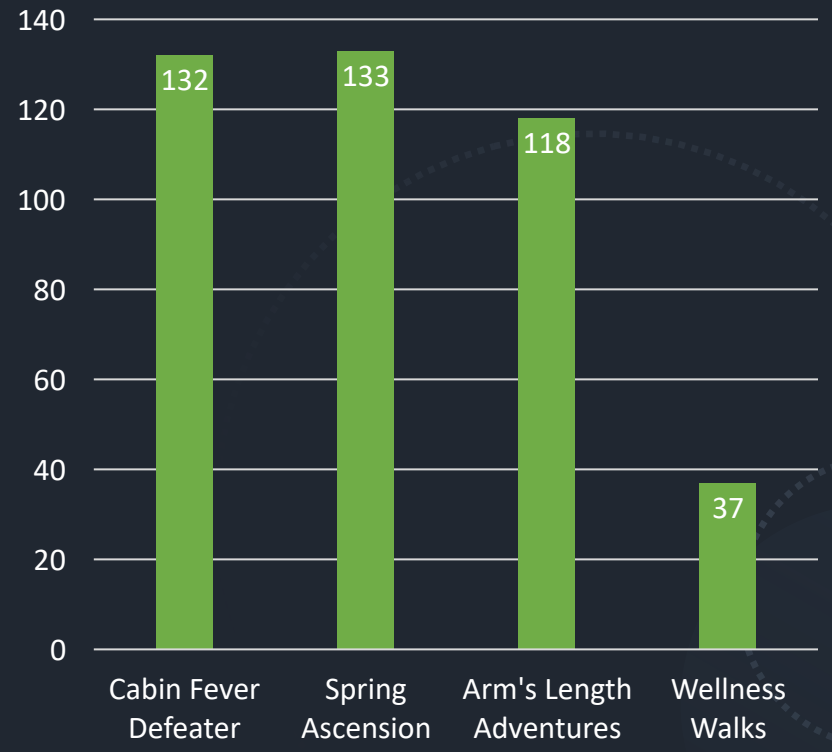
- **Trail workdays, hikes, river clean-ups, geology hikes, mushroom walks**

Arm's Length Adventure Series (9 programs) (Aug-Sept)

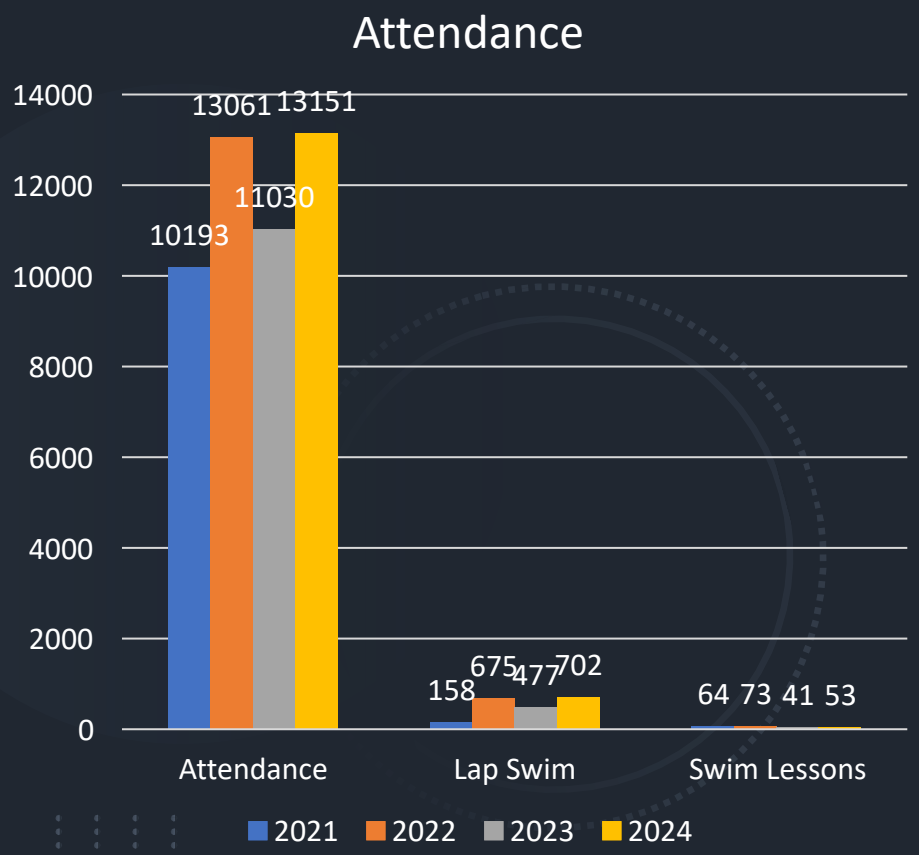
Hikes, river clean-ups, astronomy walks, geology hikes

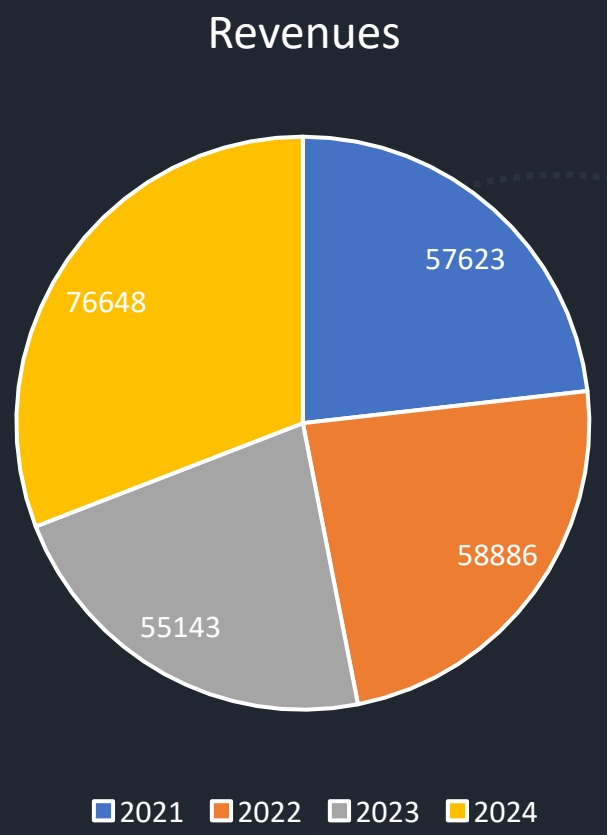
Fall Peaks Hiking Series (cancelled) (Sept-Nov)

Weekly Wellness Walks (7 programs)(Oct-Nov)

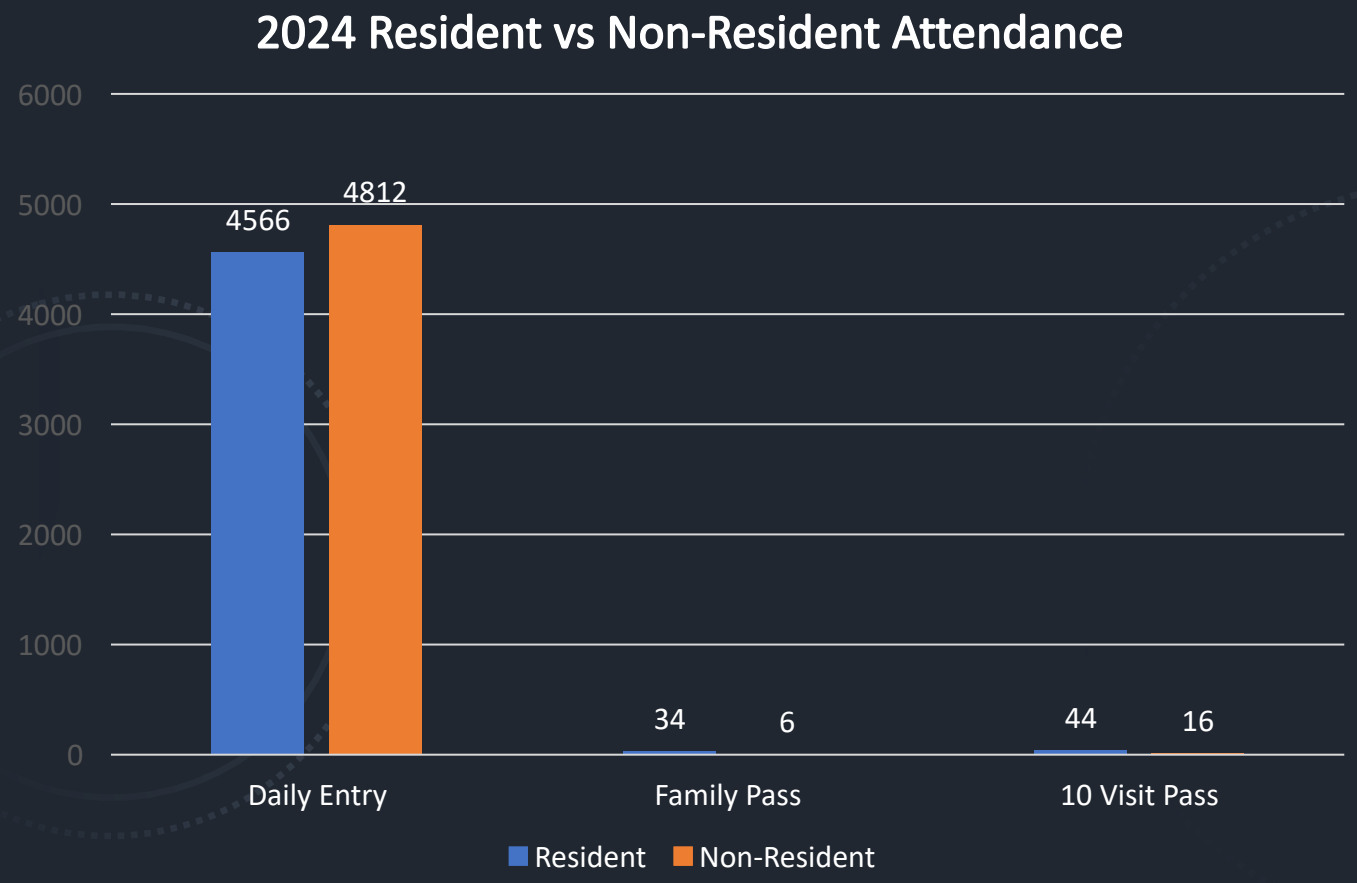


Pool


Attendance
14000
12000
10000
8000
6000
4000
2000
0
10193
13061
11030
13151
158
675
477
702
64
73
41
53
Attendance
Lap Swim
Swim Lessons
2021
2022
2023
2024


Revenues
57623
58886
55143
76648
2021
2022
2023
2024

Pool


2024 Resident vs Non-Resident Attendance
6000
5000
4000
3000
2000
1000
0
4566
4812
34
6
44
16
Daily Entry
Family Pass
10 Visit Pass
Resident
Non-Resident

Camps

Black Mountain Summer Camp

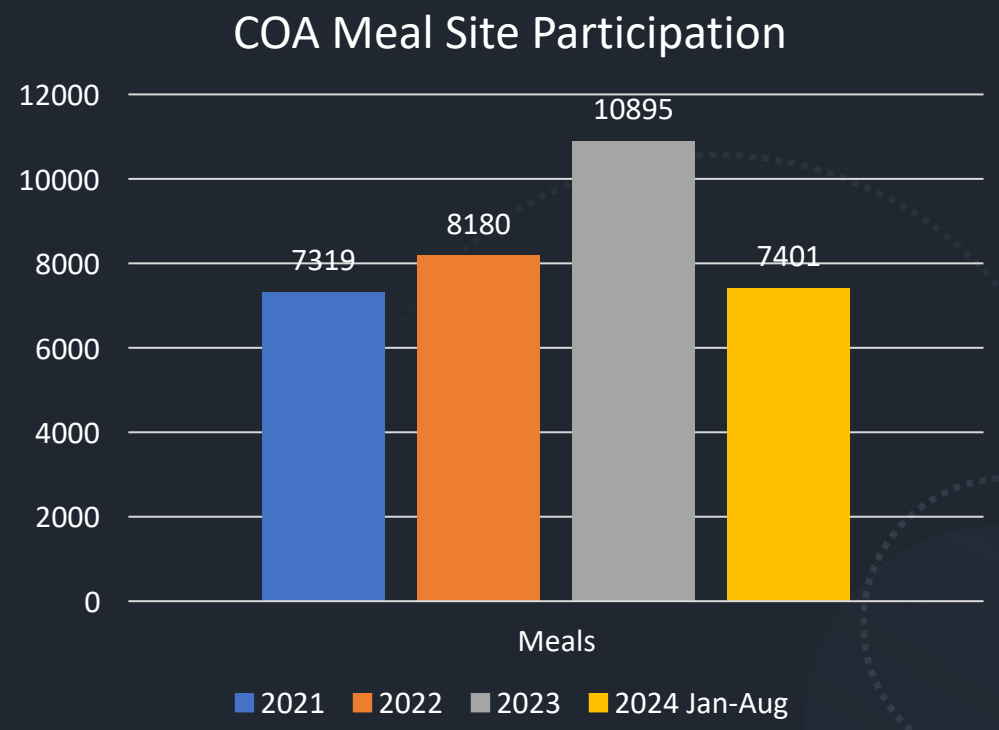
- **6 weeks: 69 campers (K-5th); 47 on wait list**
  - **75% of attendees are Valley residents**
  - **Arts and crafts, field trips, games, community service, outdoor recreation**

Tennis Camp (Hosted by BMTA)

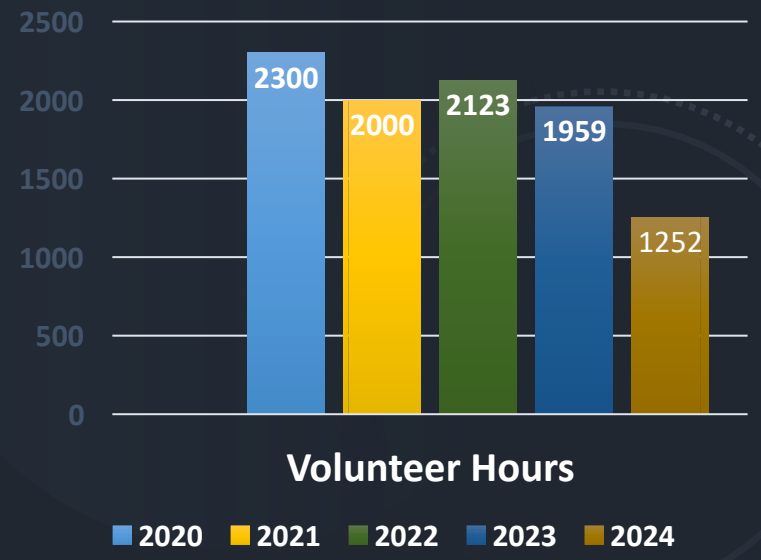
- **Ages 7-14**
- **26 participants, 11 volunteers**

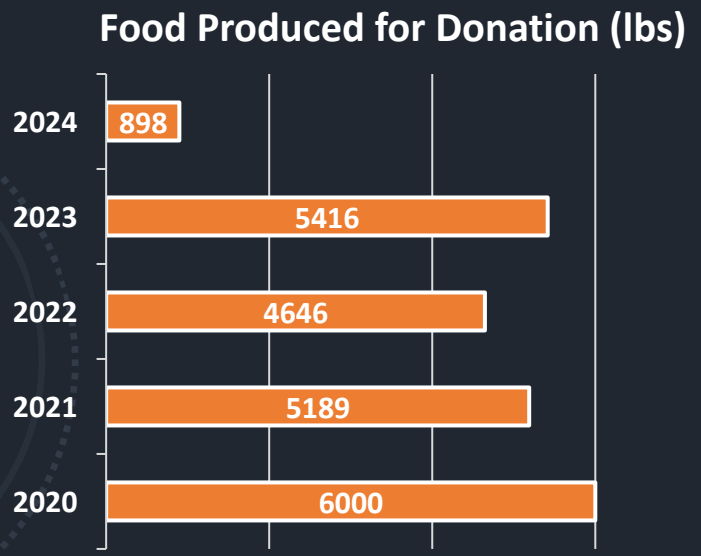
Active Aging Adults

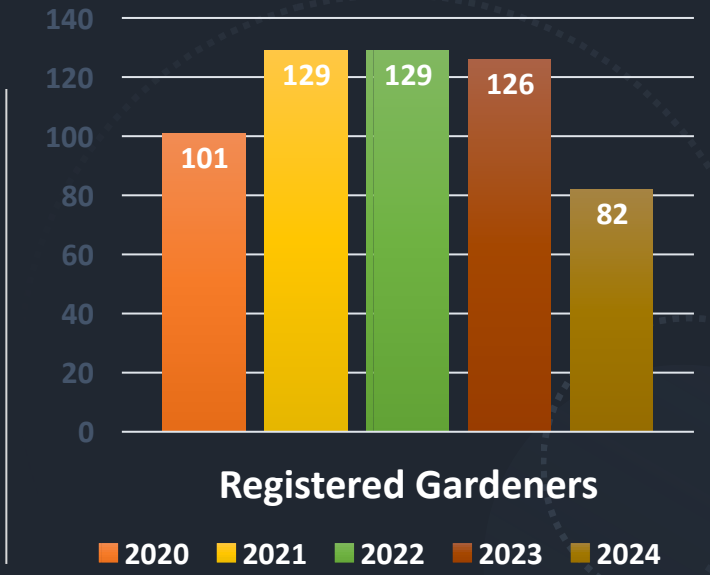
- AARP tax assistance program
- Annual volunteer appreciation
- Van Clan day trips
  - Lunch outings & day trips filled up w/ wait list
- Meal-site is the largest out of 4 in Buncombe County



Community Garden

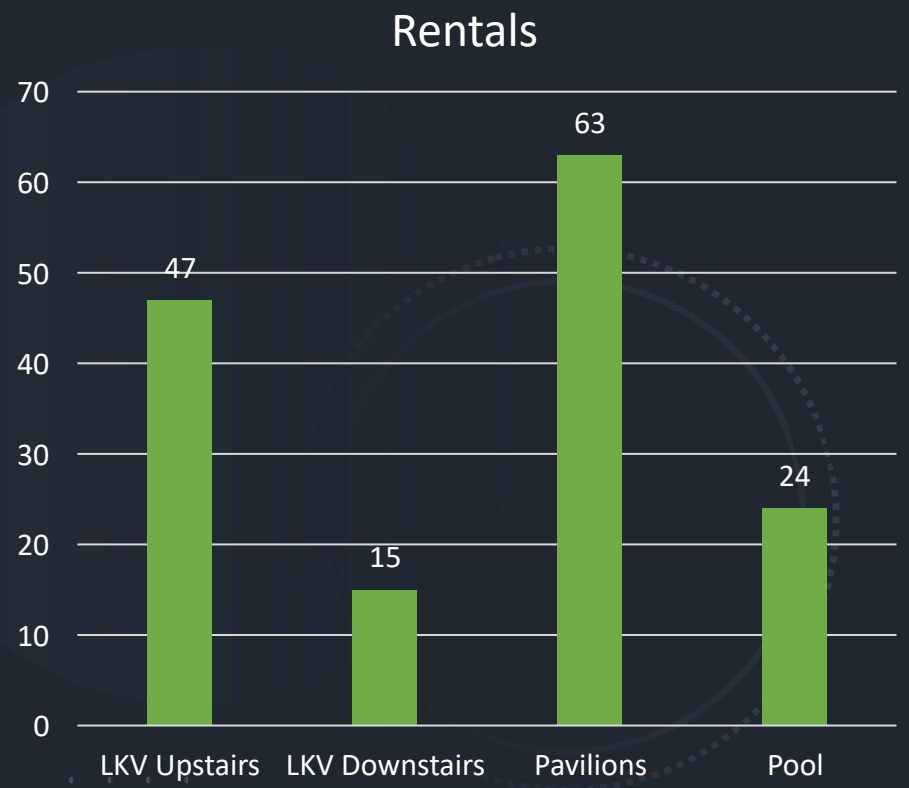


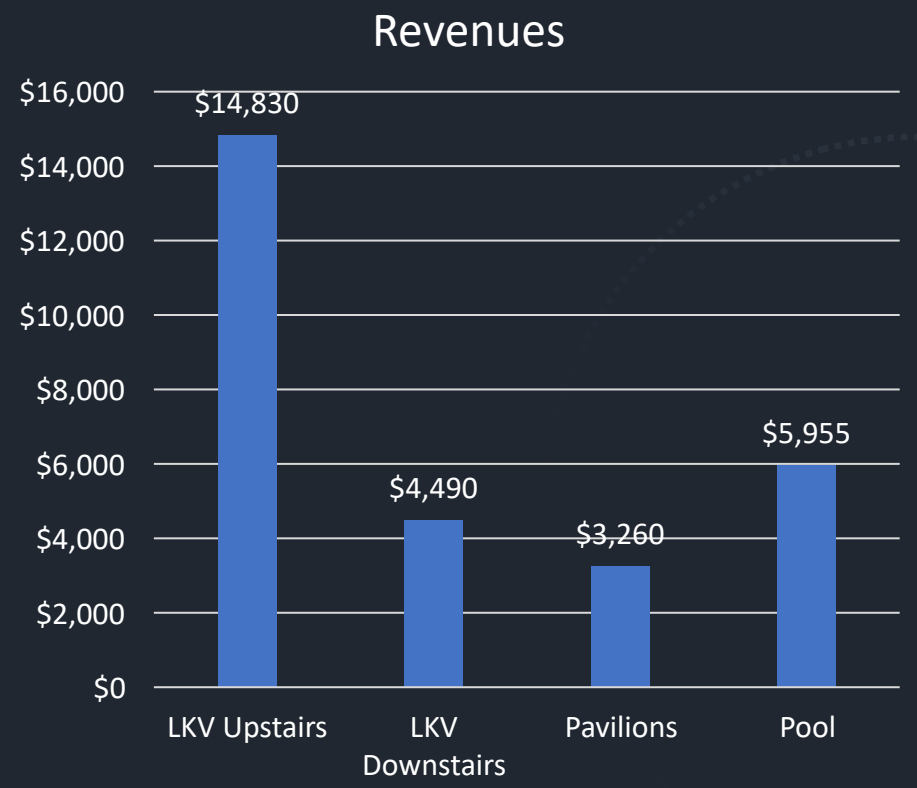




Facility Rentals

**Jan-Aug*





Partnerships

YMCA Blue Ridge Assembly
- Indoor rock climbing

Christmount
- Trail workdays
- Mushroom walks

G5 Trail Collective
- Assist with trail workdays

NCDOT
- Litter sweeps

Owen High School
- Tennis Courts (tennis camp)

Black Mountain Primary School
- Multi-purpose field (outdoor soccer)

Black Mountain Greenways & Trails
- 5K race

Friends of the DRJWCG
- Various supporting roles

Partnerships

Warren Wilson

- Provides volunteers for the DRJWCG
- DRJWCG hosts classes

Bounty and Soul

- DRJWCG food donations

Owen Babe Ruth

- Baseball & softball supported by TOBM
- Tournaments

Owen Warhorse Youth Football & Cheer

- Practice space at Veterans Park

Questions



Black Mountain
Recreation & Parks

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	John Coffey, Fire Chief	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Communications from Staff, Councils, Commissions & Agencies	**DEPARTMENT:**	Fire Department
TITLE OF ITEM:	Wildfire Risk Update from Fire Chief John Coffey		

SUGGESTED MOTION(S):
n/a- communication only.

SUMMARY:

Fire Chief John Coffey will brief the Town Council on the risk of wildfires in our area as a result of Hurricane Helene storm damage of fallen trees and brush piles. The Chief will provide updates on upcoming meetings to educate residents on wildfire precautions, safety measures and more.

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. Wildfire_Preparedness_Presentation

Wildfire Preparedness & Prevention

Presented by: Fire Chief John Coffey
Town of Black Mountain Fire Department
August 11, 2024



Purpose of Address

To outline the current wildfire risks facing Black Mountain, prevention strategies, and the critical need for strong enforcement and citizen engagement.

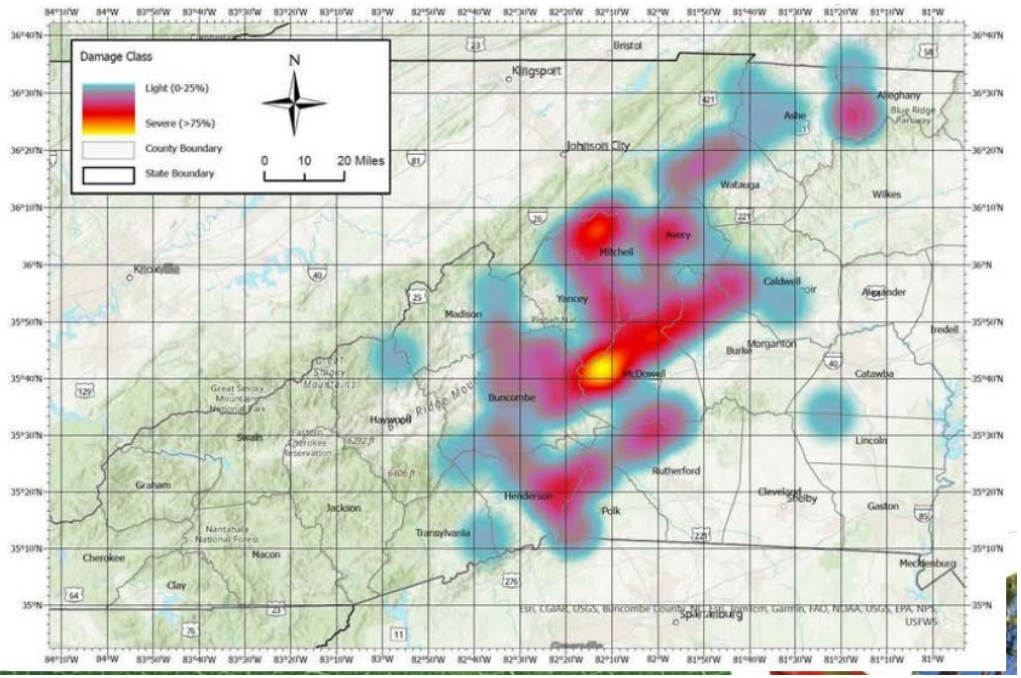
Geographic Vulnerability

We are a **wildland-urban interface (WUI)** community—where homes meet flammable vegetation.

Our steep terrain, dense tree cover, and narrow roads increase the complexity of response and evacuation.

Helene Response





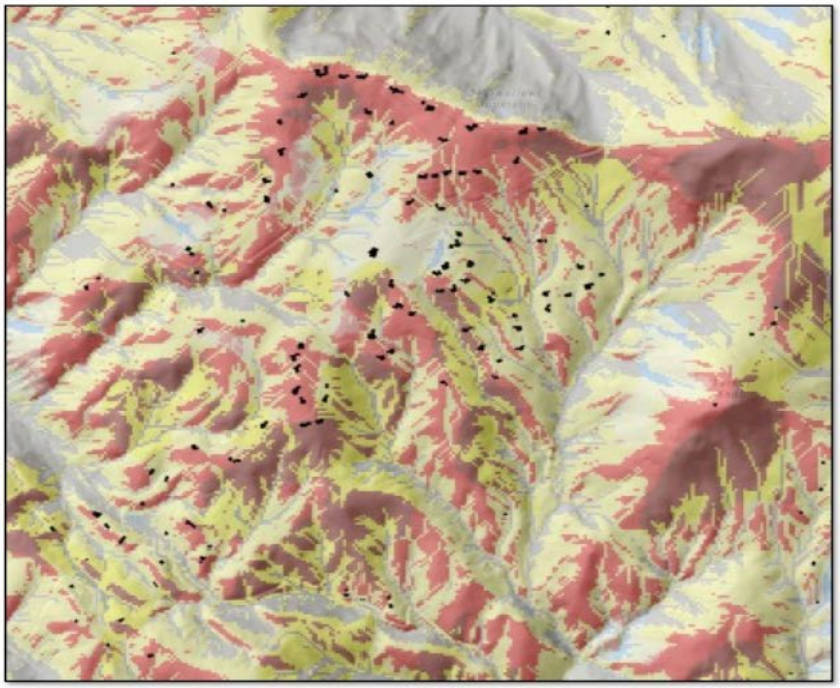
NCFS Helene Recovery – Identifying the Problems

- Estimated 820,000+ acres of timber damage
- Fuel management & Wildfire preparedness
- Forest Management
  - Opportunities
  - Challenges
  - Utilization
  - Oak opportunities
  - Invasive species

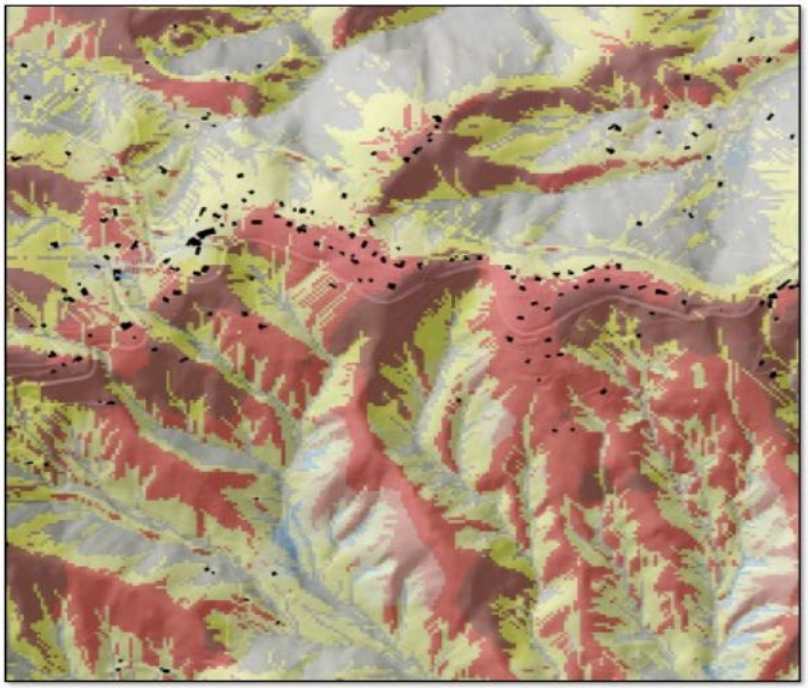


Structures compared to the combined background and Helene fire hazard

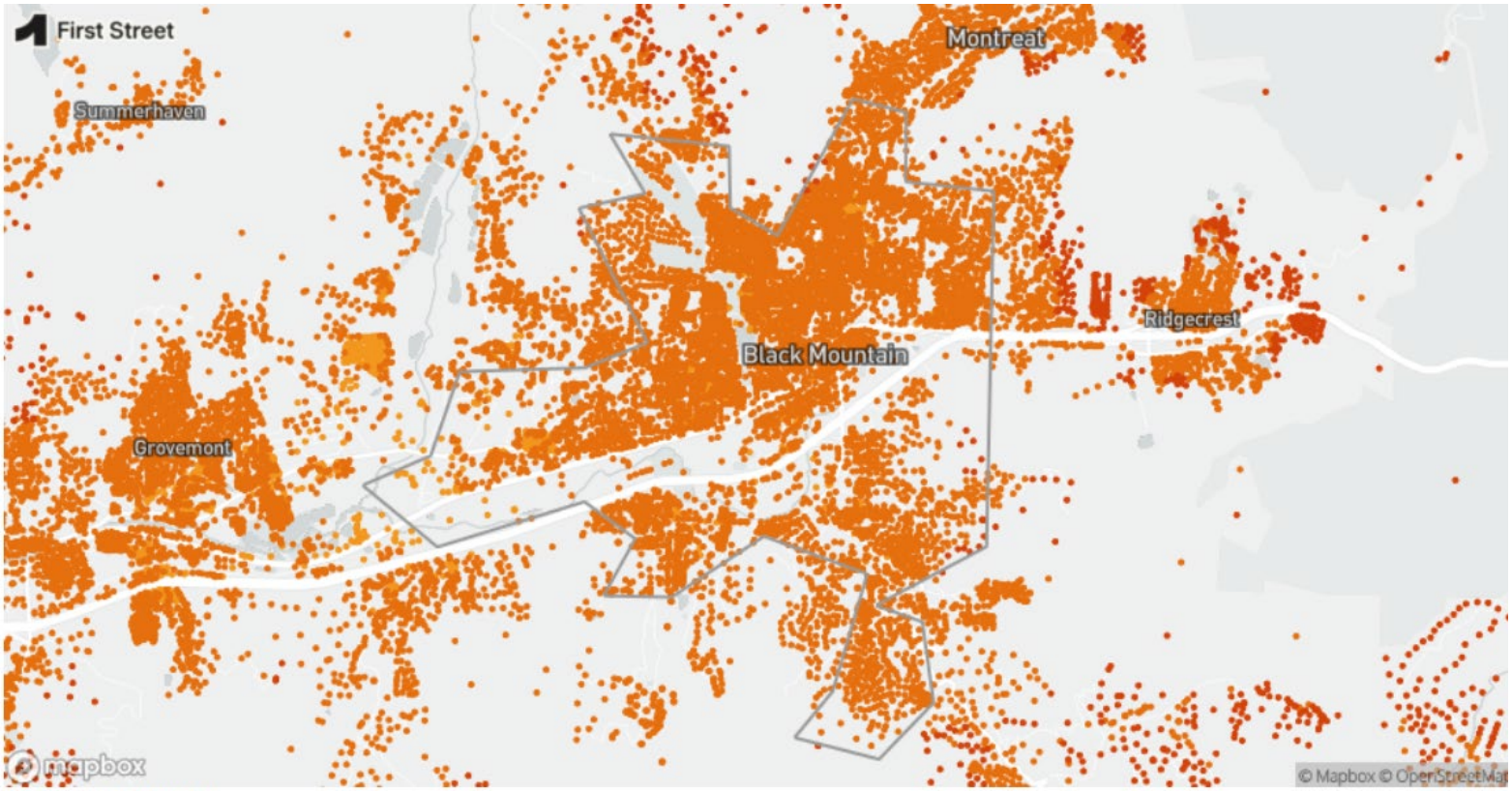




Bearwallow Mountain, Henderson, Buncombe Co.



Little Switzerland area, McDowell-Mitchell Co.



Properties at risk from fire

Minimal | Minor | Moderate | Major | Severe | Extreme

Residential: **Moderate Risk**

4,981 out of **4,981** homes at risk

Commercial: **Moderate Risk**

354 out of **363** properties at risk

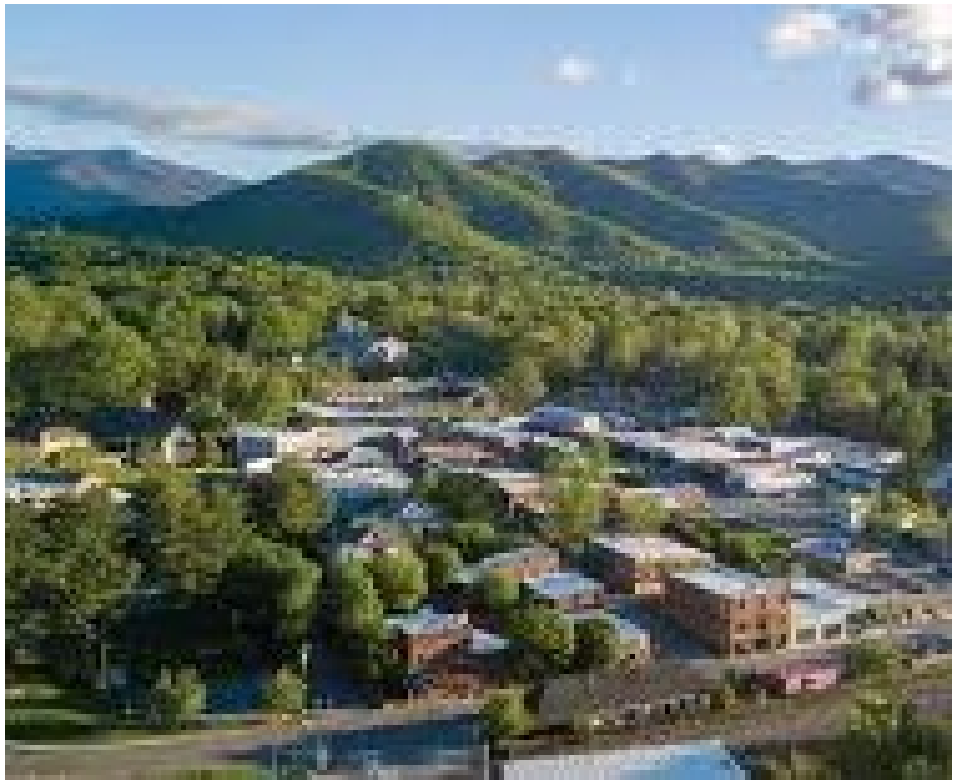
Infrastructure: **Moderate Risk**

7 out of **8** facilities at risk

Social: **Moderate Risk**

23 out of **25** facilities at risk

Moderate Risk Over the next 30 years.



- There are over **4,968 properties at risk** in **Black Mountain**
- Cut off access to utilities
- Delayed Access
- Impact evacuation routes
- This is based on the level of risk the properties face rather than the proportion of properties with risk.

Current Threat Landscape

Hurricane Helene left widespread storm debris and created a **dangerous fuel load** throughout the town and surrounding forest.

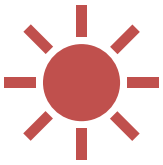
The **US Forest Service and NC Forest Service** have expressed elevated concern—calling the current situation a **tinderbox**.

Heavy ground fuels increase wildfire ignition risk

One spark can lead to fast-moving, uncontrollable fires depending on variables.

If a fire were to start under current conditions, suppression efforts could be quickly overwhelmed.

Why This Matters Now



Climate trends = longer, hotter summers



Increased risk of ignition in dry, windy conditions



Wildfires spreading across NC



Time to act is now – **prevention is our best tool**

The Three Pillars of Prevention

Compliance – Enforce defensible space and vegetation codes

Public Education – Equip residents with knowledge

Tactical Readiness – Prepare response before fire starts

Enforcing Open Burning Regulations

Strict enforcement of state and local open burning laws is essential.

We must communicate clearly that **open burning in a municipality during high-risk conditions is not only illegal—it's irresponsible.**

Seek council support for increasing penalties and prioritizing Fire Marshal enforcement.



Prevention is Our Best Defense

Proactive Education & Outreach

- Launch a **Black Mountain** “**FireReady**” campaign:
  - Localized Firewise type education
  - Community clean-up events
  - Free home risk assessments

- Engage HOAs and neighborhoods to take ownership of defensible space creation.

Engaging and Gaining Support from Citizens

Shift	Shift from Passive Awareness to Active Participation
Create	Create neighborhood ambassador programs to build local champions.
Provide	Provide residents with templates and guides for building defensible zones.

Community-Wide Strategy

Public Works – Debris removal from public spaces

Fire Marshal/Police – Enforce burn bans, assist evacuations

Planning Dept – Integrate fire code in permits

CERT – Outreach, assistance, risk documentation

Residents – Clear vegetation, follow fire rules

Call to Action

Coordinated prevention is essential

Every agency and resident plays a role

Let’s be the town that prevents disaster

Vision is achievable with support and accountability

Let us be the Appalachian town that got it right.

Let us be the model that others follow.

Let us be **Black Mountain Ready.**

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Communications from Staff, Councils, Commissions & Agencies	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Recovery & Resiliency Update		

SUGGESTED MOTION(S):
No action requested- presentation only.

SUMMARY:

Assistant Town Manager Jessica Trotman will provide a Recovery & Resiliency Update.

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. Resilience_Presentation_August_2025

Recovery & Resiliency

Prepared for Black Mountain Town Council

By Jessica Trotman, Asst. Town Manager

August 11, 2025

Mission & Purpose

Guide long-term recovery from Tropical Storm Helene

Building capacity to prevent and recover from future disasters and emergencies of all types

Align infrastructure, policy, and community readiness with resilience goals

Strategic Priorities

- Reduce risk to existing public infrastructure
- Improve internal system and emergency policies
- Enhance hazard mapping and data use
- Strength community preparedness
- Leverage state and federal funding for long-term resiliency efforts

Project Applications in Process

Hazard Mitigation Grant Program (NCEM/FEMA)

- Multiple projects developed post-Helene
- Focused on reducing risk and protecting infrastructure
- State to provide 25% local match
- Projects
  - Waterline relocations
  - Waterline stream crossing relocation and hardenings
  - Disel pump for pump station
  - Generators for water system
  - Generators for town buildings

SmBiz Infrastructure (NC Dept. of Commerce)



Improve downtown stormwater efficiency and performance.



Correcting inlet location, size and maintenance issues



$1,000,000 application, no match required

Disaster Mitigation Fund (NCEM)



Request to be made to the 20 million in HB 1020 for infrastructure improvements



Specifically, not for FEMA PA eligible repairs



Submitting an estimated 20-30 culvert locations and engineering requirements to upsize culverts to at least a 25-year storm under the Atlas 15.

State Revolving Loan Fund

- Originally not eligible. Worked with state for revisions of eligibility criteria.
- $5,000,000 principal forgiveness.
  - Drill and connect wells $2,500,000
  - Waterline relocation $2,500,000
- 70/30 cost share for anything additional, no application in development at this time.

Policy, Processes and Programs

WCU Flood Mapping



Mapping Helene inundation using hydrologic data inputs, damage inventory, field assessment.



No cost to the town, but service value is $200,000



Will support:

- Improve emergency planning and hazard models
- Public education and awareness tools
- Inform project design and grant applications

Water Administration Improvements (NC DEQ Viable Utilities)

- Post-Helene improvements and solutions for:
  - Policy updates
  - Communication protocols
  - Key Performance Indicators

Water System AIA



Utilizing technical assistance funding from DEQ to increases data available of the water system.



This will allow better assessment of damages from Helene, mitigation and resilience opportunities in the water infrastructure.



Project is currently in procurement process and will begin this fall.

Policy Updates



Food and Loding additions to Personnel Policy



Will make FEMA PA process easier in the future

CodeRED and Risk Communication

CodeRED changing to an opt-out model

Utilizing a multi-hazard, multi-benefit approach to communications:

- Environmental review/permitting process
- Water bills
- Workshops and community meetings
- Social media
- Website
- Direct mailings

CERT Established



Community Emergency Response Team



Led by volunteer, David Billstorm



Strong interest in the program



First group has first session

What's Next?

- Develop/Submit grant and loan applications
- Award the AIA contract
- Create and deploy visitor-specific communication
- Begin data collection for mapping project with WCU
- Continue to work with NC DEQ Viable Utilities program

Questions?

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Michelle Kennedy, Planning Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Communications from Staff, Councils, Commissions & Agencies	**DEPARTMENT:**	Planning & Development Services

TITLE OF ITEM: 200 NC-9 Hwy Landscape Presentation

SUGGESTED MOTION(S):
n/a- presentation only.

SUMMARY:

Planning & Development Director Michelle Kennedy will provide a brief landscaping presentation to Town Council about the proposed Circle K Project located at 200 NC Hwy 9.

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. Circle K Presentation - 200 NC-9 Hwy

200 NC 9 HIGHWAY LANDSCAPE PRESENTATION

CIRCLE K PROJECT

AUGUST 11, 2025

PLANNING DEPARTMENT, TOWN OF BLACK MOUNTAIN

PROJECT TIMELINE

AUGUST 25, 2023: PRE- APPLICATION MEETING

OCTOBER 6, 2023: TECHNICAL REVIEW MEETING

(staff included Fire Marshall, Zoning Administrator, Stormwater Technician, Building Inspector, Public Works staff)

OCTOBER 25, 2024: COMMERCIAL PERMIT APPLICATION SUBMITTED

JULY 18, 2025: PERMIT APPROVAL ISSUED

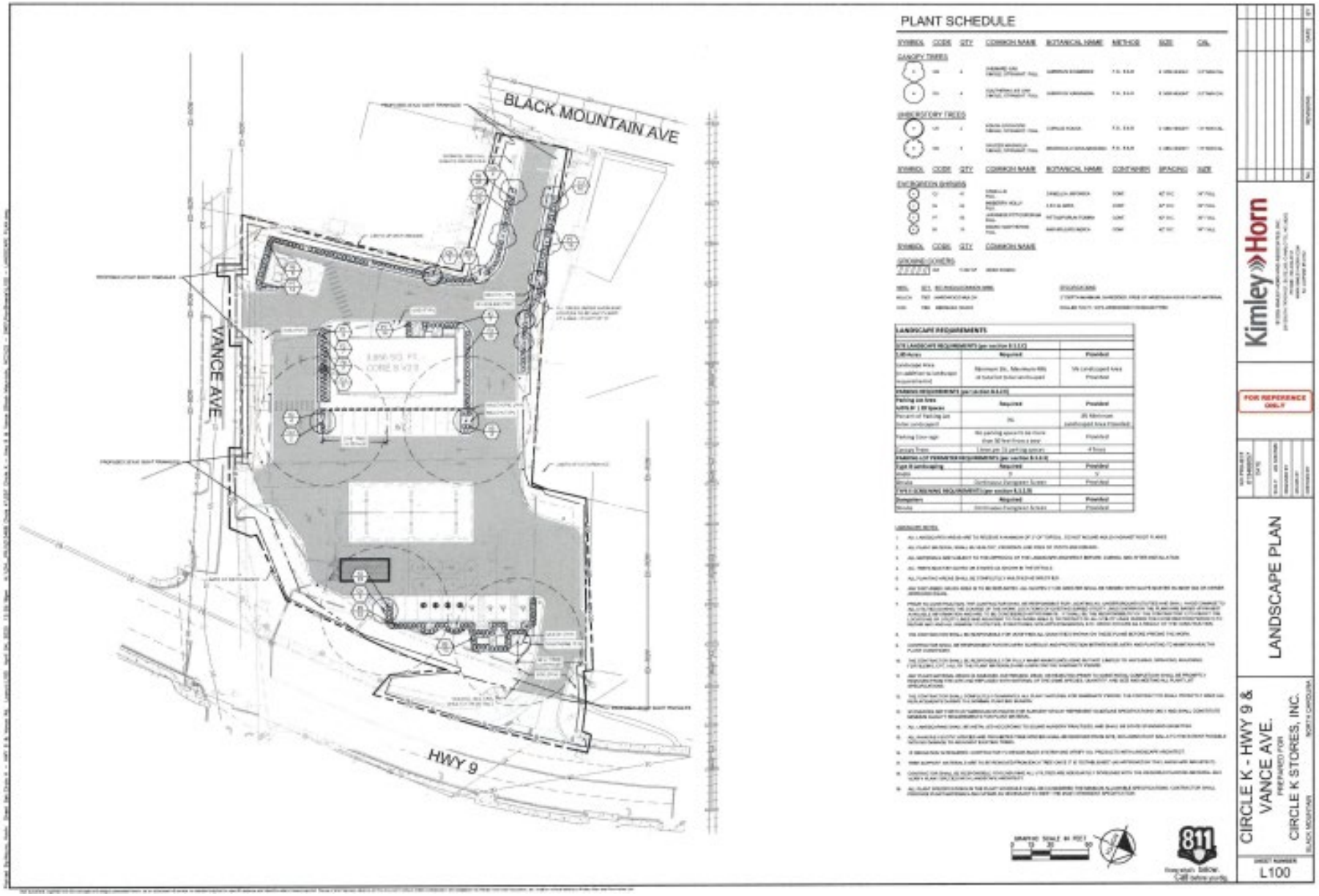
JULY 29, 2025: CIRCLE K DEVELOPMENT TEAM AGREES TO WORK WITH LOCAL RESIDENTS TO SALVAGE BASE OF TREE FOR PUBLIC ART AND/OR EXPLORE RELOCATION OF TREE

USE BY RIGHT

A 'use by right' is a use permitted in a zoning district and is therefore not subject to special review and approval by a local government.

HB8 (Highway Business) is the zoning district for this parcel. Gas stations are allowed uses in the HB8 zoning district.

APPROVED LANDSCAPE PLAN



TREES AND OTHER VEGETATION IN APPROVED PLAN

TREES (13 TOTAL)

2.5-inch minimum caliper and 8-foot minimum height:

- 4 shumard oak
- 4 southern live oak

1.5-inch minimum caliper and 6-foot minimum height:

- 2 kousa dogwood
- 3 saucer magnolia

EVERGREEN SHRUBS (237 TOTAL)

47 camellia

62 inkberry holly

53 japanese pittosporum

75 indian hawthorne

WATERCOURSE

There is a small segment of USGS watercourse on the property. An onsite engineering study did not locate any stream on the property.

On November 21, 2024, the Board of Adjustment granted applicant's variance request to remove the stream buffer and transitional area requirements for this project.

The buildout plan for this property, including storm water management and planting of trees addresses the relevant water issues stated in town ordinance.

LANDSCAPING REQUIREMENTS

Section 8.3 of the Land Use Code is Landscaping Requirements. A tree-specific requirement for parking lots 2,500 square feet or larger is: "One tree of at least 1½ inch caliper and an initial height of at least four feet shall be provided for each 15 parking spaces. The expected height at maturity of these trees shall be at least eight feet." (reference: items *(E) (3)* in Sec. 8.3.2).

This landscaping plan for this project goes well beyond those minimum requirements.

History of Existing Tree

The maple tree currently on the property was installed as a landscape tree during the development of the bank property in 1990.

QUESTIONS?

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Wesley Barker, Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Town Clerk
TITLE OF ITEM:	Adoption of Meeting Minutes from the June 5, 2025 Agenda Work Session, June 9, 2025 Regular Meeting and June 25, 2025 Special Meeting.		

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

SUMMARY:

Town Council meeting minutes to be adopted include the following meetings: June 5, 2025 Agenda Work Session Meeting, June 9, 2025 Regular Meeting and June 25, 2025 Special Called 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. June 5, 2025 Agenda Workshop Minutes
2. June 9, 2025 Regular Meeting Minutes - Draft
3. June 25, 2025 Special Meeting Minutes

BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 5, 2025 | Agenda Meeting Work Session | Time: 5:00 P.M.

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

The Black Mountain Town Council held their agenda work session on Thursday, June 5, 2025, at 5:00 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, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Wesley Barker, Town Clerk; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Josh Henderson, Recreation & Parks Director; Doug Morrow, Fire Marshal.

June 9, 2025 Council Meeting Agenda Review: Town Manager Josh Harrold reviewed the proposed agenda items for the upcoming June 9, 2025 Regular Town Council meeting.

Council Member Alice Berry requested adding Resolutions recognizing Pride Month and Juneteenth to the agenda under the section "Proclamations, Awards, Recognitions, Special Resolutions."

Mayor Sobol requested a financial update from staff regarding Helene recovery efforts to date. Some other general discussion ensued among Council and staff regarding the upcoming Fiscal Year 2026 Budget Adoption, the Hilltop Road Stabilization Project and the Fire Department Operational Permits.

Vice Mayor Archie Pertiller made a motion to adopt the agenda as presented with the amendments to add the two resolutions. A vote of 5-0 in favor.

****

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

June 9, 2025 | Regular Session Agenda | Time: 6:00 PM

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

The Black Mountain Town Council held their regular session agenda on Monday, June 9, 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 June 9, 2025 Town Council meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, and Council Member Ryan Stone.

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

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

****

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

2.A. Resolution for Pride Month - June 2025

Council Member Pam King made a motion to adopt the following resolution as presented. A vote of 5-0 in favor.

PRIDE MONTH RESOLUTION 2025

Resolution No. R-25-26

WHEREAS, all are welcome in the Town of Black Mountain to live, work, and play, and everyone deserves a place to call home where they are safe, happy, accepted, and supported; and

WHEREAS, the month of June was chosen as Pride Month to commemorate those who led the 1969 uprising at the Stonewall Tavern in Greenwich Village, which sparked the modern, ongoing LGBTQ+ movement to protect the dignity and rights of sexual and gender minorities;

and

WHEREAS, June 2025 marks the 55th annual celebration throughout the United States of LGBTQ+ Pride Month and recognizes the meaningful contributions made by our LGBTQ+ community that enhance our country's diverse history and culture and will shape its future; and

WHEREAS, the Town of Black Mountain adopted a Resolution R-25-18 on April 14, 2025 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; and the Town of Black Mountain joins the LGBTQ+ community in a celebration of diversity and unity and remains committed to treating all people with fairness and respect; and

WHEREAS, the Town of Black Mountain believes in working together with all members of our community to facilitate strong relationships and provide safety, dignity, and a welcoming environment for our residents and visitors.

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Black Mountain does hereby proclaim the month of June as Pride Month in Black Mountain and encourages all residents, businesses, and community organizations to join in celebrating the history, culture, and contributions of the LGBTQ+ community.

Adopted this the 9th day of June, 2025.

****

2.B. **Resolution for Juneteenth 2025.**

Council Member Alice Berry made a motion to adopt the following resolution. A vote of 5-0 in favor.

RESOLUTION RECOGNIZING JUNETEENTH 2025

Resolution No. R-25-27

WHEREAS, on September 22, 1862, President Abraham Lincoln issued the Emancipation Proclamation, declaring that as of January 1, 1863, all enslaved people in the rebellious states would be thenceforward and forever free; and

WHEREAS, it took almost three more years of conflict and loss to bring about the end of the Civil War and the ratification of the Thirteenth Amendment to the United States Constitution in December 1865 to officially end slavery in the United States; and

WHEREAS, as the news of freedom spread gradually throughout the nation; on June 19, 1865, two months after the official surrender of the Confederacy at Appomattox, Union Soldiers arrived in Galveston, Texas, and issued General Order No. 3 announcing freedom to some of the last enslaved people in the United States; and

WHEREAS, June 19th, or Juneteenth, also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, celebrates the emancipation of those who had been enslaved in the United States and became a federally recognized holiday in 2021, observed annually on June 19th; and

WHEREAS, on this anniversary each year, organizations and individuals throughout North Carolina and our nation celebrate African American heritage, history, freedom, and culture with events and ceremonies that reflect the power of community, family, art, and tradition in the face of oppression; and

WHEREAS, observing Juneteenth encourages all residents to learn from the past, engage in meaningful dialogue, and continue working toward a community that values diversity and ensures the dignity and rights of every individual.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Black Mountain does hereby proclaim June 19th, 2025, as "**JUNETEENTH"** in the Town of Black Mountain and encourages residents, organizations and institutions to commemorate this historic occasion through education, reflection, and celebration.

Adopted this 9th Day of June 2025.

****

3. CITIZEN COMMENTS

Mark White, 487 Lakey Gap Rd., spoke on misinformation by NCDEQ concerning the Town's water system and water quality reporting.

Jamey Matthews, Public Works Director, addressed the statements issued by Mr. White to the Town Council.

David Galloway, 103 Brookhaven Dr., who is a member of the Recreation Commission, spoke on the disc golf course maintenance post-Helene and requested mowing.

****

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Hurricane Helene Storm Recovery Update.

Assistant Town Manager Jessica Trotman provided an update regarding Hurricane Helene recovery efforts. ***A copy of the presentation is included at the end of these minutes as Appendix A.***

4.B. Morehead-Cain Civic Collab Scholars - Introduction & Project

Summary Presentation.

Assistant Town Manager Jessica Trotman introduced the Morehead-Cain Civic Collab Scholars from UNC- Chapel Hill who are interning with the Town for the summer and working on a Hurricane Helene report. The students gave a brief overview of the project they are working on over the summer.

****

5. CONSENT AGENDA

5.A. Adoption of Meeting Minutes: May 8, 2025 Agenda Work Session & Budget Meeting; May 12, 2025 Regular Meeting; May 15, 2025 Special Called Meeting (FY26 Budget Presentation & Golf Course Discussion)

Vice Mayor Archie Pertiller made a motion to adopt the meeting minutes as presented. A vote of 5-0 in favor.

****

5.B. Monthly Tax Collector Report.

Vice Mayor Archie Pertiller made a motion to adopt the tax collector report as presented. A vote of 5-0 in favor.

CURRENT YEAR TAX -ADVALOREM TAXES		
Billed	$	5,324,247.84
Collected	$	5,280,569.02
Adjustments and Releases	$	4,755.36
Outstanding real and personal property taxes	**$**	**48,434.18**

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR	99.09%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH		
Collected	$	134.44
Adjustments and Releases	$	-

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

Ad Valorem	$	74.95
Motor Vehicle	$	241.89

****

5.C. **Resolution to Recognize Grant Funds for Carver School Drainage Mitigation**.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO ACCEPT GRANT FUNDS FROM 'SMART START HELENE RECOVERY GRANT' FOR CARVER CENTER DRAINAGE MITIGATION

Resolution # R-25-19

WHEREAS, the Carver Center experienced flooding from Hurricane Helene due to the existing drainage system being overwhelmed by the amount of rainfall; and

WHEREAS, due to this flooding, water entered the Carver Center and damaged 6,000 square feet of flooring; and

WHEREAS, a complete overhaul of the drainage system that handles the water runoff from the Fortune Ave. down toward the Carver Building would mitigate future heavy rain drainage and hopefully prevent future flooding to the building. The total cost of this estimated project is $25,950; and

WHEREAS, a Smart Start Helene Recovery Grant through the NC Partnership for Children was applied for by the Black Mountain Montessori School, who is housed at the Carver Center, and a grant has been awarded for these needed repairs; and includes the following guidelines:

1. Helene-related expenses already incurred and properly documented will be paid at 100%.
2. For work or purchases estimated at more than $5,000 that have yet to be done, these funds will front 50% of the written quote so you can get work started.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain permits moving forward with this awarded grant and the mitigation project as proposed in order to protect the Montessori School's investment in the Carver Center, and to protect Black Mountain Montessori's investment in all the furniture and materials that had to be replaced due to flood damage.

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

This the 9th day of June 2025.

****

5.D. **Memorial Bench Donation for Carver Center Playground.**

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO ACCEPT DONATION OF BENCH FOR CARVER CENTER PLAYGROUND
Resolution # R-25-20

WHEREAS, The New Mercies After-School and Mentorship Program took place at the Carver Center from 2005-2019, founded and led by Bishop Angela Young and her husband, Lee R. Young; and

WHEREAS, to honor the work and memory of the late Mr. Lee R. Young, their family has donated a bench with a small plaque to be placed at the Carver Center Playground. One of Mr. Young's main duties was to see children off the bus and take them to the playground; and

WHEREAS, the total value of the donated bench and plaque is $698.00.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Mr. Young's family, with appreciation for his dedication and work with the New Mercies After-school and Mentorship Program.

This the 9th day of June 2025.

****

5.E. **Acceptance of Dr. John Wilson Community Garden Barn Roofing Donation by Best Buy Metals Asheville.**

The barn at the Community Garden has needed roofing panels replaced and additional wind bracing support for several years now, since before Hurricane Helene. Helene did not contribute to the damage to the roof. The materials are being 100% donated to the community garden by Best Buy Metals Asheville, along with installation labor by one of their subcontractors. The roof repair will keep the inside of the barn much drier (the current one leaks in several places), which will benefit the community gardeners, interns, volunteers, educational program participants, staff, etc. by providing a much more effective structure should a rain and/or wind event occur in the Community Garden while people are there. A new roof that drains properly will also better ensure the building's structural integrity, as moisture that penetrates the roof can begin the rotting process of the beams, walls, foundation, etc. of the structure. Also, several panels of the current metal roof are partially unmoored, and worst-case scenario, could fly off and injure someone during a high-wind event. The new roof will also ensure sensitive supplies such as organic fertilizer, seeds, electronic tools, etc., will not be spoiled by becoming moist. Finally, by having a moisture-free environment inside the barn, it can better prevent the presence of harmful mold,

which is especially important in terms of food safety, as the plan is to install a produce-washing station inside the barn within the next year or so.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO ACCEPT DONATION FOR ROOFING MATERIALS AND REPAIR FOR BARN AT DR. JOHN WILSON COMMUNITY GARDEN
Resolution # R-25-25

WHEREAS, the barn at the Dr. John Wilson Community Garden has needed roofing repairs and wind bracing support for several years now; and

WHEREAS, these roof repairs will better ensure the building's structural integrity and drainage, preservation of stored supplies by eliminating moisture, preventing mold growth, and overall safety; and

WHEREAS, the company Best Buy Metals Asheville is willing to donate the roofing materials for these repairs at 100%, at a cost of $1,087.38, as well as donation of the installation labor costs by their subcontractors.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain accepts this donation for the barn materials and repairs at the Community Garden by Best Buy Metals Asheville and expresses their sincere appreciation for this donation.

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

This the 9th day of June 2025.

****

5.F. **Community Foundation of Western NC (CFWNC) Grant and Creation of Special Revenue Grant Fund Project for Community Garden.**

This agenda item is to consider the creation of a new Special Revenue Grant Ordinance and budget amendment for the Community Garden Restoration. The Community Foundation of WNC approved a grant award directive in the amount of $50,000 with no Town match, to the Town of Black Mountain. These funds were made available through the Emergency and Disaster Response Fund Grant Program from the Foundation. These funds are intended to support projects that restore and strengthen the Dr. John Wilson Community Garden Post-Helene efforts. The Town of Black Mountain will use funding to establish a well for the Town Community Garden.

Vice Mayor Archie Pertiller made a motion to approve the following Special Revenue Grant Fund Ordinance. A vote of 5-0 in favor.

THE COMMUNITY FOUNDATION EMERGENCY AND DISASTER RESPONSE FUND GRANT SPECIAL REVENUE GRANT FUND ORDINANCE
Ordinance No: O-25-14

WHERAS, the Community Foundation of Western North Carolina, has awarded a grant in the amount of $50,000 to the Town of Black Mountain Parks and Rec Department through the Emergency and Disaster Response Fund Grant – Local Agency; and

WHEREAS, grant funds will be used to help support the Town in the restoring and strengthening of the Dr. John Wilson Community Garden due to impacts of Helene. This will be funding with local grant proceeds requiring no local match.

Section 1. Authorizing the Acceptance of the Community Foundation Emergency and Disaster Response Grant Funds.

Section 2: The officers of this unit are hereby directed to proceed with the special revenue project within the terms of the grant documents, and the budget contained herein.

Section 3. The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
CFWNC Grant	$50,000.00
Total Funds	**$50,000.00**

Section 4. The following anticipated appropriations are hereby adopted:

Budgeted	
Expense Type	***Anticipated Expenditures***
Capital Outlay - Land Improvements	$50,000.00
Total Expenditures	**$50,000.00**

Section 5. The Finance Director is hereby directed to maintain within the Special Revenue Grant Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6. Copies of this Special Revenue Grant Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 7. Authorized project expenditures represent appropriations necessary for the

completion of projects and therefore do not require re-appropriation in any subsequent fiscal year.

Duly adopted by the Town Council of Black Mountain on this the 9th day of June, 2025.

****

5.G. **Tomahawk Dam Amended Project Ordinance.**

Vice Mayor Archie Pertiller made a motion to approve the following Capital Project Fund Ordinance amendment as presented. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN TOMAHAWK DAM REPAIRS
CAPITAL PROJECT FUND ORDINANCE AMENDMENT
Ordinance: O-25-11

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

Section 1. Authorizing Capital Project Tomahawk Dam Repairs Capital Project Fund Amendment. Additional funding required for final review fees from NC Dam Safety.

Section 2: The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 3: The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 4. The following anticipated Revenues are hereby adopted:

	Budgeted Revenues		
Budgeted Revenues	***Prior Authorized***	***Change***	***Amended Funding***
General Fund Transfer In	$751,886.65	$424.67	$752,311.32
Total Funds	**$751,886.65**	**$424.67**	**$752,311.32**

Section 5 The following anticipated appropriations are hereby adopted:

Budgeted Expenses			
Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Professional Services-Engineering & Design	$172,912.65	-$5,377.32	$167,535.33
Permits, License, and Fees	$200.00	$5,801.99	$6,001.99
Capital Outlay - Street/Bridget/Swalk/Dam	$578,774.00	$0.00	$578,774.00

Section 6. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 7. Copies of this Capital Project Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 8. Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year .

Duly adopted this 9th day of June 2025.

****

5.H. **Closure of Tomahawk Dam Capital Project Ordinance.**

Vice Mayor Archie Pertiller made a motion to approve the following ordinance authorizing closure of the Tomahawk Dam Repairs Capital Project Fund Ordinance. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN TOMAHAWK DAM REPAIRS AUTHORIZING CLOSURE OF CAPITAL PROJECT FUND ORDINANCE
Ordinance No. O-25-12

WHEREAS, The Board for the Town of Black Mountain pursuant to Section 13.2 of Chapter 159 of the General Statues of North Carolina adopted a Capital Project Fund Ordinance for the purpose of Tomahawk Dam Repairs; and

WHEREAS, The Tomahawk Dam Repair Project has been completed; and

WHEREAS, $752,311.32 was appropriated to this project from the General Fund; and

Section 1: Actual Revenues of $752,311.32 were received from the General Fund.

Section 2: Actual Expenditures of $752,311.32 were expended during the life of the project.

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.

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

Duly adopted by the Town Council of Black Mountain on this the 9th day of June 2025.

****

5.I. **Hurricane Helene Amended Project Ordinance and Budget Amendments.**

TOWN OF BLACK MOUNTAIN HURRICANE HELENE
AMENDED GRANT PROJECT ORDINANCE
Ordinance No. O-25-15

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 the remaining unreimbursed amounts from FEMA.

Funding may be advanced from other Town of Black Mountain Funds 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-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.
- Board Approved within March 2025 meeting a budget amendment to transfer $300,000 for the Hilltop Road Repairs $100,0000 from the Powell Bill Fund and $200,000 from the General Fund Street Department.
- Requested Funding transfer from the General Fund to make needed repairs to the Dog Park in the amount of $40,000 May 2025 meeting.

NCLM is the Town's insurance carrier. The Town has received insurance proceeds totaling $2,451,190.36 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 Insurance Claims paid to date from NCLM equal $951,190.36.

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 Awarded 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	***Prior Authorized***	***Change***	***Amended Funding***
Transfer In From General Fund	2,361,000.00	0.00	2,361,000.00
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	67,000.00	0.00	67,000.00
Insurance Proceeds	2,255,184.47	196,005.89	2,451,190.36
Total Funds	**$9,549,554.02**	**$196,005.89**	**$9,745,559.91**

Section 6. Expenditures
The following anticipated appropriations are hereby adopted:

Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Salaries and Benefits	$501,500.00	-$70,500.00	$431,000.00
Protective Clothing	$10,909.80	$0.00	$10,909.80
Professional Services - Engineering and Design	$204,000.00	$0.00	$204,000.00
Professional and Technical Service	$50,100.00	$5,000.00	$55,100.00
Contract Services	$2,405,793.66	$1,420.00	$2,407,213.66
Technology and Software License	$1,000.00	$0.00	$1,000.00
R&M Buildings	$16,261.58	$28,025.31	$44,286.89
R&M Grounds/Parks/Greenways	$3,500.00	$13,477.51	$16,977.51
R&M Equipment	$21,614.43	$2,284.83	$23,899.26
R&M Vehicle	$2,375.96	$500.00	$2,875.96
R&M Streets/Sidewalks/Curb	$26,989.76	$500.00	$27,489.76
R&M Utility System	$597,500.00	$13,031.93	$610,531.93
Office Supplies	$2,086.54	$1,000.00	$3,086.54
Medical Supplies	$710.49	$0.00	$710.49
Non-Capital Equipment and Furniture	$56,934.34	$76,034.59	$132,968.93
Lease Rental -Equipment	$144,150.00	$31,000.00	$175,150.00
Emergency Preparedness	$1,037.13	-$920.00	$117.13
Miscellaneous Expense	$34,010.03	$0.00	$34,010.03
Capital Outlay - Land Improvements	$228,000.00	$0.00	$228,000.00
Capital Outlay - Vehicles	$2,251,080.30	$0.00	$2,251,080.30

Capital Outlay - Motorized Equipment	$0.00	$56,777.64	$56,777.64
Capital Outlay - Furnishings & Non-Motorized Equip	$95,000.00	$38,374.08	$133,374.08
Capital Street/Bridge/Sidewalk	$350,000.00	$0.00	$350,000.00
Capital Outlay - Dist Lines and Connections	$2,045,000.00	$0.00	$2,045,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations	$500,000.00	$0.00	$500,000.00
Total Expenses	**$9,549,554.02**	**$196,005.89**	**$9,745,559.91**

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 9th day of June 2025.

****

5.J. **Consideration of Budget Amendments**.

The following FY24-25 Budget Ordinance Adjustment(s) and Amendment(s) were submitted for approval: 1) Recognize funding to be received from the Settings to be used for the repair and rerouting of waterline due to Helene- $35,149; 2) Recognize funding received from NCLM Safety Grant for the Police Department- $17,640; 3) Recognize Insurance Proceeds received from NCLM for Police Department Vehicle Damage- $17,640; 4) Recognize General Government donations received- $25,030.

Vice Mayor Archie Pertiller made a motion to approve the budget amendments as presented. A vote of 5-0 in favor. A copy of the budget amendments is included at the end of these minutes as Appendix B.

****

5.K. **Appointment to Asheville Regional Housing Consortium (ARHC).**

Vice Mayor Archie Pertiller made a motion to appoint Planning Director Michelle Kennedy to the Asheville Regional Housing Consortium in the alternate role, replacing Jessica Trotman. A vote of 5-0 in favor.

****

6. PUBLIC HEARING

6.A. **Adoption of Fiscal Year 2026 Budget Ordinance & Fee Schedule**.

The Town Council will first hold a public hearing on the recommended Town Operating Budget for Fiscal Year 2025-26. The recommended budget was submitted to the Town Council on Thursday, May 15, 2025, and has been available for public inspection in the Town Clerk's office at Town Hall and posted on the Town's website. There have been no changes to the recommended budget since its presentation to the Town Council on May 15, 2025. The adoption of the Budget Ordinance for FY 2025-26 will also include the adoption of the FY 2025-26 Schedule of Fees.

Vice Mayor Archie Pertiller made a motion to open the public hearing on the Fiscal Year 2026 Budget. A vote of 5-0 in favor. The time was 6:45 p.m. No public comment was provided. Discussion then ensued among Council members and staff.

Council Member Alice Berry then made a motion to close the public hearing on the Fiscal Year 2026 Budget. A vote of 5-0 in favor. The time was 7:08 p.m.

Vice Mayor Archie Pertiller made a motion to approve the Fiscal Year 2026 Budget Ordinance as presented. A vote of 5-0 in favor. A copy of the approved FY26 Budget Ordinance & Schedule of Fees is included at the end of these minutes as Appendix C.

****

6.B. **Consideration of 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.**

The current franchise ordinance that grants Public Service Company of NC, Inc. the right to construct, operate and maintain a gas utility system within the Town of Black Mountain was first adopted on July 10, 1995, for a period of thirty (30) years, expiring in July 2025 (Reference Ordinance #: O-95-10). This newly proposed ordinance would approve a new franchise ordinance allowing Public Service Company of NC, Inc. to continue the same operations of a gas utility system within the town for another thirty (30) year period. This company's d.b.a. is Enbridge Gas North Carolina (formerly known as Dominion Energy).
The Council will first hold a public hearing to give citizens an opportunity to speak on this item.
Council Member Ryan Stone made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:10 p.m. No public comments were provided during the public hearing period.
Council Member Doug Hay made a motion to close the public hearing. A vote of 5-0 in favor. The time was 7:11 p.m.

Discussion then followed between Town Council members, the Town Attorney and the Town Manager regarding this proposed ordinance and renewal. The Town Council asked the Town Attorney to work with representatives from the Public Service Company of NC on a few provisions that were not included in the renewal ordinance, but were present in the current ordinance, and also about guidelines when disturbances occur in right-of-way.

Council Member Alice Berry made a motion to extend the existing agreement with Public Service Company of NC for an additional seventy (70) days and direct Town Attorney to work with the company on disturbance of ROW text & provisions removed in new proposed ordinance. A vote of 5-0 in favor.

****

7. CITIZEN COMMENTS- No additional citizen comments were given.

****

8. UNFINISHED BUSINESS

****

9. NEW BUSINESS

9.A. **Resolution to Adopt Fire Department Operational Permits & Fee Schedule.**

The 2018 North Carolina Fire Code (NCFC), as adopted by the State and enforced locally, provides municipalities with the authority under Chapter 1, Section 105, to require optional operational permits for specific uses and activities that pose potential fire risks. The adoption of such operational permit requirements will improve the Town's ability to monitor and regulate hazardous activities, enhance emergency preparedness, improve communication between businesses and emergency services, and generate modest revenue to offset inspection and administrative costs. The Fire Marshal's Office has recommended adopting the following selected operational permits pursuant to Section 105.6 of the NCFC to better track high-risk activities and support community safety. These operational permits, from Section 105.6 of the 2018 NC Fire Code, are recommended to be required to obtain a permit within the jurisdiction of the Town of Black Mountain by the Fire Marshal's Office. A permit fee would be $50.00, and valid for one year, unless otherwise specified. Revenue that is collected from these permits will be used to support fire prevention and life safety activities including inspections, community risk reduction programs, and permit administration. These optional operational permit fees will be added to the existing Fire Department fee schedule.

Fire Marshal Doug Morrow stated these operational permits and fees would be within the Black Mountain city limits, as the East Buncombe Fire District falls under the Buncombe County Fire Marshal's office.

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

A RESOLUTION TO ADOPT OPERATIONAL PERMITS UNDER CHAPTER 1 OF THE 2018 NORTH CAROLINA FIRE CODE AND TO ESTABLISH A FEE SCHEDULE
Resolution No. R-25-21

WHEREAS, the Town of Black Mountain is committed to promoting public safety and ensuring that fire and life safety hazards are appropriately regulated and mitigated; and

WHEREAS, the 2018 North Carolina Fire Code (NCFC), as adopted by the State of North Carolina and enforced locally, provides municipalities with the authority under Chapter 1, Section 105 to require optional operational permits for specific uses and activities that pose potential fire risks; and

WHEREAS, the adoption of such operational permit requirements will enhance the Town's ability to:

- Monitor and regulate hazardous activities,
- Enhance emergency preparedness,
- Improve communication between businesses and emergency services, and
- Generate modest revenue to offset inspection and administrative costs; and

WHEREAS, the Fire Marshal's Office has recommended the adoption of selected operational permits pursuant to Section 105.6 of the NCFC to better track high-risk activities and support community safety.

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

Section 1. Adoption of Operational Permit Requirements
The following optional operational permits from Section 105.6 of the 2018 North Carolina Fire Code are hereby adopted and required within the jurisdiction of the Town of Black Mountain:

- Aerosol Products
- Aviation Facilities
- Carbon Dioxide Systems used in Beverage Dispensing Operations
- Cellulose Nitrate Film
- Combustible Fibers
- Compressed Gas
- Cryogenic Fluids
- Cutting and Welding
- Dry Cleaning
- Fire Hydrants and Valves
- Flammable and Combustible Liquids

- Floor Finishing
- Fruit and Crop Ripening
- Hazardous Materials
- HPM Facilities
- High Piled Storage
- Hot Work Operations
- Industrial Ovens
- Lumber Yards and Woodworking Plants
- LP Gas
- Magnesium
- Miscellaneous Combustible Storage
- Motor Fuel-Dispensing Facilities
- Open Burning
- Open Flames and Torches
- Open Flames and Candles
- Organic Coating
- Places of Assembly
- Pyroxylin Plastics
- Refrigeration Equipment
- Repair Garages
- Rooftop Heliports
- Storage of Scrap Tires and Tire By-Products
- Tire Re-Building Plants
- Waste Handling
- Wood Products

Section 2. Permit Fee Schedule
To offset the administrative and inspection costs associated with the issuance of operational permits, the following annual fee schedule is hereby adopted:

Permit Type	Proposed Fee
Basic Operational Permit	$50.00

Note: Permits are valid for one (1) year unless otherwise specified. Re-inspections or expedited reviews may incur additional fees as determined by the Fire Marshal.

Section 3. Administration and Enforcement
The Fire Marshal of the Town of Black Mountain, or their authorized designee, is hereby designated as the Authority Having Jurisdiction (AHJ) for the administration, enforcement, and issuance of the operational permits.

All revenues collected under this resolution shall be directed to support fire prevention and life safety activities, including but not limited to inspections, community risk reduction programs, and permit administration.

ADOPTED this 9th day of June, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

****

9.B. **Amendment to the Internal Fund Balance Policy for the General Fund.**

In January 2016, the Town Council adopted a resolution amending the fund balance policy for the general fund, R-16-01, establishing an undesignated fund balance of 30% in contrast to the previous policy adopted in July 2001 of 30.5%. Due to the financial impact of Hurricane Helene, staff recommend the fund balance policy for the general fund be amended to reflect the current cashflow shortages the town is experiencing. Staff recommends the internal fund balance policy be between 10%-15% for FY25-26. Staff believe that as FEMA reimbursements are received by the town, the fund balance will increase to previous levels.

Discussion ensued among Town Council and town staff members regarding the percentage of undesignated fund balance for the upcoming fiscal year.

A motion was made by Council Member Hay to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO AMEND THE FUND BALANCE POLICY OF THE GENERAL FUND
Resolution No. # R-25-22

WHEREAS, the Town Council of the Town of Black Mountain desires for the Town to maintain adequate working capital for the following reasons: (1) unsteady flow of revenue (2) protection from the costs associated with natural disaster or economic downturn (3) as protection from revenue shortfalls and/or expenditure overruns, and (4) the desire to reduce or eliminate completely debt issuance; and,

WHEREAS, the Town of Black Mountain adopted a Fund Balance Policy for the General Fund on July 9, 2001 by Resolution R-01-14, establishing an Undesignated Fund Balance of thirty- and one-half percent (30.5%) of General Fund expenditures; and,

WHEREAS, the Town of Black Mountain subsequently adopted a Fund Balance Policy for the General Fund on January 11, 2016 by Resolution R-16-01, establishing an Unassigned Fund Balance in the General Fund at a minimum of thirty percent (30%); and,

WHEREAS, Governmental Accounting Standards Board (GASB) Statement No. 54 (Fund Balance Reporting and Governmental Fund Type Definitions) reclassified fund balance reporting in the Governmental Funds balance sheet statements issued by local governments.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the Unassigned Fund Balance Policy for the General Fund be lowered to a minimum of 10%, with a higher target preferred, for FY25-26, and the be re-evaluated prior to FY 27.

Read, Approved and Adopted by a vote of 5 to 0 this the 9th day of June 2025.

****

9.C. **Selection of McAdams for Hilltop Road Stabilization Engineering Services.**

Assistant Town Manager Jessica Trotman stated this item is to consider entering into a professional services contract with McAdams for engineering, design, permitting, and construction administration services for the Hilltop Road Stabilization Project. The site was significantly damaged by a landslide during Tropical Storm Helene on September 27, 2024, which compromised the structural integrity of the roadway and drainage systems.

McAdams has proposed a scope of work that includes the following major components:

- UAS-based Survey and Topographic Mapping
- Subsurface Utility Engineering (SUE)
- Roadway and Drainage Design
- Geotechnical Investigation and Design
- Erosion Control Design and Permitting
- Project Administration and Bid Support Services

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

A RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING, DESIGN, PERMITTING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE HILLTOP ROAD STABILIZATION PROJECT (FEMA PROJECT #811550)
Resolution No. #R-25-24

WHEREAS, on September 27, 2024, Tropical Storm Helene caused a landslide on Hilltop Road in the Town of Black Mountain, severely damaging public infrastructure and rendering the road impassable, with slope failure and the destruction of a stormwater pipe system; and

WHEREAS, the Town of Black Mountain has been awarded funding from the Federal Emergency Management Agency (FEMA) through the Public Assistance (PA) Program under **FEMA Project #811550** for the stabilization and repair of Hilltop Road; and

WHEREAS, the Town Council has allocated **$300,000** for the Hilltop Road Stabilization Project to include engineering and construction; and

WHEREAS, the Town will be reimbursed by FEMA for engineering costs; and

WHEREAS, the Town seeks to complete emergency stabilization of the slope and restore drainage capacity, not full roadway restoration, through engineering, design, permitting, and construction administration services; and

WHEREAS, Town staff conducted a qualifications-based selection process and determined that **McAdams** is the most qualified firm to perform the required professional services; and

WHEREAS, staff have reviewed and negotiated the scope and fee proposal submitted by McAdams dated May 23, 2025, for a engineering services of $142,287, including surveying, geotechnical services, utility location, drainage and erosion control design, roadway and hydraulic design, permitting, and project administration.

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

1. **McAdams** is hereby selected as the most qualified firm to provide professional engineering, design, permitting, and construction administration services for the Hilltop Road Stabilization Project resulting from Tropical Storm Helene.
2. The proposal from McAdams, attached hereto as **Exhibit A**, is approved in the total amount **of $142,287**.
3. The Town Manager is hereby authorized to execute an agreement with McAdams, consistent with the Town's purchasing policies and the terms of this Resolution, subject to review and approval by the Town Attorney.

Adopted by the Town Council of the Town of Black Mountain, North Carolina, this 14th day of June 2025.

****

9.D. **Consideration of Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project.** No action taken. This item was tabled until a later meeting.

****

10. **COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER-** Town Manager Josh Harrold read a statement about the "Hell of High Water" project archive inviting the community to contribute to the archive of Hurricane Helene.

11. **COMMUNICATION FROM MAYOR AND TOWN COUNCIL-** Council Members each offered a few comments.

12. **CLOSED SESSION - NONE**

13. **ADJOURNMENT-** With no further items to be discussed, Mayor Sobol adjourned the meeting at

_____ _____

C. Michael Sobol, Mayor Wesley M. Barker, Town Clerk

Attached: Appendices A - C

BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 25, 2025 | Special Meeting Agenda | Time: 5:00 PM

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

Black Mountain Town Council held their special meeting agenda on Wednesday, June 25, 2025, at 5:00 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 special meeting to order at 5:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay. Town Council Members Pam King and Ryan Stone were absent.

The following staff members were present: Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Tammy Hiede, Finance Director; Doug Morrow, Fire Marshal.

2. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES – none.

3. UNFINISHED BUSINESS

3.A. Consideration of Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project.

As a result of severe flooding during Tropical Storm Helene, a landslide occurred on Hilltop Road approximately 1,600 feet from its intersection with Fairway Drive. The event removed roughly half the roadway and rendered the remaining portion unstable. Emergency stabilization is necessary to prevent further erosion, protect adjacent property, and prepare the site for future roadway reconstruction.

The Town solicited proposals for professional engineering services. Only two firms submitted qualifications. McAdams received the highest score and is determined to be the most qualified firm to complete the scope of work. These services include surveying (UAS), subsurface utility engineering, roadway and hydraulic design, geotechnical investigation and consultation, erosion control planning, and bid support. As a reminder, these repairs are reimbursable through FEMA-PA.

This proposal is focused on slope stabilization and drainage repair only. Reconstruction of the full roadway is not included in this phase of work. The deliveries from this contract will enable the Town to bid the stabilization project for construction. The estimated total cost is $142,287.

Vice Mayor Archie Pertiller made a motion to approve the Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project. A vote of 3-0 in favor. A copy of the agreement is attached at the end of these minutes as Appendix A.

****

4. NEW BUSINESS

4.A. Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Enterprise Capital Project Fund.

This agenda item is to consider the creation of a new Capital Project Ordinance for the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Enterprise Capital Project Fund. This capital project is being created to ensure compliance with the NCDEQ Bridge Loan. Previously, these funds and expenses were included in the Helene Grant Project Ordinance. The Town must separate out the projects that result in major capital assets from items that are considered emergency and/or non-capital,

Council Member Alice Berry made a motion to approve the following Capital Project Fund Ordinance as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

TOWN OF BLACK MOUNTAIN TROPICAL STORM HELENE WATER INFRASTRUCTURE MITIGATION AND RECONSTRUCTION ENTERPRISE CAPITAL PROJECT FUND ORDINANCE
Ordinance: O-25-18

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

Section 1. Project Defined
The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, grants, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2. Project Authorization
The project authorized is Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction. This project includes but is not limited to the mitigation and reconstruction of the Town of Black Mountain's water infrastructure that was damaged during Tropical Storm Helene.

Section 3. Funding
This project is to be funded in whole or part by FEMA-4827-DR. 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 the remaining unreimbursed amounts from FEMA. Funding may be advanced from other Town of Black Mountain Funds for the purpose of making payments as due. Reimbursement requests should be made to any applicable grantor agency following the regulations and rules of the grant.

Section 4. Directives
The officers of the Town of Black Mountain are hereby directed to proceed with the capital project within the terms and budget contained herein, as approved by the Governing Board of the Town of Black Mountain. 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 appropriate funds.

Section 5. Revenues
The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
NCDEQ Bridge Loan	$3,000,000.00
NCDEQ Infrastructure Tech Assist Grant	$200,000.00
Total Funds	**$3,200,000.00**

Section 6. Expenditures
The following anticipated appropriations are hereby adopted:

Budgeted Expenditures	
Expense Type	***Anticipated Expenditures***
Capital Outlay - Distribution Lines and Connections	$1,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations, Wells	$1,500,000.00
Professional Services - Engineering and Design	$200,000.00
Total Expenditures	**$3,200,000.00**

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 all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 25th day of June 2025.

****

4.B. Resolution to Approve Amendment to Round One Cash Flow Loan Program Agreement.

At the March 10, 2025 Council Meeting, the Town Council moved to approve Resolution R-25-08, accepting funding from the State of NC Dept of State Treasurer Cash Flow Loan Program for Disaster Response Activities in the amount of $705,703.37 (Round One). The State Treasurer's Office has since provided a voluntary amendment to the Loan Agreement that provides for more flexible repayment terms and to ease the burden of the repayment obligations of the initial agreement. The Council is requested to approve the attached resolution and authorize staff to execute the amendment to the Round One State Cashflow Loan Program Agreement.

Vice Mayor Archie Pertiller made a motion to motion to approve the resolution to amend the Round One Cash Flow Loan Program Agreement as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent. A copy of this resolution is attached at the end of the minutes as Appendix B.

****

4.C. Tropical Storm Helene Amended Grant Project Ordinance, Resolution to Accept State Cashflow Loan Round Two Funding, and Budget Amendments.

This agenda item is to consider the approval of the resolution to accept State Cashflow Loan Round Two funding, amendment of the Grant Project Ordinance and budget amendments for Tropical Storm Helene. The Town of Black Mountain is included in FEMA-4827-DR, North Carolina Disaster Declaration. Initial funding for this Grant project came from the Town's General Fund Balance. This amendment recognizes the following items:

- Transfer of Funding received for Water Infrastructure repairs to the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Capital Project in the amount of $3,200,000.
- Insurance Proceeds of $1,327,368.48 from the North Carolina League of Municipalities "NCLM". NCLM is the provider of the Town's property insurance policy.
- NC Department of State Treasurer Cashflow Loans for Disaster Response Activities to Local Governments Round Two in the amount of $465,661.06.
- Transfer of $4,500 from the General Fund to make needed repairs to the Electrical at Lakeview Pavilion.

Council Member Alice Berry made a motion to approve the Helene Amended Grant Project Ordinance, State Cashflow Loan Round Two Resolution and budget amendments as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

Copies of these are included at the end of these minutes as Appendices C (O-25-17- Grant Project Ordinance Amendment) & D (R-25-28- Round Two State Cashflow Loan Resolution).

****

4.D. FY26 Fee Schedule Amendment to Add Fire Department Fees.

This proposed amendment to the fee schedule includes updates to the Fire Department Fees under the Fiscal Year 2026 Fee Schedule. Upon review of the existing fee schedule, Fire Department staff determined the fee schedule needed to be updated to be consistent with the permitting and inspections that are being performed. This amendment to the fee schedule includes the following changes:

- Addition of the Optional Operational Permits
- Required Construction Permits
- Plan Review Fees
- Acceptance/ Performance Test Fees
- After hours Inspection Fee.
- Removal of the sprinkler / Fire Alarm tiered rates- these rates are now billed by square footage, plus an additional flat rate, and are listed under the Acceptance/Performance Testing category within the fee schedule.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 3-0 in favor. Council Members King and Stone were absent.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025-26 FEE SCHEDULE TO INCLUDE FIRE DEPARTMENT FEES.
Resolution No. R-25-31

WHEREAS, on June 9, 2025 the Town Council adopted the Fiscal Year 2025-26 Budget Ordinance, O-25-13, which included the Schedule of Fees for Fiscal Year 2025-26, effective July 1, 2025; and

WHEREAS, on June 9, 2025, the Town Council adopted Resolution R-25-21, to require optional operational permits under Chapter 1 of the 2018 NC Fire Code and to set the fees for these permits; and

WHEREAS, these optional operational permit fees are to be made part of the Fiscal Year 2025-26 Schedule of Fees, effective July 1, 2025.

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

Section 1. Adoption of Operational Permit Fees. Fees for the following optional operational permits are hereby adopted and required within the jurisdiction of the Town of Black Mountain, effective July 1, 2025, and are hereby incorporated within the FY 2025-26 Schedule of Fees under the Fire Department:

- Aerosol Products

- Aviation Facilities
- Carbon Dioxide Systems used in Beverage Dispensing Operations
- Cellulose Nitrate Film
- Combustible Fibers
- Compressed Gas
- Cryogenic Fluids
- Cutting and Welding
- Dry Cleaning
- Fire Hydrants and Valves
- Flammable and Combustible Liquids
- Floor Finishing
- Fruit and Crop Ripening
- Hazardous Materials
- HPM Facilities
- High Piled Storage
- Hot Work Operations
- Industrial Ovens
- Lumber Yards and Woodworking Plants
- LP Gas
- Magnesium
- Miscellaneous Combustible Storage
- Motor Fuel-Dispensing Facilities
- Open Burning
- Open Flames and Torches
- Open Flames and Candles
- Organic Coating
- Places of Assembly
- Pyroxylin Plastics
- Refrigeration Equipment
- Repair Garages
- Rooftop Heliports
- Storage of Scrap Tires and Tire By-Products
- Tire Re-Building Plants
- Waste Handling
- Wood Products

Section 2. Permit Fee Amount. To offset the administrative and inspection costs associated with the issuance of operational permits, the following annual fee of $50.00 is hereby adopted for each of the aforementioned permits, effective July 1, 2025. *Note: Permits are valid for one (1) year unless otherwise specified. Re-inspections or expedited reviews may incur additional fees as determined by the Fire Marshal.*

Section 3. Administration and Enforcement
The Fire Marshal of the Town of Black Mountain, or their authorized designee, is hereby

designated as the Authority Having Jurisdiction (AHJ) for the administration, enforcement, and issuance of the operational permits.

All revenues collected under this resolution shall be directed to support fire prevention and life safety activities, including but not limited to inspections, community risk reduction programs, and permit administration.

ADOPTED this 25th day of June, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

*****A copy of the updated Fiscal Year 2026 Schedule of Fees is attached at the end of these minutes as Appendix E.***

****

4.E. Consideration to Cancel the July 14th, 2025 Town Council Meeting .

Due to the possibility of not having a quorum of Council Members at the July 14th, 2025 meeting, it is recommended that this meeting be canceled. ***Vice Mayor Archie Pertiller made a motion to approve cancellation of the July 14, 2025 Town Council meeting. A vote of 3-0 in favor.***

5. **ADJOURNMENT.** With no further business, Mayor Sobol adjourned the meeting at 5:20 p.m.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

Attached: Appendices A - E

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Laurel Mabery, Accountant **MEETING DATE:** August 11, 2025

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

TITLE OF ITEM: Monthly Property Tax Report - May 2025 & June 2025

SUGGESTED MOTION(S):
I move to approve tax collection reports as presented.

SUMMARY:

Tax collection reports for May 2025 & June 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. Monthly Council Report - May 2025
2. Monthly Council Report - June 2025

TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners

FROM: Laurel Mabery, Municipal Tax Collector

DATE: Monday, August 11, 2025

SUBJECT: May 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	$	5,297,093.16
Adjustments and Releases	$	4,746.32
Outstanding real and personal property taxes	**$**	**31,901.00**

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR 99.40%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	$	306.95

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

Ad Valorem	$	23.41
Motor Vehicle	$	81.01

TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners

FROM: Laurel Mabery, Municipal Tax Collector

DATE: Monday, August 11, 2025

SUBJECT: June 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	$	5,306,175.36
Adjustments and Releases	$	4,746.29
Outstanding real and personal property taxes	**$**	**22,818.77**

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR 99.57%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	$	32.19
Adjustments and Releases	$	-

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

Ad Valorem	$	15.03
Motor Vehicle	$	377.73

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Josh Henderson, Recreation & Parks Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Recreation & Parks
TITLE OF ITEM:	Acceptance of Donation - Friends of the Community Garden		

SUGGESTED MOTION(S):
Accept Donated Items as Presented

SUMMARY:

The Friends of Community Garden have been awarded a grant from the endowment set up after the sale of the Swannanoa Valley Medical Center. The grant award is $20,000, and FCG intends to use the funds to donate several pieces of equipment to the community garden, including:

1. Weedeater
2. Hedgetrimmer
3. Riding mower with a trailer
4. Chainsaw
5. A storage shed or shipping container
6. Electrical hookup for our barn
7. If funds are still available, a walk-in cooler for storing produce before transport to Bounty & Soul

All of the above mentioned equipment and amenities will help us improve efficiency, save labor, and therefore increase produce yields we can then donate to Bounty & Soul. They will also help keep weeds down throughout the community garden, helping all gardeners.

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. R-25-43- Resolution to Accept Donation of Equipment from Friends of the Community Garden

____ made a motion to approve the following resolution. A vote of ___ in favor.

RESOLUTION TO ACCEPT EQUIPMENT DONATION FROM FRIENDS OF THE COMMUNITY GAREDEN

Resolution # R-25-43

WHEREAS, the Friends of the Community Garden, a 501(c)(3) nonprofit, operating under the Black Mountain Parks and Greenway Foundation, has been awarded a $20,000 grant from the Endowment Fund set up after the sale of the Swannanoa Valley Medical Center; and

WHEREAS, Friends of the Community Garden intends to use these grant funds to purchase and donate several pieces of equipment to the Dr. John Wilson Community Garden which includes the following:

- Weedeater
- Hedge trimmer
- Riding mower with a trailer
- Chainsaw
- A storage shed or shipping container
- Electrical hookup for the barn
- If funds are still available, a walk-in cooler for storing produce before transport to Bounty & Soul; and

WHEREAS, the total value of the donated equipment will total $20,000.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous equipment donation from the Friends of the Community Garden to the Town's Dr. John Wilson Community Garden.

This the 11th day of August 2025.

ATTEST: _____
C. Michael Sobol, Mayor

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Josh Henderson, Recreation & Parks Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Recreation & Parks

TITLE OF ITEM: Acceptance of Bench Donations - Lake Tomahawk Park

SUGGESTED MOTION(S):
Accept Donations as Presented.

SUMMARY:

Two benches have been donated by community members, with the donation amount totaling $500. These benches will be used to replace and phase out the older wooden benches around the path at Lake Tomahawk Park. An image of the new benches is included below.



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. R-25-44- Resolution to Accept Donation of Benches at Lake Tomahawk Park

____ made a motion to approve the following resolution. A vote of ___ in favor.

RESOLUTION TO ACCEPT DONATION OF BENCHES TO BE PLACED AT LAKE TOMAHAWK PARK

Resolution # R-25-44

WHEREAS, two metal benches have been donated by community members Paul Petrequin and Sandy Axelson; and

WHEREAS, these metal benches will be installed at Lake Tomahawk Park, and will begin phasing out the existing older wooden benches; and

WHEREAS, the total value of the two donated benches are $500.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Paul Petrequin and Sandy Axelson for these new benches.

This the 11th day of August 2025.

ATTEST: _____
C. Michael Sobol, Mayor

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Josh Henderson, Recreation & Parks Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Recreation & Parks

TITLE OF ITEM: Request to Pursue Grant Funding for Part-Time Assistant Garden Manager

SUGGESTED MOTION(S):
Approve request as submitted.

SUMMARY:

Staff of the Dr. John Wilson Community Garden would like to apply for grant funding through the Community Foundation of Western North Carolina: The Human Services and Education Fund, to fund an assistant garden manager position for one year (FY2026-2027). This would be a part-time position through the Town. Grant award is up to $25,000.

Justification for the position:

If funded, funds will provide for a paid, part-time Assistant Garden Manager Position for 1 years ($25,000). The grant we hope to apply for is the Community Foundation of Western North Carolina's Human Services and Education Fund. This would be a part-time position with the Town: 25 hours a week x $18/hr x 45 weeks + 20% for taxes and workman's compensation = $25,000.

Why do we need an Assistant Garden Manager?
Given the scale of acreage and the amount of programming that regularly operates at the Community Garden, we are chronically understaffed. The Garden Manager position is funded through the Recreation and Parks Dept. through the town of Black Mountain, and it is the only position we have that is funded year-round and guaranteed to be funded year after year. Our current Assistant to the Garden Manager position and paid intern positions are paid through fundraising efforts, which are never guaranteed and do not cover the staffing needs in the community garden. This means that the garden manager is spread very thin trying to manage the garden itself while also having to pursue additional funding for infrastructure/equipment/staffing, run an educational program, an internship program, a volunteer program, a conservation stewardship program, complete weekly marketing efforts, meet with collaborators, and oversee infrastructure improvements, (such as installing a well

that we won a grant for earlier this year). This is why finding a funding source for a year-round, guaranteed Assistant Garden Manager Position would be a game-changer for us; it would help us to focus on administrative work while someone else could manage the day-to-day in the garden itself.

Hurricane Helene has presented us with many challenges: we are now responsible for washing and dropping produce at Bounty & Soul (previously they did this for us), and there is an increased demand for the food that we grow and donate to the community, and there is an increase in requests for rental plots. All of these require more work on the part of the Garden Manager.

The garden has reached a scale that requires a infrastructure upgrade in order for us to make sure all aspects of the garden are properly maintained and are reaching their full potential; in order for the manager to properly facilitate infrastructure growth and improvements that have already been funded, it is necessary for the Assistant Garden Manager to be able to run the day-to-day gardening activities so that the manager has enough time and focus available to implement the infrastructure improvements. There are some time-consuming projects that are underway, (such as making repairs to our barn that require a huge effort to move everything out that we are storing in there while construction is done) to ensure productivity at the garden is paramount, which will help us meet our goals that have been set forth by the community.

We have also identified that the most popular program besides the rental plot program is the Growing for Donation Program, where interns, volunteers and the manager grow food production-style for donation to Bounty & Soul. In the wake of Helene, Bounty & Soul has asked that we ideally double our yields given the dire food insecurity situation that our region is facing post-Helene. This call to action resonated with the community surrounding the garden, and is a narrative that has helped bring in funding for the community garden this year ($72,000 to date has been awarded in grants and donations, based on this narrative). In order to meet this goal, additional paid labor is required; all the funds we have pulled in as of now are almost all exclusively for infrastructure, supplies and equipment, NOT personnel wages. Right now, the Growing for Donation Program operates thanks to several paid and unpaid, temporary intern positions. If the Assistant Garden Manager Position is funded by the CFWNC grant, our fundraising efforts in 2025 could go almost exclusively towards additional paid internship positions, meaning that we could retain interns for longer, and allow us to increase the work standards/expectations of interns we hire.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No.

If no, describe how it will be funded. Grant funded.

ATTACHMENTS:

None

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution to Apply for NC Department of Commerce Small Business Infrastructure Program for Downtown Stormwater Improvements.		

SUGGESTED MOTION(S):
Approve the resolution as presented.

SUMMARY:

Staff recommends approval of a resolution authorizing the submission of a grant application to the North Carolina Department of Commerce under the Small Business Infrastructure Program. This funding opportunity is designed to support public infrastructure improvements that benefit small businesses. There is no match required. The grant allows 1.5% administration cost.

The proposed project would increase the efficiency of stormwater inlets in the downtown commercial district. During recent storm events, these inlets have been overwhelmed, leading to localized flooding that negatively impacts business operations, pedestrian safety, and property access. Upgrading and optimizing these inlets will directly support downtown business continuity, reduce risk, and enhance resilience to future storm events.

This resolution is a necessary step to allow staff to move forward with the application process. If awarded, the project will return to Council for approval of the grant agreement and any associated local match requirements.

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. R-25-33_Resolution of Support for Small Biz Infrastructure Grant App Program

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA
RESOLUTION OF SUPPORT FOR SMALL BUSINESS INFRASTRUCTURE GRANT APPLICATION

Resolution No: R-25-33

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

WHEREAS, the Council fully supports the proposed project titled Downtown Stormwater Infrastructure Improvement Project, which will result in the repair, upsizing, and relocation of stormwater inlets to improve the efficiency of the downtown stormwater system and support the resilience and sustainability of small businesses located in the downtown corridor; and

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

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council that the Town of Black Mountain is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Engagement & Investment Program, in order to provide assistance to benefit the Downtown Stormwater Infrastructure Improvement Project.

This Resolution shall take effect immediately upon its adoption.

Adopted this the 11th day of August 2025, in Black Mountain, North Carolina.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker
Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Selection of Multiple Grant Writing & Consulting Professional Services		

SUGGESTED MOTION(S):
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.

SUMMARY:

In response to the significant increase in grant opportunities following Tropical Storm Helene, the Town of Black Mountain issued a Request for Qualifications (RFQ) seeking qualified firms to provide grant writing and consulting services. The goal was to build additional capacity to pursue, manage, and implement state and federal funding opportunities aligned with the Town's recovery and resilience priorities.

The Town received seven (7) responses to the RFQ. Each firm demonstrated strong qualifications, and each brings a unique strength or area of specialization and experience that may be beneficial for future grant activities. The firms are: ASI, McGill, Raftelis, McAdams, GTC 360, CRCS and Catalyst Project Development.

Staff recommends entering into contracts with all seven firms and establishing on-call agreements with each, not to exceed $20,000 per firm. This approach will allow the Town to:

- Efficiently match projects with firms possessing relevant expertise.
- Ensure adequate capacity to respond to high-priority and time-sensitive funding opportunities.
- Leverage specialized knowledge and resources to enhance the competitiveness and success of grant applications.

Most of these costs will be offset by the administrative overhead allowed in the grants. This structure provides flexibility, promotes responsiveness, and aligns with the Town's strategic recovery and development goals post-Helene. This resolution can be ratified as needed in the

future if costs exceed $20,000 per firm.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? Project-specific basis.

If no, describe how it will be funded. Costs will be incurred on a per-project basis and will be paid through grant administrative funds where eligible, or through project-specific allocations approved by the Town.

ATTACHMENTS:

1. R-25-45_Resolution to Contract with Firms for Grant Writing and Consulting Services

____ made a motion to approve the following resolution. A vote of ___ in favor.

A RESOLUTION AUTHORIZING ON-CALL CONTRACTS FOR GRANT WRITING AND CONSULTING SERVICES IN SUPPORT OF RECOVERY AND RESILIENCE FUNDING OPPORTUNITIES

Resolution #: R-25-45

WHEREAS, the Town of Black Mountain continues to respond to the impacts of Tropical Storm Helene and is pursuing long-term recovery and resilience initiatives; and

WHEREAS, the number and complexity of available state and federal grant opportunities have increased significantly in the wake of the storm, requiring additional capacity to pursue, manage, and implement these funding opportunities effectively; and

WHEREAS, the Town issued a Request for Qualifications (RFQ) seeking qualified firms to provide grant writing and consulting services to support recovery and resilience efforts; and

WHEREAS, the Town received seven (7) responses from highly qualified firms, each demonstrating unique strengths and specialized experience beneficial to the Town's grant activities; and

WHEREAS, the following firms responded to the RFQ and are recommended for on-call contracting:

- ASI
- McGill
- Raftelis
- McAdams
- GTC 360
- CRCS
- Catalyst Project Development; and

WHEREAS, staff recommends entering into on-call agreements with each of the seven firms, with a not-to-exceed amount of $20,000 per firm, to allow the Town to efficiently match projects with the appropriate expertise, respond quickly to time-sensitive funding opportunities, and enhance the competitiveness of grant applications; and

WHEREAS, most costs associated with these contracts are expected to be offset by administrative overhead allowed within grant awards, thereby minimizing fiscal impact to the Town; and

WHEREAS, this structure provides the Town with the flexibility and responsiveness necessary to advance strategic recovery and development goals in the aftermath of Tropical Storm Helene.

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

1. The Town Manager, or designee, is hereby authorized to execute on-call agreements with each of the seven firms named above for grant writing and consulting services, with a not-to-exceed amount of $20,000 per firm.
2. This resolution shall become effective upon adoption.

Adopted this the 11th day of August, 2025.

ATTEST:

_____
C. Michael Sobol, Mayor

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for Diesel Pump at Water Booster Station		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed **Diesel-Powered Backup Pump at a Water Booster Station**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$250,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-35_Resolution of Support_HGMP_GRANT_DIESEL_PUMP_AUGUST_2025

RESOLUTION SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR A DIESEL PUMP AT A WATER BOOSTER STATION

Resolution #: R-25-35

WHEREAS, critical pumps at a Town of Black Mountain water booster station failed during Tropical Storm Helene, causing widespread service disruptions and public health risks; and

WHEREAS, the Town of Black Mountain seeks to install a diesel-powered backup pump to ensure water service continuity in during emergencies; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has provided funding opportunity through the Hazard Mitigation Grant Program (HMGP), and the State of North Carolina will cover the 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain Town Council authorizes the Town Manager or designee to submit the letter of interest for an estimated $250,000 to the State for consideration of this project.

This the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for Generators at Public Facilities		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed **Installation of Permanent Backup Generators at Public Facilities**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$700,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-36_ Resolution of Support_HGMP_GRANT_GENERATORS_AUGUST_2025

RESOLUTION SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR GENERATORS AT PUBLIC FACILITIES

Resolution #: R-25-36

WHEREAS, Tropical Storm Helene resulted in power outages at the following Town of Black Mountain public facilities: Town Hall, Public Safety (Police and Fire) building, Public Services building, and Lakeview Senior Center, disrupting essential services; and

WHEREAS, the Town of Black Mountain proposes to install permanent backup generators, potentially including hybrid battery systems, at these critical government facilities; and

WHEREAS, the State of North Carolina has committed to covering the 25% local cost share required by Federal Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain authorizes the Town Manager, or their designee, to submit a letter of interest to the State of North Carolina for an estimated $700,000 in Hazard Mitigation Grant Program funding to support generator installation and enhance continuity of operations.

This the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for Installation of SCADA Panels		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed **Installation of three (3) Supervisory Control and Data Acquisition (SCADA) Panels**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$10,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-37_Resolution of Support_HGMP_GRANT_SCADA_AUGUST_2025

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR SCADA PANELS

Resolution #: R-25-37

WHEREAS, three critical sites in the Town of Black Mountain's water system lack Supervisory Control and Data Acquisition (SCADA) capability, limiting real-time monitoring and emergency response capacity; and

WHEREAS, the Town proposes to install three (3) new SCADA panels to improve disaster response, reduce overtime, and prevent infrastructure damage; and

WHEREAS, the Federal Emergency Management Agency has made funding available under Hazard Mitigation Grant Program, with the State of North Carolina providing the 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council authorizes the Town Manager, or their designee, to submit a letter of interest to to the State of North Carolina for an estimated $10,000 in funding for this SCADA upgrade.

This the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for Standby Generators at Water Pump Stations		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed **Purchase and Installation of Nine (9) Standby Generators at Critical Water System Pump Stations**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$1,500,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-38_Resolution of Support_HGMP_PUMP_STATION_GENERATORS_AUGUST_2025

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR STANDBY GENERATORS AT WATER PUMP STATIONS

Resolution #: R-25-38

WHEREAS, the Town of Black Mountain experienced significant water service disruptions during Tropical Storm Helene due to power outages at water pump stations; and

WHEREAS, the Town proposes to install nine standby generators at critical water system pump stations to ensure operational continuity during future hazard events; and

WHEREAS, this project aligns with the Buncombe-Madison Hazard Mitigation Plan and will reduce public health risks, infrastructure damage, and emergency response burdens; and

WHEREAS, the Federal Emergency Management Agency has made funding available through the Hazard Mitigation Grant Program, and the State of North Carolina will provide the required 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Black Mountain authorizes the Town Manager, or their designee, to submit the required letter of interest to the State for this project in the amount of an estimated $1,500,000.

This the 11th day of August, 2025.

_____

C. Michael Sobol, Mayor

Attest:

_____

Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for Reducing & Hardening Waterline Stream Crossings		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed project to **harden or remove an estimated twelve (12) vulnerable stream crossings**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$1,700,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-39_Resolution of Support_HMGP_GRANT_STREAM_CROSSINGS_AUGUST_2025

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION TO REDUCE AND HARDEN STREAM CROSSINGS

Resolution #: R-25-39

WHEREAS, exposed and eroding waterline stream crossings in the Town of Black Mountain's water distribution system have failed in past storm events, including Tropical Storm Helene; and

WHEREAS, the proposed project will harden or remove an estimated twelve (12) vulnerable crossings to prevent service interruptions, and infrastructure damage; and

WHEREAS, the State of North Carolina has committed to providing the required 25% local match for the Federal Emergency Management Agency's Hazard Mitigation Grant Program applications.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain Town Council supports the submission of an estimated $1,700,000 letter of interest to the State of North Carolina for stream crossing mitigation and authorizes the Town Manager, or their designee, to submit the letter of interest to the State.

This the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution Supporting Submission of a Hazard Mitigation Grant Application for relocating aging and exposed waterlines that are located in streambanks and floodways.		

SUGGESTED MOTION(S):

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.

SUMMARY:

The Town of Black Mountain is submitting a request to the North Carolina Division of Emergency Management (NCEM) for consideration under the Hazard Mitigation Grant Program (HMGP) made available through the federal disaster declaration for Tropical Storm Helene (DR-4827). NCEM will evaluate submitted projects and determine which projects to submit to FEMA for full application and funding consideration.

This request supports the proposed project to **relocate aging and exposed waterlines located in streambanks and floodways**, which will reduce vulnerability to natural hazards and improve the Town's infrastructure resilience. The total estimated cost of the project is **$3,000,000**. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of North Carolina is covering that portion.

As required by Town policy, a formal resolution of support from the Town Council is necessary prior to project submission.

BUDGET IMPACT:

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

If no, describe how it will be funded. If selected for funding, the Town will not be responsible for the required 25% local cost share, as the State of NC is covering that portion.

ATTACHMENTS:

1. R-25-40_Resolution of Support_HMGP_WATERLINE_RELOCATION_AUGUST_2025

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR WATERLINE RELOCATION

Resolution #: R-25-40

WHEREAS, aging and exposed waterlines located in streambanks and floodways are at high risk of erosion and flood-related damage; and

WHEREAS, the Town of Black Mountain proposes to relocate these lines to safer locations outside active floodways to prevent repeated damage and service disruption; and

WHEREAS, the Town has developed routing plans and budget estimates, and the project is ready for design and permitting upon grant award;

WHEREAS, the Federal Emergency Management Agency has provided funding through the Hazard Mitigation Grant Program, with the State of North Carolina providing the 25% match.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council authorizes submission of a $3,000,000 Hazard Mitigation Grant Program letter of interest to the State of North Carolina, and authorizes the Town Manager, or their designee, to submit the letter of interest to the State.

This the 11th day of August, 2025.

_____

C. Michael Sobol, Mayor

Attest:

_____

Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, Finance Director **MEETING DATE:** August 11, 2025

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

TITLE OF ITEM: Amended System Development Fee Capital Reserve Fund

SUGGESTED MOTION(S):

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

SUMMARY:

On April 13th, 2020, the Town of Black Mountain governing board adopted Resolution R-20-04 establishing the System Development Fee Capital Reserve Fund in accordance with the General Statues of the State of North Carolina 159-18 and Chapter 162A, Art. 8. System Development Fees shall be collected and allocated for future expenses related to the cost of construction or acquisition of capital improvements, professional fees, and to make debt service payments on existing debt related to past capital projects incurred for the construction or acquisition of capital improvements of the Town's water system. The System Development Fee Capital Reserve Fund may be amended from time to time by adopting an amended resolution.
The attached amended resolution establishes system development fees as a funding source and accounts for SDF's collected for current projects and/or debt service associated with current projects as defined within the resolution. Any projects that are allocated within the resolution that are not currently in progress will remain as restricted fund balance in the capital reserve fund until funding is needed.

Recommended Amendment:

An amended resolution to Transfer:

- Collected SDF Fees in the amount of $233,427 were collected within the Water Enterprise Fund and will be transferred to the SDF Capital Reserve Fund.
- Transfer out of Reserve Funds to the Automated Meter Capital Project Fund for the purpose of completing the AMR Project in the amount of $185,000.

Upon approval of this amendment the total amount of funds contained within the Capital Reserve Fund will remain within the SDF Capital Reserve Fund within the restricted fund balance for future water capital projects.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. Transfer of Collected SDF

ATTACHMENTS:

1. R-25-32_SDF CRF Resolution Amended

Resolution # R-25-32

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

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

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

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

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

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

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

Section 1. The following additional system development fee revenues were collected within FY2025and are to be transferred into the CRF fund from the Water Enterprise Fund:

System Development Fees	**$233,427.00**

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

AUTOMATED METER READING (AMR) PROJECT. Automatic meter reading, or AMR, includes automatic collecting consumption, diagnostic, and status data from a water meter (or other utility meter) and transferring that data to a central database for billing, troubleshooting, and analyzing. With AMR, the meter readers can collect meter readings much quicker by simply driving by meter locations. The new meters will assist customers in detecting leaks and will assist utility staff in detecting malfunctioning or tampered meters. Additionally, this timely information coupled with analysis can help both utility staff and customers better manage the Town's potable water usage. The Town has acquired all of the AMR utility meters to complete this project but has struggled with allocating staff to complete the project. Due to the additional workload on staff stemming from normal growth as well as the staff time required

to complete the additional projects created by Helene, outsourcing of the meter install to complete this project will be necessary. Staff hope to complete the project within FY 2026.

The FY 25-26 appropriations from the CRF to the Water Automated Meter Capital Project for this purpose is $185,000.

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

- current and future capital waterline improvements and replacements throughout the Town.
- Future water line extensions
- upgrade and replacement of existing pumps. Pumps will help safeguard the town's ability to provide a consistent supply of water for years to come.
- Future System Development Fee Study required every five years

Reserve Funds Available for Water Capital Projects:

Capital Reserve Fund Balance	$386,681.88
Transfer in SDF Revenues FY2025	$233,427.00
Total SDF CRF funds reserve funds available as of June 30th, 2025	**$620,108.88**
Transfer Out Reserve Funds to Automated Meter Capital Project	($185,000.00)
Remaining SDF CRF reserve funds	**$435,108.88**

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

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

Duly adopted by the Town Council of Black Mountain on this the 11th day of August 2025.

_____

C. Michael Sobel
Mayor

ATTEST:

_____

Wesley Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, Finance Director **MEETING DATE:** August 11, 2025

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

TITLE OF ITEM: Tropical Storm Helene Stormwater Infrastructure Enterprise Capital Project Ordinance and Budget Amendments

SUGGESTED MOTION(S):

Motion to approve the Helene Stormwater Infrastructure Enterprise Capital Project Ordinance & Budget Amendments as presented.

SUMMARY:

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

This agenda item is to authorize and budget for the Helene Stormwater Capital Project. The Town is authorizing and budgeting for the $535,500 of funds to be received and expenditures incurred for the Helene Stormwater Infrastructure Project. This project is to be funded in whole or part by FEMA-4827-DR. 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 the remaining unreimbursed amounts from FEMA.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. Grant

ATTACHMENTS:

1. Helene Stormwater Infrastructure ordinance 081125
2. Helene Water Infrastructure Budget Adjustment Report 0725

Town of Black Mountain
Tropical Storm Helene Stormwater Infrastructure
Enterprise Capital Project Fund 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; and the following Capital Project Fund Ordinance is hereby adopted as follows:

Section 1. Project Defined
The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, grants, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2. Project Authorization
The project authorized is Tropical Storm Helene Stormwater Infrastructure. This project includes but is not limited to the mitigation and reconstruction of the Town of Black Mountain's stormwater infrastructure that was damaged during Tropical Storm Helene.

Section 3. Funding
This project is to be funded in whole or part by FEMA-4827-DR. 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 the remaining unreimbursed amounts from FEMA. Funding may be advanced from other Town of Black Mountain Funds for the purpose of making payments as due. Reimbursement requests should be made to any applicable grantor agency following the regulations and rules of the grant.

Section 4. Directives
The officers of the Town of Black Mountain are hereby directed to proceed with the capital project within the terms and budget contained herein, as approved by the Governing Board of the Town of Black Mountain. 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 appropriate funds.

Section 5. Revenues
The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
FEMA Public Assistance Grant Reimbursement Funds (90%)	$48,200.00
NCEM Public Assistance Funds (10%)	$5,350.00
Total Funds	**$53,550.00**

Section 6. Expenditures
The following anticipated appropriations are hereby adopted:

	Budgeted Expenditures	
Expense Type	***FEMA category***	***Anticipated Expenditures***
Water Control Facilities	D	$53,550.00
	Total Expenditures	**$53,550.00**

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 all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 11th day of August 2025.

C. Michael Sobel
Mayor

ATTEST:

Wesley Barker
Town Clerk

TOWN OF BLACK MOUNTAIN TROPICAL STORM HELENE STORMWATER INFRASTRUCTURE CAPITAL PROJECT 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, 2026.

Adjustment Number	Summary	Description	Account Number	Account Name	Account Type	Amended Amount
BA26-0006	**Helene Stormwater Infrastructure**	Capital Project Helene Stormwater Infrastructure Initial Adoption	**450-8517-43100**	Grant Revenue - Federal	Revenue	$48,200.00
			450-8517-43200	Grant Revenue - State	Revenue	$5,350.00
			450-8517-57210	Capital Outlay - Land Improvements	Expense	$53,550.00

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, Finance Director **MEETING DATE:** August 11, 2025

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

TITLE OF ITEM: Annual Property Tax Settlement for Fiscal Year 2025 & Adoption of the Order of Collection of Taxes for Fiscal Year 2026

SUGGESTED MOTION(S):
Motion to approve the Property Tax Settlement for FY25 and adoption of the Order of Collection of Taxes for FY26.

SUMMARY:

Annual Property Tax Settlement
Pursuant to N.C.G.S. § 105-373, After July 1, and before being charged with taxes for the current fiscal year, the tax collector must provide an annual settlement of current and delinquent property tax collected in the previous fiscal year for approval. The annual settlement provides in detail the tax collection of The Town of Black Mountain's Real Property, Personal Property, and Motor Vehicles. This report also includes the details regarding collection of the East Buncombe Fire District tax collections.
Included within this settlement are the three primary requirements:

Order of Collection
Also, Pursuant to NCGS § 105-321, Following the approval of the Tax Collector's Annual Statement of the preceding year, the governing board shall adopt an order of collection directing the tax collector to collect the taxes charged in the tax records and receipts. The order of Collection authorizes the collection of current fiscal year property taxes and charging the tax collector with the obligation to "employ all lawful means" to collect taxes

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. Annual Settlement FY25
2. Unpaid property taxes 063025
3. FY 2026 Order of Collection of Taxes

Jennifer Pike
Tax Collector

Annual Settlement and Order of Collection
for Approval by the Buncombe County Commissioners

Pursuant to the provisions of North Carolina General Statute § 105-373, this memorandum is the Tax Collector's report of settlement to the Buncombe County Board of Commissioners for fiscal year 2025.

At the beginning of each fiscal year, the Tax Collector must provide to the Board of Commissioners an annual settlement of property tax collected in the previous fiscal year for approval, prior to being charged to collect taxes for the current fiscal year.

Included in this settlement are three primary requirements:

- Sworn settlement of all taxes collected in the prior fiscal year
- List of unpaid taxes for the prior fiscal year
- List of taxpayers who have been found to be insolvent with unpaid personal property taxes

I certify the information contained in the fiscal year 2025 annual settlement has been reviewed and to my knowledge is true and accurate.

_____
Jennifer Pike
Tax Collector

Following approval of the Tax Collector's Annual Settlement of the preceding year, pursuant to NCGS § 105-321**,** an order of collection to the Tax Collector must be adopted for the 2025 tax year authorizing the collection of the current fiscal year property taxes.

NCGS § 105-373. Settlements.

(a) Annual Settlement of Tax Collector. -

(1) Preliminary Report. - After July 1 and before he is charged with taxes for the current fiscal year, the tax collector shall make a sworn report to the governing body of the taxing unit showing:

a. A list of the persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person; and

b. A list of the persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. (To this list the tax collector shall append his statement under oath that he has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection, and he shall report such other information concerning these taxpayers as may be of interest to or required by the governing body, including a report of his efforts to make collection outside the taxing unit under the provisions of G.S. 105-364.) The governing body of the taxing unit may publish this list in any newspaper in the taxing unit. The cost of publishing this list shall be paid by the taxing unit.

(2) Insolvents. - Upon receiving the report required by subdivision (a)(1), above the governing body of the taxing unit shall enter upon its minutes the names of persons owing taxes (but who listed no real property) whom it finds to be insolvent, and it shall by resolution designate the list entered in its minutes as the insolvent list to be credited to the tax collector in his settlement.

(3) Settlement for Current Taxes. - After July 1 and before he is charged with taxes for the current fiscal year, the tax collector shall make full settlement with the governing body of the taxing unit for all taxes in his hands for collection for the preceding fiscal year.

NCGS § 105-321. Disposition of tax records and receipts; order of collection.

(b) Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property and shall be drawn in substantially the following form:

State of North Carolina

County (or City or Town) of _____

To the Tax Collector of the County (or City or Town) of _____

_____:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of _____ and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County (or City or Town) of _____ , and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this ____ day of _____, _____

_____(Seal)

Chairman, Board of Commissioners of

_____ County

(Mayor, City (or Town) of

_____)

Attest:

_____

Clerk of Board of Commissioners of _____ County

(Clerk of the City (or Town) of _____)

Black Mountain

Fiscal Year 2025 Property Tax

Net Levy	Collected	Uncollected	Percent Collected
$5,328,994.13	$5,306,175.36	$22,818.77	99.57%

Regular Levy Prior Year Collections in Fiscal Year 2025

Tax Year	Levy Due	Collected	Uncollected
2023	9,286.83	3,856.35	5,430.48
2022	2,935.94	311.29	2,624.65
2021	2,395.20	105.59	2,289.61
2020	1,787.52	62.26	1,725.26
2019	661.29	40.16	621.13
2018	500.24	1.93	498.31
2017	265.36	5.38	259.98
2016	107.71	2.18	105.53
2015	153.35	52.20	101.15
2014	130.00	-	130.00

Regular Levy 2025 Prepaid Amount Collected: $ 274.18

Fire Protection & Ambulance and Rescue Service Districts Fiscal Year 2025

Fire Protection & Service District		Net Levy	Collected	Uncollected	Percent Collected
Asheville Special	FAS	$ 121,473.62	$ 121,421.45	$ 52.17	99.96%
Asheville Suburban	FSB	$ 265,243.52	$ 265,202.89	$ 40.63	99.98%
Barnardsville	FBA	$ 1,038,204.95	$ 1,029,633.82	$ 8,571.13	99.17%
Broad River	FBR	$ 375,583.42	$ 373,078.99	$ 2,504.43	99.33%
East Buncombe	FEB	$ 1,050,987.70	$ 1,047,383.72	$ 3,603.98	99.66%
Enka-Candler	FEC	$ 4,131,032.55	$ 4,095,314.45	$ 35,718.10	99.14%
Fairview	FFA	$ 3,554,353.71	$ 3,538,574.66	$ 15,779.05	99.56%
French Broad	FFB	$ 855,356.29	$ 848,599.68	$ 6,756.61	99.21%
Garren Creek	FGC	$ 286,685.13	$ 285,300.87	$ 1,384.26	99.52%
Jupiter	FJU	$ 1,076,784.67	$ 1,069,432.01	$ 7,352.66	99.32%
Leicester	FLE	$ 1,569,668.38	$ 1,550,915.61	$ 18,752.77	98.81%
North Buncombe	FNB	$ 1,553,266.17	$ 1,546,513.20	$ 6,752.97	99.57%
Reems Creek/Beaverdam	FRC	$ 1,687,542.12	$ 1,682,479.94	$ 5,062.18	99.70%
Reynolds	FRE	$ 1,062,296.42	$ 1,058,796.85	$ 3,499.57	99.67%
Riceville	FRI	$ 1,616,887.12	$ 1,608,908.01	$ 7,979.11	99.51%
Skyland	FSK	$ 6,406,897.62	$ 6,390,499.20	$ 16,398.42	99.74%
Swannanoa	FSW	$ 1,777,216.54	$ 1,767,836.16	$ 9,380.38	99.47%
Upper Hominy	FUH	$ 1,026,063.19	$ 1,013,821.56	$ 12,241.63	98.81%
West Buncombe	FWB	$ 2,475,217.41	$ 2,452,384.09	$ 22,833.32	99.08%
Woodfin	FWO	$ 1,110,067.32	$ 1,104,812.61	$ 5,254.71	99.53%
TOTAL		**$ 33,040,827.85**	**$ 32,850,909.77**	**$ 189,918.08**	**99.43%**

North Carolina Vehicle Tax System

County Finance Report

BUN Unpaid $343,760.49

Fiscal Year To Date																										
Billing Information									Collections								Credit/Debit Card Cost Allocation					Total Collections/Uncollected			DMV Int Refund
Jurisdiction	Nbr Vehicles	Renewal/LRP /Issue Net Values	Renew/Issue Levy (Tax)	Renew/Issue Levy (VehicleFee)	LRP Levy (Tax)	LRP Levy (VehicleFee)	Gross Levy (Tax)	Gross Levy (VehicleFee)	Renew/Issue Collections (Tax)	Renew/Issue Collections (VehicleFee)	LRP Collections (Tax)	LRP Collections (VehicleFee)	Net Collections (Tax)	Net Collections (VehicleFee)	% Collected	Billing Cost %	Total Collection By Credit Card	Credit Card %	Total Collection by Debit Card	Debit Card %	Interest Collected	Total Net Collections	LRP Uncollected	
BUN	255,692	$3,765,422,608	$16,454,446.51	$0.00	$2,927,006.40	$0.00	$19,381,452.91	$0.00	$16,187,211.46	$0.00	$2,850,480.96	$0.00	$19,037,692.42	$0.00	98.23%	62.70%	$13,006,323.21	62.62%	$1,438,644.83	65.70%	$146,259.26	$19,183,951.68	$76,525.44	($13,497.47)
CAS	73,507	$1,113,386,936	$3,841,018.44	$1,995,540.00	$714,147.11	$170,890.00	$4,555,165.55	$2,166,430.00	$3,779,383.31	$1,964,730.00	$692,999.98	$166,330.00	$4,472,383.29	$2,131,060.00	98.24%	21.75%	$4,545,275.26	21.88%	$394,746.77	18.03%	$35,846.00	$6,639,289.29	$25,707.13	($3,223.93)
CBF	1,617	$43,935,370	$131,170.45	$0.00	$21,200.61	$0.00	$152,371.06	$0.00	$128,358.20	$0.00	$20,283.55	$0.00	$148,641.75	$0.00	97.55%	0.49%	$98,684.86	0.48%	$1,251.72	0.06%	$873.35	$149,515.10	$917.06	($143.68)
CBM	7,937	$108,681,709	$301,902.96	$36,820.00	$47,452.22	$2,350.00	$349,355.18	$39,170.00	$296,965.60	$36,275.00	$46,742.84	$2,325.00	$343,708.44	$38,600.00	98.40%	1.26%	$263,334.88	1.27%	$11,279.72	0.52%	$2,028.14	$384,336.58	$734.38	($239.15)
CMT	471	$7,246,742	$27,459.81	$0.00	$3,847.90	$0.00	$31,307.71	$0.00	$26,679.40	$0.00	$3,791.30	$0.00	$30,470.70	$0.00	97.33%	0.10%	$20,366.69	0.10%	$568.47	0.03%	$153.87	$30,624.57	$56.60	($34.52)
CRA	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
CWO	6,532	$95,513,699	$271,476.85	$0.00	$46,107.55	$0.00	$317,584.40	$0.00	$267,148.00	$0.00	$43,810.80	$0.00	$310,958.80	$0.00	97.91%	1.02%	$205,307.22	0.99%	$26,531.03	1.21%	$2,425.45	$313,384.25	$2,296.75	($217.20)
CWV	5,106	$76,858,256	$234,722.03	$0.00	$34,664.12	$0.00	$269,386.15	$0.00	$231,169.26	$0.00	$33,854.13	$0.00	$265,023.39	$0.00	98.38%	0.87%	$187,273.15	0.90%	$12,609.94	0.58%	$1,584.49	$266,607.88	$809.99	($199.59)
DBA	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DBE	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DHA	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DHC	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DHI	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DLE	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DNB	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DNN	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DNR	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DRC	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DSK	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DUH	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DWB	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
DWO	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
FAS	659	$11,455,105	$7,985.39	$0.00	$1,602.93	$0.00	$9,588.32	$0.00	$7,859.15	$0.00	$1,602.93	$0.00	$9,462.08	$0.00	98.68%	0.03%	$7,400.35	0.04%	$270.17	0.01%	$64.65	$9,526.73	$0.00	($6.30)
FBA	4,097	$50,613,715	$93,466.47	$0.00	$18,060.12	$0.00	$111,526.59	$0.00	$92,285.98	$0.00	$17,576.33	$0.00	$109,862.31	$0.00	98.51%	0.36%	$74,380.39	0.36%	$9,243.47	0.42%	$849.07	$110,711.38	$483.79	($81.88)
FBE	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
FBR	1,053	$12,951,996	$17,345.96	$0.00	$3,439.24	$0.00	$20,785.20	$0.00	$17,160.79	$0.00	$3,380.69	$0.00	$20,541.48	$0.00	98.83%	0.07%	$15,731.87	0.08%	$1,017.42	0.05%	$151.71	$20,693.19	$58.55	($9.39)
FEB	4,739	$59,822,742	$55,947.88	$0.00	$8,780.41	$0.00	$64,728.29	$0.00	$55,068.59	$0.00	$8,360.93	$0.00	$63,429.52	$0.00	97.99%	0.21%	$45,146.91	0.22%	$2,742.34	0.13%	$402.97	$63,832.49	$419.48	($31.61)
FEC	25,553	$367,378,607	$378,354.42	$0.00	$63,482.36	$0.00	$441,836.78	$0.00	$372,168.05	$0.00	$61,993.88	$0.00	$434,161.93	$0.00	98.26%	1.43%	$264,261.30	1.27%	$71,849.18	3.28%	$3,477.73	$437,639.66	$1,488.48	($326.15)
FFA	12,826	$210,706,753	$283,023.56	$0.00	$47,251.34	$0.00	$330,274.90	$0.00	$279,141.23	$0.00	$46,357.85	$0.00	$325,499.08	$0.00	98.55%	1.07%	$243,674.72	1.17%	$8,951.76	0.41%	$2,401.47	$327,900.55	$893.49	($220.15)
FFB	3,470	$44,252,263	$85,920.57	$0.00	$12,581.23	$0.00	$98,501.80	$0.00	$84,347.33	$0.00	$12,221.35	$0.00	$96,568.68	$0.00	98.04%	0.32%	$61,918.13	0.30%	$12,040.34	0.55%	$816.28	$97,384.96	$359.88	($80.90)
FFL	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
FGC	1,284	$17,026,126	$20,227.59	$0.00	$3,345.86	$0.00	$23,573.45	$0.00	$19,964.43	$0.00	$3,327.87	$0.00	$23,292.30	$0.00	98.81%	0.08%	$18,003.16	0.09%	$593.27	0.03%	$195.78	$23,488.08	$17.99	($14.39)
FJU	7,375	$99,011,777	$109,759.56	$0.00	$16,879.30	$0.00	$126,638.86	$0.00	$107,252.39	$0.00	$16,543.84	$0.00	$123,796.23	$0.00	97.76%	0.41%	$84,272.48	0.41%	$10,641.74	0.49%	$906.03	$124,702.26	$335.46	($105.68)
FLE	10,676	$132,125,970	$158,378.28	$0.00	$27,140.26	$0.00	$185,518.54	$0.00	$156,253.46	$0.00	$26,776.31	$0.00	$183,029.77	$0.00	98.66%	0.60%	$108,077.60	0.52%	$29,285.88	1.34%	$1,553.08	$184,582.85	$363.95	($104.47)
FNB	8,896	$127,380,854	$131,063.19	$0.00	$21,198.60	$0.00	$152,261.79	$0.00	$129,185.78	$0.00	$20,968.84	$0.00	$150,154.62	$0.00	98.62%	0.49%	$103,651.58	0.50%	$11,556.15	0.53%	$1,029.82	$151,184.44	$229.76	($99.26)
FRC	4,736	$75,578,628	$96,001.55	$0.00	$18,130.54	$0.00	$114,132.09	$0.00	$94,552.85	$0.00	$17,903.52	$0.00	$112,456.37	$0.00	98.53%	0.37%	$79,180.55	0.38%	$5,423.43	0.25%	$802.73	$113,259.10	$227.02	($76.89)
FRE	5,527	$82,092,995	$78,876.51	$0.00	$13,585.14	$0.00	$92,461.65	$0.00	$77,702.34	$0.00	$13,194.23	$0.00	$90,896.57	$0.00	98.31%	0.30%	$66,573.45	0.32%	$2,589.66	0.12%	$660.11	$91,556.68	$390.91	($69.66)
FRI	5,876	$83,805,210	$117,908.92	$0.00	$21,575.78	$0.00	$139,484.70	$0.00	$115,858.09	$0.00	$21,196.41	$0.00	$137,054.50	$0.00	98.26%	0.45%	$99,183.57	0.48%	$4,774.67	0.22%	$972.95	$138,027.45	$379.37	($97.43)
FSB	231	$4,656,706	$3,921.68	$0.00	$255.45	$0.00	$4,177.13	$0.00	$3,911.90	$0.00	$255.45	$0.00	$4,167.35	$0.00	99.77%	0.01%	$3,766.16	0.02%	$43.31	0.00%	$17.17	$4,184.52	$0.00	($0.49)
FSK	26,195	$463,648,682	$383,095.34	$0.00	$72,598.35	$0.00	$455,693.69	$0.00	$375,938.68	$0.00	$70,510.61	$0.00	$446,449.29	$0.00	97.97%	1.47%	$330,011.92	1.59%	$15,284.21	0.70%	$3,345.58	$449,794.87	$2,087.74	($323.19)
FSW	9,761	$130,585,291	$156,238.84	$0.00	$26,861.10	$0.00	$183,099.94	$0.00	$154,106.88	$0.00	$26,496.19	$0.00	$180,603.07	$0.00	98.64%	0.59%	$129,403.83	0.62%	$7,805.73	0.36%	$1,490.82	$182,093.89	$364.91	($105.48)
FUH	5,749	$66,409,446	$106,887.65	$0.00	$19,273.35	$0.00	$126,161.00	$0.00	$105,461.63	$0.00	$18,788.41	$0.00	$124,250.04	$0.00	98.49%	0.41%	$70,787.99	0.34%	$26,207.76	1.20%	$1,159.24	$125,409.28	$484.94	($89.58)
FWB	17,468	$221,772,880	$253,403.68	$0.00	$46,475.98	$0.00	$299,879.66	$0.00	$249,202.10	$0.00	$45,211.72	$0.00	$294,413.82	$0.00	98.18%	0.97%	$174,210.20	0.84%	$53,048.70	2.42%	$2,547.09	$296,960.91	$1,264.26	($251.66)
FWO	5,517	$79,236,954	$72,175.66	$0.00	$12,511.12	$0.00	$84,686.78	$0.00	$70,945.54	$0.00	$11,737.15	$0.00	$82,682.69	$0.00	97.63%	0.27%	$54,428.48	0.26%	$6,306.80	0.29%	$677.24	$83,359.93	$773.97	($60.14)
IAD	1,232	$25,484,408	$17,119.92	$0.00	$4,064.35	$0.00	$21,184.27	$0.00	$17,008.31	$0.00	$3,870.43	$0.00	$20,878.74	$0.00	98.56%	0.07%	$14,334.07	0.07%	$420.57	0.02%	$95.91	$20,974.65	$193.92	($10.75)
SAS	33,574	$524,750,876	$469,918.94	$0.00	$88,795.50	$0.00	$558,714.44	$0.00	$462,349.41	$0.00	$86,722.74	$0.00	$549,072.15	$0.00	98.27%	1.81%	$394,973.93	1.90%	$24,091.34	1.10%	$4,250.81	$553,322.96	$2,072.76	($380.84)
SCC	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
SEN	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
SWF	0	$0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0.00%	0.00%	$0.00	0.00%	$0.00	0.00%	$0.00	$0.00	$0.00	$0.00
Totals			**$24,359,218.61**	**$2,032,360.00**	**$4,342,314.22**	**$173,240.00**	**$28,701,532.83**	**$2,205,600.00**	**$23,964,640.14**	**$2001005.00**	**$4,226,961.24**	**$168655.00**	**$28,191,601.38**	**$2169660.00**	**98.23%**	**100.00%**	**$20,769,937.91**	**100.00%**	**$2,189,820.38**	**100.00%**	**$217,038.80**	**$30,578,300.18**	**$119,937.98**	**($20,101.83)**

TOWN OF BLACK MOUNTAIN UNPAID PROPERTY TAX , FEE, AND PENALTY

June 30, 2025

Bill Num	Name 1	Name 2	Total Unpaid Balance including Fees and Penalties
0000722179-2024-2024-0000-00	RAILYARD HOSPITALITY GROUP LLC		$2,867.17
0003060935-2024-2024-0000-00	ALTITUDE MANAGEMENT SERVICES LLC		$1,622.71
0003021550-2024-2024-0000-00	BRIANS, WINFIELD SCOTT	BRIANS, JACOB ANDREW	$1,093.06
0003098930-2024-2024-0000-00	FOOTHILLS FARM & BUTCHERY LLC		$1,090.77
0000728790-2024-2024-0000-00	ARGENTA, KIMBERLY	ARGENTA, TIMOTHY	$988.36
0000769281-2024-2024-0000-00	WNC REALTY INVESTMENTS LLC		$881.06
0000755993-2024-2024-0000-00	BLACK, GAIL		$811.65
0003029581-2024-2024-0000-00	BLACK MOUNTAIN BREWING AND DISTILLING LLC		$661.46
0000682594-2024-2024-0000-00	MOONEY, MICHAEL D		$624.59
0000801080-2024-2024-0000-00	TASTY HUT LLC		$599.06
0000737468-2024-2024-0000-00	ABLE2STORE LLC		$541.85
0000763457-2024-2024-0000-00	BLACK, MATT LEE JR		$437.20
0003096734-2024-2024-0000-00	W DAVID MYERS BUILDERS NC		$333.84
0003110803-2024-2023-0000-00	RUSSELL, ELIZABETH DIANE	RUSSELL, CHARLES VANCE	$296.20
0000650632-2024-2024-0000-00	YOURSE, ROBYN-DENISE B		$295.96
0000700760-2024-2024-0000-00	LANKFORD, LISA ANN		$286.06
0000673416-2024-2024-0000-00	MEDEIROS, STEVEN R	MEDEIROS, DONNA D	$283.76
0000642356-2024-2024-0000-00	RUSSELL, NORMAN LESLIE	BANKS, KATHY DIANE	$260.78
0000798341-2024-2024-0000-00	FIDALGO LLC DBA BLACK MOUNTAIN ALE HOUSE		$253.15
0003029028-2024-2024-0000-00	FOOTHILLS FARM & BUTCHERY LLC		$233.48
0003025907-2024-2024-0000-00	BARTLETT(LE), RUBY J		$225.98
0000664315-2024-2024-0000-00	SWINBURNE, NOEL C	GRAVEN, MARIE K	$224.38
0000693021-2024-2024-0000-00	VALENCIA, JOSEPH R	THOME, RHONDA	$223.51
0003096183-2024-2024-0000-00	RAILYARD HOSPITALITY GROUP LLC		$217.16
0000763282-2024-2024-0000-00	TOLLEY, CAROLYN WALDROP		$216.42
0003063154-2024-2024-0000-00	LEWIS, GLENN		$199.02
0000747935-2024-2024-0000-00	BARTLETT, KENNETH		$185.27
0000642960-2024-2024-0000-00	SEYLE, DEBORAH A		$176.21
0000734200-2024-2024-0000-00	BARTLETT, JAMES K		$161.46
0000712189-2024-2024-0000-00	MCMILLIAN, CRYSTAL COX		$156.36
0000718325-2024-2024-0000-00	RAMSEY, BRENDA C		$156.36
0003018937-2024-2024-0000-00	STURGIS, BRIAN		$156.36
0000741569-2024-2024-0000-00	LYTLE, JAMES EDWARD SR	LYTLE, EVELINA L	$156.33
0003029352-2024-2024-0000-00	BAD CRAFT LLC DBA BAD CRAFT		$155.86
0000763028-2024-2024-0000-00	VERLANDER, CHRISTOPHER A	VERLANDER KAREN R	$150.87
0000651967-2024-2024-0000-00	O'NEIL, CHETT REKAY		$147.35
0000679758-2024-2024-0000-00	CREASMAN, DAVID P	CREASMAN, DEBRA P	$146.95
0003018889-2024-2024-0000-00	R AND T THAI GOURMET CO DBA THAI BASIL INC		$146.85
0000750936-2024-2024-0000-00	HUNTER, KELLY CATCHPOLE		$129.38
0000747965-2024-2024-0000-00	MCCULLOCH, BRIAN DOUGLAS		$121.35
0003053634-2024-2024-0000-00	LARRY M AND MARY B MURRAY		$121.32
0000662107-2024-2024-0000-00	SNEED, WILLIAM A	SNEED, CHERIE	$121.29
0003103702-2024-2023-0000-00	POLK, REBECCA ANNE		$120.75
0000650430-2024-2024-0000-00	PIERSON, LISA MARIE		$119.16
0003105371-2024-2023-0000-00	PINATA-HENSLEY, BOBBY	PRESNELL DE PINATA, JULIANNE	$119.06
0003105635-2024-2023-0000-00	GREGG, JANNELL RENEE	GREGG, GERALD ARDEN	$113.52
0000727407-2024-2024-0000-00	LYTLE, JAMES E SR	LYTLE, STEPHANIE O	$108.50
0000720757-2024-2024-0000-00	SMITH, CONNIE PLEMMONS		$107.07
0003102281-2024-2023-0000-00	BLACKWELL, TOBY CHARLES		$99.85
0003075245-2024-2024-0000-00	MELIN, MICAH MANUEL		$97.51
0000731217-2024-2024-0000-00	NIX (HEIRS), WILLIAM EDWARDS		$93.41
0000742209-2024-2024-0000-00	LEDFORD, MICHAEL PAUL		$92.04
0000715932-2024-2024-0000-00	ROTENBERRY, DANIEL MOREN		$87.33
0003104788-2024-2023-0000-00	SCOTT, JOWANNA		$80.66
0003099625-2024-2023-0000-00	SEARLE, JAMES ALBERT III	SEARLE, DENISE JULIA ROSMARINO	$79.82
0003033463-2024-2024-0000-00	RICHARDSON, MICHAEL BLAKE		$78.65
0003107837-2024-2023-0000-00	PREWETT, GARRETT TIMOTHY		$77.08
0000725727-2024-2024-0000-00	BONILLA, JOHANA		$76.86
0003034706-2024-2024-0000-00	HENSLEY, WAYNE WILLARD JR		$75.95

0003015052-2024-2024-0000-00	DOCKERY, BRUCE		$75.07
0003103784-2024-2023-0000-00	ADVANCE STORES COMPANY INC		$73.38
0000768562-2024-2024-0000-00	BARTLETT, LLOYD JR		$73.25
0003100720-2024-2023-0000-00	BEST, RICKY LIN		$73.17
0003100560-2024-2023-0000-00	LADNER, MARY ELIZABETH	LADNER, JAMES LOUIS	$72.60
0003100260-2024-2023-0000-00	MCGUIRE, DAVID WILLIAM	MCGUIRE, ROI MCLEOD	$69.19
0000679508-2024-2024-0000-00	SOLESBY, TOM JR		$68.54
0003107859-2024-2023-0000-00	WEST, SARAH MCMURRAY		$66.75
0000749676-2024-2024-0000-00	ZELAYANDIA, JOSE	ZELAYANDIA, MARIA	$66.62
0003101944-2024-2023-0000-00	LYTLE, WILHELMINA LYTLE		$66.55
0003103708-2024-2023-0000-00	BRIDGES, THOMAS WYATT		$66.34
0003102682-2024-2023-0000-00	BARBER, ZACHARY TURNER		$64.71
0003100263-2024-2023-0000-00	LADNER, MARY ELIZABETH	LADNER, JAMES LOUIS	$61.04
0000711031-2024-2024-0000-00	JIMENEZ-RUEDA, EZEKIEL		$58.75
0003101635-2024-2023-0000-00	ERICKSEN, MADISON ELIZABETH		$56.84
0000696835-2024-2024-0000-00	OWNBEY, MELVA D		$56.12
0000643199-2024-2024-0000-00	HART, KIMBERLY	HART, ROGER	$54.00
0000797105-2024-2024-0000-00	LOLA MACS INC		$53.78
0003049603-2024-2024-0000-00	JONES, AMANDA MICHELLE	PATTON, DEREK BRENT	$53.54
0003104813-2024-2023-0000-00	THOME, RHONDA MICHELLE	VALENCIA, JOSEPH RODOLFO	$52.97
0000646278-2024-2024-0000-00	ISON, WANDA CARLAND		$52.66
0003107070-2024-2023-0000-00	BECK, GAVIN REID		$52.64
0003105562-2024-2023-0000-00	RADA, MARGARET GRACE		$51.56
0000723174-2024-2024-0000-00	COMMUNITY TEMPLE MISSI HOLLY CHURCH		$51.36
0000690432-2024-2024-0000-00	GOODWIN, CALVIN		$51.09
0003106013-2024-2023-0000-00	FIGUEROA, ENRIQUE JUAN		$48.40
0003104458-2024-2023-0000-00	BANKS, CAMERON MARIE		$47.46
0003110777-2024-2023-0000-00	DASHER, ZACHARY MICHAEL		$46.94
0003105737-2024-2023-0000-00	KYNE, ALFRED HENRY JR		$43.64
0000685530-2024-2024-0000-00	GUFFEY, JACK ARVIN		$43.52
0003104154-2024-2023-0000-00	ELLINGTON, NICOLE CANDICE		$42.73
0000677519-2024-2024-0000-00	MELIN, NATHAN		$42.10
0003100712-2024-2023-0000-00	DIVYA JIYOTI INC	KISHAN, PRAKASH	$41.37
0000736536-2024-2024-0000-00	DENNY, RICHARD L		$41.35
0003104734-2024-2023-0000-00	GARDINI, MICHAEL ALEXIS		$41.10
0000737420-2024-2024-0000-00	MURRAY, LYNN	MURRAY, ELIZABETH	$41.01
0003100867-2024-2023-0000-00	MCMORRIS, DESTINE MATTYA MIRACLE	MCMORRIS, RAEQUAN DESHAUN	$40.96
0000700080-2024-2024-0000-00	RICE, KIM		$40.88
0003099478-2024-2023-0000-00	TINGLE, JULIAN ALEXANDER		$39.45
0000709227-2024-2024-0000-00	ZELAYANDIA, JOSE	ZELAYANDIA, MARIA	$36.74
0003105538-2024-2023-0000-00	LINDSEY, BRIAN KEITH	LINDSEY, BETHANY MARIE	$36.51
0000725188-2024-2024-0000-00	JAYNES, TRACY	JAYNES, CALVIN	$35.74
0000766688-2024-2024-0000-00	MACE, AMANDA MCCLELLAN		$35.74
0003012819-2024-2024-0000-00	HADELAND, BAILEY		$35.74
0003100090-2024-2023-0000-00	DE LA TORRE, ABRAHAM		$35.36
0003034224-2024-2024-0000-00	CAROLINA CUSTOM FOAM INC		$34.00
0003109010-2024-2023-0000-00	SPARGO, ANNA KATHERINE		$33.56
0003099702-2024-2023-0000-00	ROPALO, JULIA ANATOLYVNA		$33.31
0000797192-2024-2024-0000-00	TERESA COONS DBA BROADWAY STYLING STUDIO		$33.23
0003099427-2024-2023-0000-00	HARPER, DESIRAE ALEXIS		$32.33
0003103905-2024-2023-0000-00	BRYSON, GABRIEL ROBERT		$31.66
0003110873-2024-2023-0000-00	MCKIM, SHEILA RAE		$29.16
0003109744-2024-2023-0000-00	HINES, ROBIN DIANNE		$28.58
0003103530-2024-2023-0000-00	WHITE, SARAH JOSEPHINE		$28.41
0003109890-2024-2023-0000-00	DYER, AMANDA SUE		$27.53
0003106420-2024-2023-0000-00	HILL, WALTER BRYCE		$26.77
0003108842-2024-2023-0000-00	GOODWIN, SHANNON VANALLER	GOODWIN, CALVIN THEODORE SR	$24.15
0003011623-2024-2024-0000-00	LOOPER, ALLYSSA COREY		$23.73
0000794895-2024-2024-0000-00	TOMMY ALLAN FUND LTD DBA EPIC CYCLES		$23.14
0003108506-2024-2023-0000-00	FENDER, BRENNAN SHAYNE		$22.80
0003096425-2024-2024-0000-00	THE CODDIWOMPLER LLC		$22.66
0003109899-2024-2023-0000-00	HENEGAN, SKYLER PATRICK		$21.87
0003099842-2024-2023-0000-00	SPEIGHT, JACK ODELL JR		$21.76
0000795483-2024-2024-0000-00	REDBOX AUTOMATED RETAIL LLC		$21.21

0000649889-2024-2024-0000-00	LEDFORD, ANGELA RICCI		$21.02
0003105907-2024-2023-0000-01	HEWETT, AMANDA LYNN	ROBERTS, CONNIE LYNN	$20.77
0000645960-2024-2024-0000-00	MCNEAL, STEPHANIE D		$20.46
0003108007-2024-2023-0000-00	WILSON, VERONICA MARTIN		$20.26
0000647885-2024-2024-0000-00	KEEL, ASHLEY		$19.93
0003104103-2024-2023-0000-00	TOLLEY, KELSEY NICOLE		$19.91
0003104372-2024-2023-0000-00	FORBES, ANTHONY BERNARD		$19.74
0000660063-2024-2024-0000-00	CRUZ, GERARDO L		$19.55
0000795208-2024-2024-0000-00	MICHELLE HAMILTON DBA MICHELLE SALON		$19.47
0003105821-2024-2023-0000-00	WRIGHT, JAMES LLOYD		$19.04
0003100127-2024-2023-0000-00	GROCE, DIONA SUE		$18.78
0003104663-2024-2023-0000-00	HASSAN, TIPHERETH		$18.73
0000755326-2024-2024-0000-00	CASTILLO, JOSE FRANCISCO BAIRES		$18.46
0003106493-2024-2023-0000-00	CARROLL, DANIEL NICHOLAS		$18.30
0003099764-2024-2023-0000-00	SHINKLE, SUMMER RENEE		$18.16
0003103839-2024-2023-0000-00	EDWARDS, MARCUS DENZEL		$18.00
0000642805-2024-2024-0000-00	GUFFEY, JACK		$17.66
0000643507-2024-2024-0000-00	GALVEZ, CARLOS A		$17.66
0000650507-2024-2024-0000-00	BARTLETT, KRISTINA		$17.66
0000665258-2024-2024-0000-00	BECK, MARY MICHELLE		$17.66
0000674841-2024-2024-0000-00	SPIVEY, WANDA		$17.66
0000719576-2024-2024-0000-00	JENO, KORY J		$17.66
0000740047-2024-2024-0000-00	PENCE, JEROMY J		$17.66
0000749819-2024-2024-0000-00	WALTER, REESE		$17.66
0000758034-2024-2024-0000-00	VILLANUEVA, RIGOBERTO GOMEZ		$17.66
0000766853-2024-2024-0000-00	NELSON, TRAVIS		$17.66
0003085851-2024-2024-0000-00	DALTON, KATELYNN		$17.66
0003108259-2024-2023-0000-00	SUMMERSETTE, MELVIN CURTIS		$17.64
0003100083-2024-2023-0000-00	SIMPSON, CHASITY LEIGH		$17.32
0000699604-2024-2024-0000-00	TD PROPERTIES LLC		$16.46
0003110367-2024-2023-0000-00	HAWKINS, DOMINIC JAMELL		$16.37
0003110677-2024-2023-0000-00	DETOMASO, SALLEE ELLEN		$16.29
0003105741-2024-2023-0000-00	GOSS, TIFFANI ELIZABETH		$15.92
0003100918-2024-2023-0000-00	MORRIS, JEFFERY JAMES JR		$15.42
0003101965-2024-2023-0000-00	JAMISON, CLAYTON MICHAEL		$14.63
0003106092-2024-2023-0000-00	BROWN, THOMAS KIMBRELL V		$14.24
0003106093-2024-2023-0000-00	BROWN, THOMAS KIMBRELL V		$14.24
0003108859-2024-2023-0000-00	ISON, CRAIG ALLEN	ISON, WANDA CARLAND	$13.80
0003100747-2024-2023-0000-00	LYTLE, MARY DENISE		$13.03
0003108880-2024-2023-0000-00	TAYLOR, JOHN WAYNE		$12.84
0003034581-2024-2024-0000-00	RAINWATER POSTER CO LLC		$12.62
0003106867-2024-2023-0000-00	CARROLL, DANIEL NICHOLAS		$12.56
0003021470-2024-2024-0000-00	BLEVINS, ARMON LEANDER	BLEVINS, ROBIN M	$12.47
0003104074-2024-2023-0000-00	PRESSLEY, RANDALL CLARK JR	PRESSLEY, DONNA RENEE	$12.34
0003104719-2024-2023-0000-00	LEFEBVRE, MARK DAVID		$12.33
0003109541-2024-2023-0000-00	WADHAM, ALYSSA JADE		$11.71
0003109845-2024-2023-0000-00	BLEVINS, ARMON LEANDER		$11.70
0003104706-2024-2023-0000-00	CLONTZ, DIEON CHRISTOPHER		$11.30
0000760688-2024-2024-0000-00	PRICE, THOMAS BRIAN		$11.18
0003101248-2024-2023-0000-00	CARVER, QUENTIN ADAM		$11.12
0003107141-2024-2023-0000-00	PRESNELL, WILLIAM PAUL		$10.81
0003108237-2024-2023-0000-00	ARCHER, CHRISTOPHER MICHAEL		$10.78
0000799636-2024-2024-0000-00	NEW WORLD TEXTILES		$10.68
0003100649-2024-2023-0000-00	SYLVESTRE, RAYMOND JUSTIN		$10.62
0003105876-2024-2023-0000-00	MOODY, CHRISTOPHER MICHAEL		$10.45
0003109427-2024-2023-0000-00	HOLLAND, JACK EUGENE		$10.44
0003102172-2024-2023-0000-00	GALLOWAY, MICHELLE BROOKE	PRIDMORE, ARIANNA MACKENZIE	$10.35
0003108907-2024-2023-0000-00	MCNEESE, REX DARYL JR	MCNEESE, KAREN LEE	$10.30
0003109306-2024-2023-0000-00	SEUFERT, TRISHA LYNN		$9.43
0003102407-2024-2023-0000-00	HARMON, TIFFANY DIANA		$9.19
0003077588-2024-2024-0000-00	KRYLOV, BORIS		$7.89
0003100079-2024-2023-0000-00	JONES, JUDITH LEWIS		$7.41
0003029471-2024-2024-0000-00	MORRIS, ZEKE E		$7.31
0003107129-2024-2023-0000-00	PRESNELL, WILLIAM PAUL		$7.20

0003104425-2024-2023-0000-00	CARVER, QUENTIN ADAM		$6.81
0003109448-2024-2023-0000-00	HENSLEY, WAYNE WILLARD JR		$6.69
0003106550-2024-2023-0000-00	AYLING, LAURE CARMEN		$6.58
0000795232-2024-2024-0000-00	GERARD V FREEMAN		$6.43
0003098557-2024-2024-0000-00	DRUMMOND, GEORGE W		$5.77
0003099495-2024-2023-0000-00	CLEMENT, BRITTNEY NICOLE		$5.71
0003106438-2024-2023-0000-00	CERTA, RICHARD ALLEN		$5.59
0000800535-2024-2024-0000-00	LEWIS BALL DBA LEWIS BALL & SON HEAT & REPAIR		$5.34
0003102528-2024-2023-0000-00	LOHR, GEORGE JUDSON		$5.28
0003105164-2024-2023-0000-00	COALSON, HANNAH SUZANNE		$5.10
0000721919-2024-2024-0000-00	WONSON, BRIAN KEITH		$5.00
0003103525-2024-2023-0000-00	BURGOS, ARTURA DENISE		$4.91
0003109459-2024-2023-0000-00	BUTTERFIELD, ROBERT TYLER		$4.68
0003109674-2024-2023-0000-00	ERWIN, TIFFANY		$4.68
0003105904-2024-2023-0000-00	KING, ISAAC REED		$4.38
0003033666-2024-2024-0000-00	AARON WELDING		$4.37
0000797460-2024-2024-0000-00	WENDY MOORE DBA DREAMS SALON & SPA		$4.18
0003103447-2024-2023-0000-00	HOUSTON, BENJAMIN		$4.09
0003101659-2024-2023-0000-00	ROBINSON, MARSHA ALLISON		$3.88
0003101749-2024-2023-0000-00	IN-SITE OUT DESIGN		$3.87
0003020527-2024-2024-0000-00	AGN&S WOLF INC		$3.71
0003100279-2024-2023-0000-00	REYNOLDS, MELANIE DANA		$3.69
0003107128-2024-2023-0000-00	WARREN, MICHAEL KEVIN		$3.68
0003107013-2024-2023-0000-00	REED, LOWRY SCOTT		$3.64
0000724521-2024-2024-0000-00	ALLISON, JOHN C JR	ALLISON, SHARON S	$3.54
0003105776-2024-2023-0000-00	JORDAN, CODY ALLEN		$3.18
0003106138-2024-2023-0000-00	WATKINS, JAMMIE LANAIR		$3.14
0000650805-2024-2024-0000-00	TALLEY, DONALD NELSON		$2.96
0003109290-2024-2023-0000-00	WILLIS, MARION LOUISE		$2.67
0003109088-2024-2023-0000-00	MCMAHAN, ROY LEE DAVID		$2.61
0003105686-2024-2023-0000-00	THOMAS, CHARLES ALLEN		$2.59
0000749359-2024-2024-0000-00	ALEX KEITH SHERRILL REVOCABLE TRUST		$2.44
0003099320-2024-2023-0000-00	MEYERS, AUDUN DRAKE		$2.40
0003106228-2024-2023-0000-00	ANDERS, MEARA CUNNINGHAM		$2.15
0003107995-2024-2023-0000-00	MARTIN, EVAN ALEXANDER		$2.15
0003103469-2024-2023-0000-00	DALTON, KATELYNN ELIZABETH		$2.10
0003109822-2024-2023-0000-00	BROWN, PAUL SANFORD		$2.09
0003109786-2024-2023-0000-00	RUSSELL, LANE MICHAEL		$2.01
0003109340-2024-2023-0000-00	LUKASEK, LEE LEONARD		$1.99
		TOTAL	**$23,775.86**

Council Member _____ made a motion to approve the following order. A vote of ___.

Pursuant to NCGS § 105-321:

ORDER OF COLLECTION OF TAXES

State of North Carolina
Town of Black Mountain

To the Tax Collector of Town of Black Mountain and by delegated authority, the Tax Collector for Buncombe County:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Buncombe County Tax Department and the Information Technology Office and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Black Mountain, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. Tax records for the Town of Black Mountain are delivered to you for collection. You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Witness my hand and official seal, this 11th day of August, 2025

_____(Seal)
C. Michael Sobol, Mayor
Town of Black Mountain

Attest:

_____
Wesley M. Barker, Clerk
Town of Black Mountain

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, Town Manager **MEETING DATE:** August 11, 2025

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Administration

TITLE OF ITEM: Consideration of Art in the Afternoon Lease Renewal (one-year)

SUGGESTED MOTION(S):
Approval of the lease agreement for Art in the Afternoon for an additional year to expire August 31, 2026.

SUMMARY:

The lease agreement for Art in the Afternoon will expire August 31, 2025. Stephanie Bly, Tenant, plans to continue to operate the program and would like to execute another lease for 2025-2026. They plan to continue to use approximately 2,577 square feet at the Carver Center known as the annex. There are no changes from the previous lease and the amount stays at $1,000 per month.

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. Art in the Afternoon Lease Agreement- Revised Version by Attny 8-7-25

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY

Prepared by & return to:
Craig D. Justus, Esq.
P.O. Box 54
Asheville, NC 28802

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease" or this "Agreement") is made and entered into this **11th day of August 2025,** by and between **THE TOWN OF BLACK MOUNTAIN,** a North Carolina Municipal Corporation ("Landlord" or "Town") and **STEPHANIE BLY and ART IN THE AFTERNOON, LLC** (collectively, "Tenant").

WITNESSETH:

WHEREAS, Landlord desires to rent and lease to Tenant, and Tenant desires to rent and lease from Landlord, upon the terms and conditions hereinafter set forth, that certain space containing approximately 2,577 square feet, commonly referred to as the "Annex" and generally depicted on the drawing attached hereto as "Exhibit A" (the Premises"), located within a larger building known as the "Carver Center" located at 101 Carver Avenue in Black Mountain, Buncombe County, North Carolina (the "Property"), together with the right of ingress and egress to the Premises through designated areas on the Property and under conditions approved by Landlord.

NOW THEREFORE, in consideration of the rents, covenants, and agreements hereinafter stated, reserved, and contained to be paid, kept, and performed by Tenant, Landlord hereby leases and rents unto Tenant, who hereby agrees to lease from Landlord upon the terms and conditions which are hereinafter contained, the Premises:

1. Premises. Landlord does hereby rent and lease to Tenant the Premises, together with the right of ingress and egress to the Premises through designated areas on the Property and under conditions approved by Landlord, and Tenant does hereby rent and lease from Landlord, upon the terms and conditions hereinafter set forth, the Premises.

2. Term. The initial term of this Lease shall commence September 1, 2025 (the "Commencement Date") and shall expire 11:59 p.m. on August 31, 2026.

3. Rent. The Rent shall be $1,000.00 per month, paid in advance at the beginning of each month beginning September 1, 2025.

4. Tenant and Landlord Insurance Responsibilities. Beginning on the Lease Commencement Date, Tenant, at her own expense, shall provide and maintain for the duration of this Lease a general liability insurance policy naming Landlord, its agents and its managers as additional insureds, in the amount of $100,000.00 per occurrence and $500,000.00 in aggregate.

Landlord shall maintain fire and extended insurance coverage or so-called "all-risk" insurance for the full replacement value of the "Carver Center" located on the Property. Tenant understands and agrees that the insurance which is to be obtained and maintained by the Landlord will not cover any items of personal property owned by the Tenant and kept on the property, including merchandise, inventory, furniture, equipment, or trade fixtures. If Tenant desires to have such property protected by insurance, she will be responsible for obtaining hazard and/or renters insurance for that purpose.

5. Responsibility of Parties. Landlord shall not be liable for any personal injury to Tenant, or Tenant's invitees, agents, or employees, nor to any other occupant or guest on any part of the Premises or for any damage of any property of Tenant, or Tenant's invitees, agents, or employees, nor to any other occupant or guest on any part of the Premises. Tenant covenants and agrees during the term of this Lease to indemnify and hold harmless Landlord against and from any and all claims, damages, costs and expenses, including reasonable attorney fees, sustained or claimed to have been sustained by any person or persons or property in, upon or about the Premises. Tenant understands and agrees she must obtain and maintain all necessary licenses and permits required, if any, in order to lawfully use the Premises as allowed herein, for the entire duration of this Lease; and Tenant shall hold Landlord harmless with regard to any consequences of her failure to do so. Neither party shall be liable to the other for any unauthorized or criminal entry of third parties onto the Premises or the Property. Tenant shall immediately notify Landlord in writing of any breakdown or malfunction of any security measures, practices, or equipment provided by Landlord as to which Tenant has knowledge. Tenant hereby agrees that, in no event, shall Landlord be liable for consequential damages, including injury to Tenant's business or any loss of income therefrom, nor shall Landlord be liable to Tenant for any damages caused by the act or neglect of any other tenant on the Property, if any. The provisions of this paragraph shall survive the termination of this Lease with respect to any claim, damage, injury or death occurring prior to such termination. Tenant must obtain written permission from Landlord prior to making any improvements or alterations to the Premises including, without limitation, wall hangings using nails or screws, etc. Landlord acknowledges that Landlord has no interest in any personal property, equipment, or furniture belonging to Tenant which may be located on the Premises,

but Landlord shall not be liable to Tenant or Tenant's invitees, guests, or licensees for any damage to or damage caused by said personal property.

6. Damage or Destruction. In the event the buildings or improvements located on the Property shall be damaged or destroyed by fire or other disaster, Landlord may in its sole discretion determine whether such damage shall be repaired. If the Landlord decides to repair such damage and the repair work requires an interruption of Tenant's business for a period of more than fourteen (14) days, then Tenant's duty to pay rent shall abate until such time as the repairs are completed and Tenant can resume use of the Premises. Alternatively, Landlord may terminate this Lease by notice in writing to Tenant within sixty (60) days after the date of such occurrence. Unless Landlord elects to terminate this Lease as hereinabove provided, this Lease will remain in full force and effect and Landlord shall repair such damage at its expense as expeditiously as possible under the circumstances.

7. Maintenance and Repairs. Landlord, at its sole cost and expense, shall maintain and repair the load bearing structural walls, roof structural, foundation, and plumbing and electrical up to the metering devices serving the Premises. Landlord shall also maintain and repair all interior features being part of the Premises including but not limited to walls, plumbing, electrical, doors, windows and HVAC. Landlord shall not be responsible in any way for repairing or maintaining any personal property located in the Premises or improvements made to the Premises by Tenant, if any. Tenant shall maintain and repair all property and improvements it brings into the classroom, including, without limitation, cabinets, furniture, chalkboards, etc. All supplies needed by the Tenant will be provided by Tenant, including bathroom supplies and cleaning materials. Tenant shall be responsible for all cleaning.

8. Right of Entry. Landlord reserves the right during the term of this Lease to enter and inspect the Premises at reasonable hours and in such a manner as to not interfere with the business activity conducted thereon. Except in the case of an emergency, Landlord will give Tenant twenty-four (24) hours notice of any inspection.

9. Assignment and Subletting. Tenant may not assign any interest in this Lease, or sublet any portion of the leased Premises, without the written consent of Landlord.

10. Remedies upon Default. In the event of any default hereunder, Landlord shall have the right to cancel and terminate this Lease, as well as all of the right, title and interest of Tenant hereunder, by giving to Tenant not less than seven (7) days' notice of the cancellation and termination. On expiration of the time fixed in

the notice, this Lease and the right, title and interest of Tenant hereunder, shall terminate in the same manner and with the same force and effect as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

11. Use of the Premises. The Premises shall be continuously used, throughout the term of the Lease, solely for the purposes of providing an art program for school age children and an arts-based summer camp program. Tenant agrees that it will safely and quietly occupy the Premises and will in no way allow or commit any noxious, offensive, or illegal activity to occur as a result of the Tenant's occupancy and/or business. This Lease is made by Landlord and accepted by Tenant subject and subordinate to any and all matters of record affecting the Premises and/or the Property.

12. Covenant of Quiet Enjoyment. Landlord agrees that Tenant, during the term of this Lease, shall have full control and use of the Premises for the purposes of providing an art program for school age children and an arts-based summer camp program, and Tenant shall quietly and peaceably hold, possess, and enjoy the Premises for the full term of this Lease pursuant to the terms and conditions contained herein.

13. Waiver of Breach. It is hereby covenanted and agreed that no waiver of a breach of any of the covenants of this Lease shall be construed to be a waiver of any succeeding breach of the same or any other covenant.

14. Hazardous Materials: Tenant shall not keep on the Premises any item of a dangerous, flammable, or explosive character that might unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

15. Notices. All notices to be given to either party by the other shall be in writing, and shall be deemed to have been given when the same is either (i) personally delivered (including delivery by any "overnight mail service"), or (ii) deposited in the United States mail, postage prepaid by certified or registered mail, return receipt requested and properly addressed to the respective partyAll notices to be given shall be sent as follows, unless the party to receive notice has notified the other in writing of a change:

To Landlord:
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

To Tenant:
Stephanie Bly
205 Ruby Ave.
Black Mountain, NC 28711

16. Miscellaneous.

a. The captions in this Lease are for convenience only and shall not in any way limit or be deemed to construe or interpret the terms and provisions hereof.

b. Time is of the essence of the Lease and of all provisions hereof.

c. This Lease shall be construed and enforced in accordance with the laws of the State of North Carolina.

d. This Lease may be executed in several counterparts, each of which shall be an original and all collectively shall constitute one lease. Unless agreed to in writing by Landlord, this Lease shall not be recorded.

IN WITNESS WHEREOF, Landlord has executed this Lease and Tenant has caused this Lease to be executed on its behalf and through it duly authorized officers, all as of the day and year first above written.

LANDLORD:

Date:_____ TOWN OF BLACK MOUNTAIN

By:_____
Josh Harrold, Town Manager

TENANTS:

Date:_____ _____
Stephanie Bly

Date:_____ ART IN THE AFTERNOON, LLC

By:_____
Stephanie Bly, Manager

EXHIBIT A

to

LEASE AGREEMENT BETWEEN THE TOWN OF BLACK MOUNTAIN ("LANDLORD") AND STEPHANIE BLY AND ART IN THE AFTERNOON, LLC (COLLECTIVELY, "TENANT")

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Angela Reece, Facilities & Project Manager, Deputy Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Project Manager & Facilities
TITLE OF ITEM:	HL-0013 Right of Way Acquisition & Services		

SUGGESTED MOTION(S):

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.

SUMMARY:

HL-0013 (Ninth Street Bridge) is an ongoing bridge replacement project which is now moving into the right of way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for right of way acquisition and negotiations with affected parcels. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This agreement reflects the authorization of Vaughn & Melton to conduct right of way acquisition services on behalf of the town for five (5) parcels. The agreement reflects a flat fees for the services (which has been approved and deemed appropriate by NCDOT) as well as provides estimates of the costs projected to purchase the remaining four (4) right of way(s) from affected property owners.

*Parcel #3 is listed as a donation as it is town owned property along the side of the street of the Golf Course. This document is included in another agenda item for Council review and any Town Attorney recommendation for acceptance or direction.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? This project is identified in the State Transportation Improvement Plan (STIP) as HL-0013 which includes 80% federal funding from the Federal Highway Administration (FHA) which is passed through

the NC Department of Transportation (NCDOT) and allocated by the French Broad River Metropolitan Planning Organization (MPO) within the State Transportation Improvement Plan (STIP).

If no, describe how it will be funded. General Fund/Capital Project Ordinances O-21-15, O-24-06 and Resolutions R-20-03, R-21-07, and R-21-20.
Please visit the project page to learn more: https://www.townofblackmountain.org/2780/Ninth-Street-Bridge-Replacement

ATTACHMENTS:

1. 25-06-16_JMT-RoW-New-scope-signed

Vaughn & Melton
Consulting Engineers, a JMT Co.
2550 West Tyvola Rd, Suite120
Charlotte, NC 28217
980-265-8924
www.vaughnmelton.com

September 16, 2024

Mr. Anthony Rickman
NCDOT Division 13, Right of Way Agent
6 Roberts Rd
Asheville, NC 28803

RE: BUNCOMBE COUNTY, BRIDGE 522, OVER TOMAHAWK CREEK ON NINTH STREET, RIGHT OF WAY ACQUISITION SERVICES

Dear Mr. Rickman:

Please find below our fee proposal for Right of Way Acquisition services. The fees and scope of services for the project are described below:

- **Right of Way Acquisition:** Flat Fee Parcel Acquisition.
- 4 Total Parcels:
- 5 parcels with Negotiations @ $5,500.00 = $27,500.00
- 5 parcels with Narrative appraisals @ $4,100.00 = $20,500.00
- 5 parcels with Title Opinions@ $700.00 = $3,500.00
- 5 parcels with update Title Opinions @ $200.00= $1,000.00
- 5 parcels with Closings @ $350.00 = $1,750.00
- 5 Project management Fee= $2,750.00

Total Acquisition Fee not to exceed **$57,000.00**

- All Appraisal Reviews will be performed by NCDOT.
- Negotiations fee includes a claim report if applicable.
- RWTS are $3,000 per parcel. Revised Appraisals billed as needed.
- Claim Reports will be used where applicable and allowed by NCDOT R/W Manual at no cost.
- Total Acquisition fee based on current 90% plans and are subject to change.

We should have the right of way certified by June of 2025.

Thank you for the opportunity to submit this proposal on this important project. Vaughn & Melton strives to provide quality services and deliverables.

Sincerely,
VAUGHN & MELTON CONSULTING ENGINEERS, INC. a JMT Company

Kevin D. Kilpatrick
Project Manager

Vaughn & Melton
Consulting Engineers, a JMT Co.
2550 West Tyvola Rd, Suite120
Charlotte, NC 28217
980-265-8924
www.vaughnmelton.com

June 13, 2025

RE: BUNCOMBE COUNTY, BRIDGE NO. 522 ON NINTH STREET OVER TOMAHAWK BRANCH RIGHT OF WAY ACQUISITION AND EASEMENT ACQUISITION SERVICES

Please find below our fee proposal for Right of Way Acquisition services. The fees and scope of services for the project are described below:

- **Right of Way Acquisition:** Flat Fee Parcel Acquisition.
- 5 Total Parcels:
- 5 parcels with Negotiations @ $5,500.00 = $27,500.00
- 5 parcels with Narrative appraisals @ $4,100.00 = $20,500.00
- 5 parcels with Title Opinions@ $700.00 = $3,500.00
- 5 parcels with update Title Opinions @ $200.00= $1,000.00
- 5 parcels with Closings @ $350.00 = $1,750.00
- 5 Project management Fee= $2,750.00

Total Acquisition Fee not to exceed $57,000.00

- All Appraisal Reviews will be performed by NCDOT.
- Negotiations fee includes a claim report if applicable.
- RWTS are $3,000 per parcel. Revised Appraisals billed as needed.
- Claim Reports will be used where applicable and allowed by NCDOT R/W Manual at no cost.
- Total Acquisition fee based on current 90% plans and are subject to change.

We should have the right of way certified by December of 2025.

Thank you for the opportunity to submit this proposal on this important project. Vaughn & Melton strives to provide quality services and deliverables.

Sincerely,
VAUGHN & MELTON CONSULTING ENGINEERS, INC., a JMT Company

Ida Buchanan
Right of Way Program Manager

Vaughn & Melton
Consulting Engineers, a JMT Co.
2550 West Tyvola Rd, Suite120
Charlotte, NC 28217
980-265-8924
www.vaughnmelton.com

June 13, 2025

RE: BRIDGE NO. 522 ON NINTH STREET OVER TOMAHAWK BRANCH

Please find below the estimate for the cost of R/W and Easement Acquisition to be incurred by the town. The cost and administrative adjustment for each parcel is described below:

- **Parcel 1 – $3500 -$6000**
- **Parcel 2 - $2500-$5000**
- **Parcel 3 – Donation**
- **Parcel 4 – $2500- $5000**
- **Parcel 5 - $3500-$5500**
-

These are the negotiating parameters, with the authority to go up to but not exceed $50,000 for compensation for all the acquisition on this project.

We will begin negotiations with an initial offer based on the tax value, using a NCDOT approved Claim Report, of the land being acquired then negotiate with the property owner to settle the claim with administrative adjustments if needed.

Sincerely,
VAUGHN & MELTON CONSULTING ENGINEERS, INC., a JMT Company

Ida Buchanan

Ida Buchanan
Program Manager

Vaughn & Melton
Right of Way for the Carolinas since 1997

TERMS & CONDITIONS

A. General Provisions

Vaughn & Melton Consulting Engineers, Inc., a JMT Company (V&M) agrees that this proposal shall remain open for 60 days from the date of this proposal. Acceptance of the proposal after the end of the 60 day period is valid if V&M elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.

V&M reserves the right to renegotiate the contract which this proposal, if accepted, will comprise, on or after six (6) months from the date of this proposal, provided the Client is given 30 days of notice in writing, if salaries or operational costs increase in a sufficient amount. Our present quotation is based upon current salaries and operational costs.

It is understood and agreed that once work is started on this project by V&M, only the Client or its duly authorized representative has the authority to order the work stopped on his behalf and only upon giving V&M, 10 days of notice in writing, as to when the work shall stop. The Client further agrees to be liable and pay to V&M, for all labor done, work performed, materials furnished, and expenses incurred up to and including the day work is stopped in accordance with the notice.

V&M will provide the Client with data on electronic files; however, the Client acknowledges that data stored on electronic media can deteriorate undetected or be modified without the V&M's knowledge. Therefore, electronic files are provided without warranty or obligation on the part of V&M as to accuracy of information contained on the electronic files. All information on the electronic files must be independently verified by the Client and the Client agrees to indemnify and hold V&M harmless from any and all claims, damages, losses, and expenses including but not limited to attorney's fees arising out of the use of the electronic files.

Client acknowledges and agrees that V&M may include or otherwise reference the Project in its general project portfolio, and shall be entitled to identify the Project and the services performed by V&M for the Client in its general marketing materials, and for purposes of demonstrating relevant qualifications and experience. V&M shall also have the right to access the Project site to document, photograph, video, and/or record by any media or means, the Project at each phase, during construction and upon completion, for its own use and for other legitimate business purposes, including but not limited to exhibitions, or award competitions, or publication in journals. Any publication of the Project by Client or any representative of the Client, shall include reference to V&M and proper attribution and credit for its role in the Project.

B. Time of Payments and Litigation Expenses

V&M will submit monthly certified invoices for services rendered during the preceding month. Payments are due and payable within 30 days from the date of invoice. If Client fails to pay the full amount due for services and expenses within 30 days after date of invoice, the amount due will include a charge at the rate of 1-1/2% per month of the outstanding balance from said 30th day. In addition, in the event any invoice has not been paid in full by its due date, V&M may, after giving three (3) days written notice to Client, suspend services under this Agreement until Client has paid in full amounts due V&M for services, expenses and interest.

In the event V&M deems it necessary to refer any unpaid invoices to its attorneys for the purposes of instituting collection or mechanic's liens proceedings, Client agrees to pay V&M's attorney's fees, court costs, and litigation expenses, including fees for expert witnesses, trial and deposition

transcripts, cost of printing briefs, and travel expenses for witnesses, attorneys and employees.

In the event Client asserts a claim against V&M and/or V&M's subconsultants for any act arising out of performance of the services provided herein, whether by an original action, or by counterclaim set-off or other defense to any mechanic's lien or other claim asserted by V&M as a result of Client non-payment of fees and expenses for services rendered, and if Client fails to prevail in such action, counterclaim, set-off, or defense, Client agrees to pay all attorney's fees, costs and litigation expenses (including fees for expert witnesses, trial transcripts and deposition transcripts) incurred by V&M and/or V&M's subconsultants in opposing any such action, counterclaim, set-off or defense.

V&M may withhold the delivery, signature or sealing plans and specifications, and may repossess all plans and specifications previously delivered to or otherwise made available to Client, their agents or assigns, without incurring any liability for direct and/or consequential damages to Client or anyone claiming through them or on their behalf whenever V&M deems it necessary to ensure payment for services rendered. Should any claim for such damages be made, Client agrees to hold V&M harmless from all litigation expenses incurred by V&M as defined herein.

C. Additional Services

In the event additional services beyond those identified in the Scope of Work are required by the Client or by circumstances beyond V&M's control, V&M will furnish such services upon written authorization of the Client. Payment for Additional Services will be charged at the following hourly rates which are inclusive of labor, overhead, payroll burden and profit.

Job Classification	Hourly Rate
Principal	$ 270.00
Senior Project Manager II	$ 240.00
Senior Project Manager I	$ 225.00
Project Manager II	$ 205.00
Project Manager I	$ 180.00
CADD Technician IV	$ 120.00
CADD Technician III	$ 110.00
CADD Technician II	$ 90.00
CADD Technician I	$ 75.00
Clerical Administration II	$ 90.00
Clerical Administration I	$ 75.00
ROW Agent III	$ 170.00
ROW Agent II	$ 120.00
ROW Agent I	$ 100.00
Survey Party (3-Man or 2-man w/Robotic or GPS)	$ 245.00
Survey Party (2-man)	$ 185.00
Survey Party (1-man w/Robotic or GPS)	$ 120.00

Any changes to the previously approved submittals will be considered a change in scope of services and V&M will be entitled to additional compensation at the rates herein specified.

D. Insurance

V&M maintains Professional Liability, General Liability and Workmen's Compensation Insurance. On request, V&M will furnish Client certification of insurance.

E. Termination

In the event of termination of this Agreement by Client, Client shall pay V&M for services (including additional services) rendered, performed, or procured through such phase, including Expenses, at the rates stated in the Agreement, plus all termination expenses. Termination expenses mean additional Reimbursable Expenses directly attributable to termination.

F. Indemnification and Limitation of Liability

V&M shall hold harmless and indemnify the Client against injury, loss or damage arising out of its performance of the Services, but only to the extent caused by the negligent acts, errors or omissions of V&M. The Client agrees to limit V&M's liability hereunder to Client and to all Construction Contractors and Subcontractors on the project, due to such negligent acts, errors or omissions, such the total aggregate liability of V&M to all those named shall not exceed V&M's total fee for services rendered on this project.

G. Standard of Care

V&M will perform the services in a manner consistent with the degree of skill and care ordinarily exercised by members of the same profession currently practicing under the same conditions. V&M makes no representations or warranties, express or implied, with respect to its services.

H. Severability

If any provision of this Agreement, or application thereof, shall be held invalid, the invalidity shall not affect the other provisions of the Agreement which can be given effect without the invalid provisions or applications, and to this end the provisions of this Agreement are declared to be severable.

WE HEREBY AUTHORIZE VAUGHN &MELTON CONSULTING ENGINEERS, INC. TO PROCEED IN ACCORDANCE WITH THE ABOVE PROPOSAL. IF ANY PROFESSIONAL SERVICES ARE ORDERED BY A REPRESENTATIVE OF THE CLIENT, FOR ITEMS LISTED ABOVE WITH A RETURNED ACCEPTANCE, THE PRICES AND TERMS OF THIS PROPOSAL SHALL BE IN EFFECT.

ORGANIZATION: VAUGHN & MELTON CONSULTING ENGINEES, INC DATE: July 21, 2025

BY: Ida Buchanan TITLE: Program Manager

ORGANIZATION: TOWN OF BLACK MOUNTAIN DATE: 6-16-25

BY: _____ TITLE Town Manager

Angela Reece

From: Calloway (TranSystems), Michael K <ext-mkcalloway@ncdot.gov>
Sent: Tuesday, April 8, 2025 9:39 AM
To: Rackley, Steven
Cc: Johnson, Gabriel L; Angela Reece
Subject: FW: [External] RE: HL-0013 ROW

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve,

We received ROW/Utility approval for HL-0013.

You can proceed with ROW for the project. The Town will be paying you all for the ROW activities and then invoicing DOT for reimbursement.

Fyi. see email string below.

Thanks

Mike Calloway
Division LAPP Liaison
Division 13
North Carolina Department of Transportation

828 230 2560 M
ext-mkcalloway@ncdot.gov

55 Orange Street
Asheville NC, 28801

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties

---

From: Angela Reece <angela.reece@tobm.org>
Sent: Monday, April 7, 2025 2:16 PM
To: Calloway (TranSystems), Michael K <ext-mkcalloway@ncdot.gov>

Cc: Johnson, Gabriel L <gljohnson@ncdot.gov>; Harrold, Josh <josh.harrold@tobm.org>
Subject: [External] RE: HL-0013 ROW

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Justin. Thank you. Yes, I have discussed these conditions with management, and we understand and agree to them. We concur that the agreement is for clarity and that ROW was always intended to be the responsibility of the Town. We will invoice JMT directly and then submit for reimbursement.
When you have the agreement ready please forward and Ill get it signed. Have a great day.

Angela L. Reece, MPA, MMC, NCCMC

Project & Facilities Manager
Town of Black Mountain, NC
160 Midland Ave. | Black Mountain, NC 28711
(o) 828.419.9315 | (f) 828.669.4204
Schedule a Meeting
angela.reece@tobm.org | http://www.townofblackmountain.org

From: Calloway (TranSystems), Michael K <ext-mkcalloway@ncdot.gov>
Sent: Monday, April 7, 2025 1:29 PM
To: Angela Reece <angela.reece@tobm.org>
Cc: Johnson, Gabriel L <gljohnson@ncdot.gov>
Subject: HL-0013 ROW

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Angela,

We received approval for ROW funds on HL-0013 today.

I think we could move forward with ROW if the Town will agree with the following:

1. We will need the Town to sign the supplemental agreement when it's ready to move the ROW responsibilities from DOT to the Town. This is typically done prior to ROW starting, but I believe the Town is good with this approach.
2. The Town understands that they will be responsible for paying JMT for ROW acquisition work and will be requesting reimbursement from DOT for the work. Still 80/20 split.

If this is agreeable, I will let JMT know to move forward.

Thanks

Mike Calloway
Division LAPP Liaison
Division 13
North Carolina Department of Transportation

828 230 2560 M
ext-mkcalloway@ncdot.gov

55 Orange Street
Asheville NC, 28801

Email correspondence to and from this address is subject to the
North Carolina Public Records Law and may be disclosed to third parties

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Angela Reece, Facilities & Project Manager, Deputy Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Project Manager & Facilities

TITLE OF ITEM: HL-0013 Right of Way Acquisition Acceptance Parcel #3

SUGGESTED MOTION(S):

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.

SUMMARY:

HL-0013 (Ninth Street Bridge) is an ongoing bridge replacement project which is now moving into the right of way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for right of way acquisition and negotiations with affected parcels. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This DEED OF RIGHT OF WAY reflects the town acquiring its own property along the golf course located along Ninth Street at a cost of $10.00 for the Ninth Street Bridge replacement project HL-0013. This is known as parcel #3 in the right of way acquisition agreement with Vaughn and Melton.
Staff requests the suggested motion be reviewed by the Town Attorney for proper procedure.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? This project is identified in the State Transportation Improvement Plan (STIP) as HL-0013 which includes 80% federal funding from the Federal Highway Administration (FHA) which is passed through the NC Department of Transportation (NCDOT) and allocated by the French Broad River Metropolitan Planning Organization (MPO) within the State Transportation Improvement Plan (STIP).

If no, describe how it will be funded. General Fund/Capital Project Ordinances O-21-15, O-24-

06 and Resolutions R-20-03, R-21-07, and R-21-20.
Please visit the project page to learn
more: https://www.townofblackmountain.org/2780/Ninth-Street-Bridge-Replacement

ATTACHMENTS:

1. ROW Deed TOBM Parcel 0700-9011-6500-000-golf

Excise Tax $ _____

Prepared by/Return to: Kevin M. Muldowney, Vaughn & Melton
c/o JMT, 2550 West Tyvola Road., Ste 120
Charlotte, North Carolina 28217

STATE OF NORTH CAROLINA

DEED OF RIGHT OF WAY

COUNTY OF BUNCOMBE
TAX PARCEL: 0700-9011-6500-000

THIS DEED, made this 23rd day of July, 2025, between the TOWN OF BLACK MOUNTAIN, a municipal corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of 160 Midland Avenue, Black Mountain, North Carolina 28711, and situated in Buncombe County, North Carolina, (hereinafter referred to as "Grantor", whether singular or plural), and the TOWN OF BLACK MOUNTAIN, a municipal corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of 160 Midland Avenue, Black Mountain, North Carolina 28711, and situated in Buncombe County, North Carolina, (hereinafter referred to as "Grantee", whether singular or plural).

WITNESSETH:

A. Grantor is the owner in fee simple of that certain lot and parcel of real property located in Buncombe County, North Carolina, more particularly described in Exhibit A attached to and by this reference incorporated in this Agreement (the "Property").

B. Grantee intends to construct and maintain certain improvements and utilities for the public use upon the Property.

C. All construction of improvements upon the Property shall be in accordance with and pursuant to the construction plans and permits heretofore obtained by Grantee and available for public inspection, as may be from time to time amended, are referred to in this Agreement as the "Construction Plans" and "Permits," as the context might require.

D. In order to complete the Project pursuant to and in accordance with the terms of the Construction Plans and Permits, the Grantee requires a conveyance of the Property from the Grantor.

E. Grantor desires to convey the Property to Grantee for the construction and maintenance of those improvements or utilities required by the Construction Plans and Permits, but only as more specifically set forth in this Agreement and subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable consideration paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey and dedicate unto the said Grantee, its successors and assigns, and the Grantee does hereby accept for public use, for construction, installation, and maintenance of certain improvements for the public benefit, all those certain lots, tracts, or parcels of land of the Grantor situated in Buncombe County, North Carolina, and more particularly described in Exhibit A, which is attached hereto and incorporated herein.

The Grantor acknowledges that the Grantee is obtaining the Property for the purpose of constructing, installing, maintaining, and repairing certain improvements and utilities for the public benefit.

The consideration set forth in this document shall be considered full compensation for the property, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, such as, but not limited to, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantors be natural persons not joined by their respective spouses, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to sign, and there shall be no necessity for a seal or attestation.

TO HAVE AND TO HOLD the aforesaid lots, tracts, or parcels of land and all privileges and appurtenances belonging thereto, unto the Town of Black Mountain, its successors and assigns for roadway and utility purposes forever, and the Grantor is hereby bound together with all heirs, executors, administrators, or successors to warrant and forever defend the right of way and easements granted herein unto the Town of Black Mountain, its successors and assigns, against the lawful claims of any person against this easement or any part thereof.

IN TESTIMONY WHEREOF, the said Grantor(s) have hereunto set their hands and seal, the day and year first above written.

THE TOWN OF BLACK MOUNTAIN,
a North Carolina municipal corporation

ATTEST:

(SEAL)

Town Manager

Town Clerk

THE TOWN OF BLACK MOUNTAIN INCORPORATED MARCH 4, 1893 NORTH CAROLINA

NORTH CAROLINA

BUNCOMBE COUNTY

I, Tonya Carver Josh M. Harrold a Notary Public of said county and state, certify that personally came before me this day and acknowledged that he/she is Town Clerk of the Town of Black Mountain, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town Council of the Town of Black Mountain, the foregoing instrument was signed in its name and by its Town Manager, sealed with its corporate seal and attested by his/her as its Town Clerk.

Witness my hand and seal this 23rd day of July, 2025.

Tonya Carver

Notary Public

TONYA CARVER NOTARY PUBLIC My Comm. Exp. April 29, 2029 McDOWELL COUNTY, NC

My Commission Expires: April 29, 2029

EXHIBIT A

RIGHT OF WAY AREA

Point of beginning being S 85°11'44" E, 602.06 feet from monument "GPS-1" having North Carolina State Plane coordinates (NAD83) of Northing 698840.49, Easting 1009759.69; thence from the Point of beginning to a point on a bearing of N 88°23'07" W 155.15 feet thence to a point on a bearing of N 81°04'06" W 245.85 feet; thence to a point on a bearing of N 89°45'51" W 80.19 feet; thence to a point on a bearing of N 04°10'14" E 28.71 feet; thence to a point on a bearing of S 85°49'09" E 244.15 feet; thence to a point on a bearing of S 04°10'18" W 8.00 feet; thence to a point on a bearing of S 82°07'23" E 43.07 feet; thence to a point on a bearing of N 04°10'18" E 10.78 feet; thence to a point on a bearing of S 85°49'09" E 192.87 feet; thence to a point on a bearing of S 04°10'07" W 36.60 feet; returning to the point and place of beginning.

PERMANENT UTILITY EASEMENT AREA

Point of beginning being S 88°24'23" E, 665.69 feet from monument "GPS-1" having North Carolina State Plane coordinates (NAD83) of Northing 698840.49, Easting 1009759.69; thence from the Point of beginning to a point on a bearing of S 04°10'07" W 36.59 feet thence to a point on a bearing of N 85°49'53" W 63.00 feet; thence to a point on a bearing of N 04°10'07" E 36.60 feet; thence to a point on a bearing of S 85°49'09" E 63.00 feet; returning to the point and place of beginning.

PERMANENT UTILITY EASEMENT AREA

Point of beginning being S 82°07'18" E, 447.96 feet from monument "GPS-1" having North Carolina State Plane coordinates (NAD83) of Northing 698840.49, Easting 1009759.69; thence from the Point of beginning to a point on a bearing of N 04°10'07" E 15.39 feet thence to a point on a bearing of S 88°23'07" E 155.15 feet; thence to a point on a bearing of S 77°36'48" W 56.15 feet; thence to a point on a bearing of N 89°23'42" W 101.37 feet; returning to the point and place of beginning.

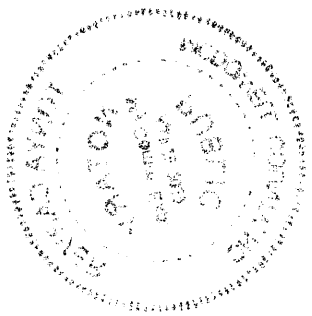
PERMANENT UTILITY EASEMENT AREA

Point of beginning being S 80°09'19" E, 353.75 feet from monument "GPS-1" having North Carolina State Plane coordinates (NAD83) of Northing 698840.49, Easting 1009759.69; thence from the Point of beginning to a point on a bearing of N 89°25'15" W 27.05 feet thence to a point on a bearing of N 04°10'07" E 18.00 feet; thence to a point on a bearing of N 85°49'53" W 56.00 feet; thence to a point on a bearing of N 64°59'41" W 71.69 feet;

thence to a point on a bearing of S 81°04'06" E 150.52 feet; thence to a point on a bearing of S 04°10'07" W 29.31 feet; returning to the point and place of beginning.

DRAINAGE UTILITY EASEMENT AREA

Point of beginning being S 84°05'22" E, 447.23 feet from monument "GPS-1" having North Carolina State Plane coordinates (NAD83) of Northing 698840.49, Easting 1009759.69; thence from the Point of beginning to a point on a bearing of S 04°10'07" W 15.39 feet thence to a point on a bearing of N 89°26'53" W 95.19 feet; thence to a point on a bearing of N 04°10'07" E 29.31 feet; thence to a point on a bearing of S 81°04'06" E 95.33 feet; returning to the point and place of beginning.



ACCEPTANCE

Accepted by the Black Mountain Town Council for and on behalf of the Town of Black Mountain, North Carolina, this 23rd day of July, 2025

THE TOWN OF BLACK MOUNTAIN,
a North Carolina municipal corporation

ATTEST:

(SEAL)

Town Manager

Town Clerk

NORTH CAROLINA

BUNCOMBE COUNTY

I, Tonya Carver, Josh Harrold a Notary Public of said county and state, certify that personally came before me this day and acknowledged that he/she is Town Clerk of the Town of Black Mountain, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town Council of the Town of Black Mountain, the foregoing instrument was signed in its name and by its Town Manager, sealed with its corporate seal and attested by his/her as its Town Clerk.

Witness my hand and seal this 23rd, day of July, 2025.

Tonya Carver
Notary Public

My Commission Expires: April 29, 2029

NOTARY PUBLIC TONYA CARVER MCDOWELL COUNTY, NC My Comm. Exp. April 29, 2029

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Angela Reece, Facilities & Project Manager, Deputy Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Project Manager & Facilities
TITLE OF ITEM:	HL-0013 Utility Relocation Agreement Approval		

SUGGESTED MOTION(S):

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.

SUMMARY:

HL-0013 (Ninth Street Bridge) is an ongoing bridge replacement project which is now moving into the right of way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for utility relocation in the project area. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This agreement reflects the necessary utility line relocation by Duke Energy Progress LLC for this project in the amount of $103,424.27. This agreement has been vetted and approved by NCDOT.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? This project is identified in the State Transportation Improvement Plan (STIP) as HL-0013 which includes 80% federal funding from the Federal Highway Administration (FHA) which is passed through the NC Department of Transportation (NCDOT) and allocated by the French Broad River Metropolitan Planning Organization (MPO) within the State Transportation Improvement Plan (STIP).

If no, describe how it will be funded. General Fund/Capital Project Ordinances O-21-15, O-24-06 and Resolutions R-20-03, R-21-07, and R-21-20.

Please visit the project page to learn more: https://www.townofblackmountain.org/2780/Ninth-Street-Bridge-Replacement

ATTACHMENTS:

1. HL-0013 Bridge No.522-Duke-Energy-Utility-Relocation-Agreement

Highway Relocation Program
Duke Energy Progress, LLC
4690 Simms Creek Road
Raleigh NC 27616
Highway.Relocation@Duke-Energy.com

July 7, 2025

Town of Black Mountain
Attn.: Angela Reece angela.reece@tobm.org
C/O: Joe Montgomery jfmontgomery@jmt.com
160 Midland Avenue
Black Mountain, NC 28711

RE:	DOT WBS#:	49469.2.2
	TIP #:	HL-0013
	Company Project #:	PFP467037
	County:	Buncombe
	Location / State:	Black Mountain, NC
	Proj Requirements:	Utility Relocation Agreement; Actual Cost Billing; Non-Betterment Work
	Proj Description:	Relocate DE company facilities out of Town of Black Mountain way for Bridge No.522 over Tomahawk Creek.

Attached are copies of our detailed estimate in the amount of $103,424.27 and our relocation design drawing covering our proposed relocation of Duke Energy's facilities in conflict with this project. This estimate is valid for 90 days and is based on the design as shown on the attached drawings. Estimates may be revised due to change in scope or if right of way is not obtained. The estimate will be updated if the authorization to proceed is received after the 90 day deadline.

If you find this estimate in order, please authorize us to proceed with this work and upon completion thereof, to bill the government customer per the project requirements located at the top of this letter. If you have any questions related to this agreement, plans, estimate, or final invoice please contact one of the following:

Raymond Veilleux, Project Manager at Raymond.Veilleux@duke-energy.com or 864-908-5478
Cory Hamlin, Lead Engineering Tech at Cory.Hamlin@duke-energy.com or 828-258-4356
Jamie Hicks, Program Manager at Jamie.Hicks@duke-energy.com or 980-395-9689

Please return the signed agreement to highway.relocation@duke-energy.com.

Sincerely,

James P. Hicks II

Jamie Hicks
Highway Relocation Program Manager
Duke Energy

JH: db

Cc. Raymond Veilleux, Raymond.Veilleux@duke-energy.com
Cory Hamlin, Cory.Hamlin@duke-energy.com

Utility Relocation Agreement
Town of Black Mountain
49469.2.2, HL-0013, Bridge No.522 over Tomahawk Creek
Duke Energy Progress Project Number: PFP467037
County: Buncombe State: NC

This Utility Relocation Agreement ("Agreement") made this_____day of _____ , 20__, by and between Town of Black Mountain, hereinafter referred to as TOBM and Duke Energy Progress,LLC. hereinafter referred to as the COMPANY. The TOBM and Company acknowledge that this Agreement and any Agreement amendment documents requiring signatures may be transmitted electronically. TOBM and Company stipulate that if this Agreement is transmitted electronically, the electronic transmittal of the original execution signatures shall be treated as original signatures and given the same legal effect as an original.

W I T N E S S E T H:

THAT WHEREAS, TOBM, will submit a project for construction as follows: Relocate DE company facilities out of Town of Black Mountain way for Bridge No.522 over Tomahawk Creek.

WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY:

NOW, THEREFORE, In order to facilitate the orderly and expeditious relocation of the said facilities of the COMPANY, TOBM and the COMPANY have agreed as follows:

1. That any work performed under this Agreement shall comply with the NCDOT "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITITES ON HIGHWAY RIGHT OF WAY", dated January 1, 1975 and such amendments thereto as may be in effect at the date of this Agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such Agreements thereto as may be in effect at the date of this Agreement. The provisions of said FAPG and amendments thereto are incorporated in this Agreement by reference as fully as if herein set out. Any work performed under this Agreement not in compliance with FAPG shall constitute unauthorized work and TOBM shall be relieved of

participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental Agreement attached to and made a part hereof.

2. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials, and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including itemization of appropriate credits for salvage and betterment's, all in sufficient detail to provide TOBM, a reasonable basis for analysis. Unit cost, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the TOBM's new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. There are no costs for changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, or its contractor. The attached estimate is valid for 90 days and is based on design shown in the attached drawings. The estimates will be updated and an amendment to the original Utility Relocation Agreement may be initiated if the scope of the project changes (causing cost to exceed original estimate) or new right of way cannot be obtained (causing a delay in the relocation construction).

3. That TOBM's authority, obligation, or liability to pay for relocations as set forth in the Agreement is based on the COMPANY having a right of occupancy in its existing location by reason of holding the fee, as easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

4. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental Agreement attached to and made a part of this Agreement.

5. That the construction work provided for in this Agreement will be performed by the method or methods as specified below:

____X____ BY COMPANY's REGULAR FORCE: The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its Agreement with such employees.

____X___ BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

_____ BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

6. a. It is contemplated by the parties hereto that the construction of this TOBM project is in progress.
   b. Based on the best information available at the present time to the COMPANY, indicated applicable paragraph, below:

   _____ Materials are available and it is expected that work will be complete prior to road construction.

   _____ All work will take place during TOBM construction and arrangements for said work will be coordinated with TOBM construction operations at pre-construction conference.

   __X__ Work will begin promptly upon notification by TOBM; however, it is not expected to be complete prior to road construction, any remaining work will be coordinated with TOBM construction operation at pre-construction conference.

   _Other (Specify)_____

   _____

   _____

7. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

   a. __X__ Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

   b. _____ Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by TOBM.

c. _____On a lump -sum basis where the estimated cost to the TOBM does not exceed $100,000.00, Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

8. Indicate If (a), (b), or (c) applicable:

   a. ___X___That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.

   b. _____That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.

   c. _____That the replacement facility is other than a segment of the COMPANY'S service, distribution, or transmission lines, such as a building, pumping station, ration plant, power plant or substation, production or transfer of storage facilities and other similar operating units of the COMPANY's physical plant or operating facilities,

If (c) is applicable, set forth credit to the project for the accrued depreciation of the facility being replaced.

9. That the total estimated cost of the work proposed herein, including all cost to the COMPANY less any credit for salvage, to complete the project is estimated to be _____ $ 103,424.27

   The estimated non-betterment cost to TOBM, including all cost less any credits for salvage, betterment and additional work done by the COMPANY will be _____ $ 103,424.27

   The estimated cost to the COMPANY including betterments and any additional work done by the COMPANY will be _____ $ 0.00

   (The above costs shall be supported by attached estimate and plans)

10. That in the event it is determined there are changes in the Agreement's scope of work which require additional work be conducted by COMPANY under this Agreement, then COMPANY's reimbursement shall be limited to all costs covered by either a modification of this Agreement or by a written change order or extra work order approved by TOBM (collectively, a "Change Order"); provided, however TOBM shall not unreasonably refuse its consent to such Change Order.

11. Periodic progress billings of incurred costs will be made by the COMPANY to TOBM not to exceed monthly intervals for no less than $3,000.00 each; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. One final and detailed complete billing of all cost shall be made by the COMPANY to TOBM at the earliest practicable date after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this Agreement.

12. That TOBM shall have the right to inspect non-reusable materials of the COMPANY recovered on this project prior to disposal by sale or scrap.

13. That TOBM shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this Agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

14. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the roadway within the roadway right of way limits in accordance with all applicable laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

15. That if, in the future, it becomes necessary due to roadway construction or improvement to adjust or relocate utilities covered in this Agreement being relocated at the expense of the requesting party that are crossing or otherwise occupying roadway right of way, the non-betterment cost of same will be that of the requestor.

16. That if, at any time, the TOBM shall require the relocation of or changes in the location of the encroaching facilities covered in this Agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to TOBM.

17. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within roadway right of way, and agrees to execute such instruments as may be reasonably requested by TOBM evidencing that relinquishment.

IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.

Town of Black Mountain

By:_____

Name:_____

Title:_____

DUKE ENERGY PROGRESS, LLC.

By: James P. Hicks II

Jamie Hicks
HIGHWAY RELOCATION PROGRAM MANAGER

STATE OF NORTH CAROLINA—COUNTY OF BUNCOMBE.

KNOW ALL MEN BY THESE PRESENTS, That Cora S. Dula (widow)

grantor(s) of said County and State, in consideration of the sum of $ 1.00 one dollar to me (us) in hand paid by CAROLINA POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said CAROLINA POWER & LIGHT COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, containing 150 acres, bounded by lands of Lewis Kamupp & Ben Reese, on the north J. V. Brittain, on the south, R. O. Alexander estate, on the east, D. A. Walker & Dr. J. Archer, on the west and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said line and make necessary repairs and alterations thereon, together with the right at all times to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same. To have and to hold the aforesaid right, privilege and easement unto the CAROLINA POWER & LIGHT COMPANY, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor(s) does hereunto set her hand(s) and seal(s) this 2nd day of June 1936.

Witness:

Cora S. Dula (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF NORTH CAROLINA—COUNTY OF BUNCOMBE.

I, Adolph Marquardt a Notary Public within and for said County and State, do hereby certify that Cora S. Dula (widow) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 2nd day of June, 1936.

My commission expires: Nov. 16, 1937 (Notarial Seal)

Adolph Marquardt Notary Public.

NORTH CAROLINA—BUNCOMBE COUNTY.

The foregoing certificate of Adolph Marquardt a Notary Public of the County of Buncombe duly authenticated by his Notarial Seal thereto attached, is adjudged to be correct. Let the instrument and the certificates be registered.

This 30th day of June, 1936. Edward S. Roberts Deputy Clerk Superior Court, Buncombe County, N. C.

Registered this the 30th day of June 1936, at 11 o'clock A M.

Geo. A. Digges Jr. Register of Deeds

Copied by Christian Verified by WDD & Hawkins

STATE OF NORTH CAROLINA—COUNTY OF BUNCOMBE.

KNOW ALL MEN BY THESE PRESENTS, That Tony Dorato

grantor(s) of said County and State, in consideration of the sum of $ 1.00 one dollar to me (us) in hand paid by CAROLINA POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said CAROLINA POWER & LIGHT COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, containing 10½ acres, bounded by lands of S. T. Sales on the north, James E. Penley, on the south, Mrs. D. F. Mathews, on the east, T. L. Swafford, on the west and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said line and make necessary repairs and alterations thereon, together with the right at all times to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same. To have and to hold the aforesaid right, privilege and easement unto the CAROLINA POWER & LIGHT COMPANY, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor(s) does hereunto set his hand(s) and seal(s) this 4th day of June 1936.

Witness:

Tony Dorato (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF NORTH CAROLINA—COUNTY OF BUNCOMBE.

I, Adolph Marquardt a Notary Public within and for said County and State, do hereby certify that Tony Dorato personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal this 4th day of June, 1936.

My commission expires: Nov. 16th, 1937 (Notarial Seal)

Adolph Marquardt Notary Public.

NORTH CAROLINA—BUNCOMBE COUNTY.

The foregoing certificate of Adolph Marquardt a Notary Public of the County of Buncombe duly authenticated by his Notarial Seal thereto attached, is adjudged to be correct. Let the instrument and the certificates be registered.

This 30 day of June, 1936. Edna C. Trantham Deputy Clerk Superior Court, Buncombe County, N. C.

Registered this the 30th day of June 1936, at 11 o'clock A M.

Geo. A. Digges Jr. Register of Deeds

Copied by Christian Verified by WDD & Hawkins

BOOK 1124 PAGE 531

DRAWN BY OR UNDER THE DIRECTION OF: ANDREW McDANIEL ATTORNEY

STATE OF NORTH CAROLINA

COUNTY OF Buncombe

KNOW ALL MEN BY THESE PRESENTS, That the undersigned C. Cliff Meyer and wife, Aileen B. Meyer

of said County and State, in consideration of the sum of $ 1.00, in hand paid by CAROLINA POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, hereby grant(s) unto said CAROLINA POWER & LIGHT COMPANY, its successors and assigns, the right, privilege, and easement to go in and upon that certain tract or lot of land situated in Black Mountain Township in said County and State, containing 4 acres, more or less, bounded by ~~Buncombe~~ Oconeechee Ave. on the North, tenth street on the East, Cherokee Street on the South, and Ninth Street on the West.

and to construct, maintain and operate in, upon, and through said premises, in a manner suitable to it, with poles, wires and other necessary apparatus and appliances, a line, or lines for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said lines and making necessary repairs and alterations thereon; and the right to permit the attachment of and/or carry in conduit wires and cables of any other company or person; together with the right at all times to cut away and keep clear of said lines all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same.

It is contemplated that the aforesaid lands will be subdivided into lots and streets, and the power Company is hereby authorized to install, operate and maintain thereon with the rights and privileges herein contained and at such locations as in the opinion of Power Company are the most practical, electric distribution lines as they may be initially installed and extended from time to time, to render electric service thereon, and electric lines located on said lands under this easement may be extended thereover to reach lands contiguous thereto.

TO HAVE AND TO HOLD the aforesaid right, privilege and easement unto CAROLINA POWER & LIGHT COMPANY, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned do hereunto set their hand (s) and seal (s), this 6th day of MAY, 1925.

Witnesses: Ted Cooper / 6661
Ted Cooper

C. Cliff Meyer (Seal)
Aileen B. Meyer (Seal)
(Seal)
(Seal)
(Seal)

STATE OF NORTH CAROLINA, BUNCOMBE County.

I, CARL W. CONLEY, a Notary Public of BUNCOMBE County, North Carolina, certify that TED COOPER personally appeared before me this day and, being duly sworn, stated that, in his (her) presence, C. CLIFF MEYER AND AILEEN B. MEYER signed the foregoing instrument.

Witness my hand and official seal, this the 23RD day of JUNE, 1980.

Carl W. Conley
Notary Public.

My commission expires the 19TH day of APRIL, 1980.

STATE OF NORTH CAROLINA, ... County.

I, ..., a Notary Public of ..... County, North Carolina, do hereby certify that .....

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this ..... day of ....., 19.....

.....
Notary Public.

My commission expires the ..... day of ....., 19.....

NORTH CAROLINA Buncombe County

The foregoing certificate of Carl W. Conley

Notar(y) (ies) Public, is (are) certified to be correct. This instrument was filed for registration at 10:46 o'clock A M., and recorded in this office in Book ....., Page .....

This 8 day of August, 1975.

William E. Briggs
Register of Deeds
By: Peggy M. Willett, Deputy

Form 1322—Rev. 11-8-71

Workorder: 50467037

Work Order Desc: 49469.2.2, HL-0013, Bridge No.522 over Tomahawk Creek

Estimate: 11381440

Designer: Veilleux, Raymond

I/R/T	QTY	CU	CU DESCRIPTION	MATERIAL COST	LABOR INSTALL	LABOR REMOVE	LABOR TRANSFER	SERVICE COST	SALVAGE VALUE
I	7	ANCH-PISA-SM-P	Anchor Power Installed Screw Anchor 8in 6000LB with 3/4in diameter x 7ft long rod	$319.97	$955.36	$0.00	$0.00	$0.00	$0.00
I	1	BKT-EM-POLE-1P-FG-P	Bracket Equipment Mount Pole Single Phase Fiberglass	$53.58	$48.81	$0.00	$0.00	$0.00	$0.00
I	5	BKT-INSL-POST-PTOP-STL-P	Bracket insulator post pole top steel	$180.75	$239.10	$0.00	$0.00	$0.00	$0.00
I	33286.52	CADD-ENGINEERING-P	DEP Cost Adder engineering fees (per dollar)	$0.00	$0.00	$0.00	$0.00	$33,286.52	$0.00
I	4334.75	CADD-FLAGGING-P	DEP Cost Adder flagging (per dollar)	$0.00	$0.00	$0.00	$0.00	$4,334.75	$0.00
I	22	CLAMP-DE-SM-P	REPLACED WITH NEW CUs: CLAMP-PRI-DE-6-4/0-P or CLAMP-NEU/SEC-DE-6-4/0-P. Clamp dead end 4/0AL-6CU	$404.65	$11.83	$0.00	$0.00	$0.00	$0.00
I	1	CONN-OH-HLC-2/0CU-8CUSOL-P	Connector OH Hot Line Clamp 2/0CU-8CUSOL Line to 2/0CU-8CUSOL Tap	$12.30	$1.69	$0.00	$0.00	$0.00	$0.00
I	1	CONN-OH-STRP-COMP-1/0AL-P	Connector OH Stirrup Compression 1/0AL Line	$9.86	$1.69	$0.00	$0.00	$0.00	$0.00
I	1	FUSE-CUTOUT-100-27KV-POLY-LINE-P	(UOP) LINE PROTECTION ONLY: 27kV 100A Non-Loadbreak Fuse Cutout with Polymer Insulator (Mapable)	$131.08	$119.54	$0.00	$0.00	$0.00	$0.00
I	1	FUSE-LINK-25-S-P	Fuse Link 25 S/IS/KS/MS	$2.86	$1.99	$0.00	$0.00	$0.00	$0.00
I	14	GUY-DOWN-3/8IN-GALV-SGL-P	Guy Down Guy 3/8 in diameter Galvanized Single	$496.58	$1,701.49	$0.00	$0.00	$0.00	$0.00
I	16	GUY-HOOK-P	Guy Hook for use on Wood Poles	$302.16	$13.52	$0.00	$0.00	$0.00	$0.00
I	7	GUY-INSL-7FT-FG-P	Guy Insulator 7ft Fiberglass	$177.80	$418.39	$0.00	$0.00	$0.00	$0.00
I	1	GUY-SPAN-3/8IN-GALV-ATTACH-P	Guy Span 3/8 in diameter Galvanized Attach	$28.13	$42.84	$0.00	$0.00	$0.00	$0.00
I	264.03	GUY-SPAN-3/8IN-GALV-WIRE-P	Guy Span 3/8 in diameter Galvanized Wire	$118.34	$378.56	$0.00	$0.00	$0.00	$0.00
I	7	HDWR-EYEBOLT-SM-10IN-GALV-P	Hardware Eye Bolt 5/8in diameter 10in long Galvanized Steel	$44.66	$13.93	$0.00	$0.00	$0.00	$0.00
I	6	HDWR-EYEBOLT-SM-12IN-GALV-P	Hardware Eye Bolt 5/8in diameter 12in long Galvanized Steel	$42.30	$11.94	$0.00	$0.00	$0.00	$0.00
I	10	HDWR-EYENUT-SM-GALV-P	Hardware Eye Nut 5/8in diameter Galvanized Steel	$23.66	$11.94	$0.00	$0.00	$0.00	$0.00
I	2	HDWR-MACH-SM-10IN-GALV-P	Hardware Machine Bolt 5/8in diameter 10in long Galvanized Steel	$2.82	$1.99	$0.00	$0.00	$0.00	$0.00
I	2	HDWR-SP-SM-12IN-GALV-P	Hardware Spool Bolt 5/8in diameter 12in long Galvanized Steel	$17.82	$3.98	$0.00	$0.00	$0.00	$0.00
I	12	INSL-DE/S-35KV-POLY-P	Insulator Dead End/Suspension 35kV Polymer	$266.09	$1,410.60	$0.00	$0.00	$0.00	$0.00
I	5	INSL-POST-25KV-PORC-TT-P	Insulator Post 25kV Porcelain Tie Top	$100.35	$249.05	$0.00	$0.00	$0.00	$0.00
I	2	INSL-SP-SEC-PORC-P	Insulator Spool Secondary/Neutral Porcelain	$3.20	$0.00	$0.00	$0.00	$0.00	$0.00
I	1	LBKT-SIDE-6FT-GALV-WD-PUB-P	Light Bracket Side Mount 6ft long Galvanized Finish for Wood Pole Public	$47.03	$83.44	$0.00	$0.00	$0.00	$0.00
I	1	LEAD-EQ-2-CU-COVER-P	Lead Equipment 2 Copper Covered	$13.84	$1.69	$0.00	$0.00	$0.00	$0.00
I	1	LFIX-RW-LED-50-GRAY-III-3000K-PUB-P	Light Fixture Roadway LED 50W Gray Type III 3000K Public	$104.00	$86.68	$0.00	$0.00	$0.00	$0.00
I	4107.64	OADD-1DOLLAR-P	DEP Adder Misc - Adder $1 dollar of cost	$0.00	$1.69	$0.00	$0.00	$4,107.64	$0.00
I	69.36	OADD-1MH-P	DEP Adder-OH - Labor Adder 1 Man Hour	$0.00	$6,909.64	$0.00	$0.00	$0.00	$0.00
I	5	OADD-LIM-ACCESS-P	DEP Adder-OH - OH Adder Limited access (per location)	$0.00	$3,402.00	$0.00	$0.00	$0.00	$0.00
I	7	OLAB-SEC-ATTACH-DE-P	OH Labor Secondary Wire attach dead end	$0.00	$418.39	$0.00	$0.00	$0.00	$0.00
I	1	OLAB-SEC/NEU-HDWR-P	OH Labor for Secondary or Neutral Insulator hardware or Anti Split out bolt	$0.00	$33.87	$0.00	$0.00	$0.00	$0.00
I	6	OLAB-WIRE-LAYOUT-SM-P	OH Labor Temporary Wire layout while reconductoring existing primary/netural wire up to 2/0 (per attachment)	$0.00	$624.63	$0.00	$0.00	$0.00	$0.00
I	2	POLE-EXISTING-P	DEP GIS Correction or Update Pole existing or foreign owned	$0.00	$3.98	$0.00	$0.00	$0.00	$0.00
I	5	POLE-WD-45-C4-P	(UOP) 45ft long Class 4 Wood Pole with CCA Finish	$1,700.40	$3,666.00	$0.00	$0.00	$0.00	$0.00
I	4	TIE-HAND-4-AL-P	Tie Hand 4 AL	$5.64	$6.76	$0.00	$0.00	$0.00	$0.00
I	1	TIE-SPOOL-1/0-AL-P	Tie Spool 1/0 AL	$2.72	$1.69	$0.00	$0.00	$0.00	$0.00
I	1	TIE-TOP-1/0-AL-FNECK-P	Tie Top 1/0 AL F Neck	$3.24	$1.69	$0.00	$0.00	$0.00	$0.00
I	1096.38	WIRE-PRI-1/0-AAAC-P	(UOP) 1/0 AAAC Bare Overhead Wire with 7 Strands	$313.44	$1,745.36	$0.00	$0.00	$0.00	$0.00
R	3 [0]	ANCH-PISA-SM-P	Anchor Power Installed Screw Anchor 8in 6000LB with 3/4in diameter x 7ft long rod [$45.54]	$0.00	$0.00	$239.10	$0.00	$0.00	$0.00
R	1 [0]	BKT-EM-POLE-1P-FG-P	Bracket Equipment Mount Pole Single Phase Fiberglass [$48.73]	$0.00	$0.00	$28.89	$0.00	$0.00	$0.00
R	4 [0]	BKT-INSL-POST-PTOP-STL-P	Bracket insulator post pole top steel [$32.23]	$0.00	$0.00	$123.52	$0.00	$0.00	$0.00
R	4 [0]	CLAMP-DE-SM-P	REPLACED WITH NEW CUs: CLAMP-PRI-DE-6-4/0-P or CLAMP-NEU/SEC-DE-6-4/0-P. Clamp dead end 4/0AL-6CU [$18.02]	$0.00	$0.00	$3.38	$0.00	$0.00	$0.00
R	1 [0]	CONN-OH-HLC-2/0CU-8CUSOL-P	Connector OH Hot Line Clamp 2/0CU-8CUSOL Line to 2/0CU-8CUSOL Tap [$12.33]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	1 [0]	CONN-OH-STRP-COMP-1/0AL-P	Connector OH Stirrup Compression 1/0AL Line [$9.65]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	1 [0]	FUSE-CUTOUT-100-27KV-POLY-LINE-P	(UOP) LINE PROTECTION ONLY: 27kV 100A Non-Loadbreak Fuse Cutout with Polymer Insulator (Mapable) [$138.39]	$0.00	$0.00	$70.73	$0.00	$0.00	$0.00

R	1 [0]	FUSE-LINK-25-S-P	Fuse Link 25 S/IS/KS/MS [$2.86]	$0.00	$0.00	$1.99	$0.00	$0.00	$0.00
R	5 [0]	GUY-DOWN-3/8IN-GALV-SGL-P	Guy Down Guy 3/8 in diameter Galvanized Single [$37.96]	$0.00	$0.00	$325.75	$0.00	$0.00	$0.00
R	7 [0]	GUY-HOOK-P	Guy Hook for use on Wood Poles [$16.70]	$0.00	$0.00	$6.76	$0.00	$0.00	$0.00
R	3 [0]	GUY-INSL-7FT-FG-P	Guy Insulator 7ft Fiberglass [$27.90]	$0.00	$0.00	$89.67	$0.00	$0.00	$0.00
R	1 [0]	GUY-SPAN-3/8IN-GALV-ATTACH-P	Guy Span 3/8 in diameter Galvanized Attach [$25.91]	$0.00	$0.00	$26.90	$0.00	$0.00	$0.00
R	264.02 [0]	GUY-SPAN-3/8IN-GALV-WIRE-P	Guy Span 3/8 in diameter Galvanized Wire [$0.49]	$0.00	$0.00	$256.02	$0.00	$0.00	$0.00
R	3 [0]	HDWR-EYEBOLT-SM-10IN-GALV-P	Hardware Eye Bolt 5/8in diameter 10in long Galvanized Steel [$4.29]	$0.00	$0.00	$5.97	$0.00	$0.00	$0.00
R	2 [0]	HDWR-EYEBOLT-SM-12IN-GALV-P	Hardware Eye Bolt 5/8in diameter 12in long Galvanized Steel [$4.80]	$0.00	$0.00	$3.98	$0.00	$0.00	$0.00
R	4 [0]	HDWR-EYENUT-SM-GALV-P	Hardware Eye Nut 5/8in diameter Galvanized Steel [$2.40]	$0.00	$0.00	$5.97	$0.00	$0.00	$0.00
R	2 [0]	HDWR-MACH-SM-10IN-GALV-P	Hardware Machine Bolt 5/8in diameter 10in long Galvanized Steel [$1.65]	$0.00	$0.00	$1.99	$0.00	$0.00	$0.00
R	4 [0]	HDWR-SP-SM-12IN-GALV-P	Hardware Spool Bolt 5/8in diameter 12in long Galvanized Steel [$10.51]	$0.00	$0.00	$7.96	$0.00	$0.00	$0.00
R	4 [0]	INSL-DE/S-35KV-POLY-P	Insulator Dead End/Suspension 35kV Polymer [$20.21]	$0.00	$0.00	$306.83	$0.00	$0.00	$0.00
R	5 [0]	INSL-POST-25KV-PORC-TT-P	Insulator Post 25kV Porcelain Tie Top [$20.77]	$0.00	$0.00	$154.40	$0.00	$0.00	$0.00
R	1 [0]	INSL-STUD-STL-10IN-THD-P	Insulator Stud Steel 5/8in by 10in Long Threaded [$9.04]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	1 [0]	LBKT-SIDE-6FT-GALV-WD-PUB-P	Light Bracket Side Mount 6ft long Galvanized Finish for Wood Pole Public [$34.27]	$0.00	$0.00	$41.32	$0.00	$0.00	$0.00
R	1 [0]	LEAD-EQ-2-CU-COVER-P	Lead Equipment 2 Copper Covered [$14.91]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	1 [0]	LFIX-RW-LED-50-GRAY-III-3000K-PUB-P	Light Fixture Roadway LED 50W Gray Type III 3000K Public [$109.34]	$0.00	$0.00	$37.26	$0.00	$0.00	$0.00
R	2 [0]	OADD-POLE-CUTOFF-WD-P	DEP Adder-OH - OH Adder Pole cut off without cap for wood pole (per pole) [$0.00]	$0.00	$0.00	$129.50	$0.00	$0.00	$0.00
R	2 [0]	OLAB-POLE-PULL-STUB-P	OH Labor Pole pull stub (per pole) [$0.00]	$0.00	$0.00	$135.74	$0.00	$0.00	$0.00
R	2 [0]	OLAB-SEC-ATTACH-DE-P	OH Labor Secondary Wire attach dead end [$0.00]	$0.00	$0.00	$77.70	$0.00	$0.00	$0.00
R	3 [0]	OLAB-SEC/NEU-HDWR-P	OH Labor for Secondary or Neutral Insulator hardware or Anti Split out bolt [$0.00]	$0.00	$0.00	$59.76	$0.00	$0.00	$0.00
R	3 [0]	POLE-WD-40-C5-P	(UOP) 40ft long Class 5 Wood Pole with CCA Finish [$210.15]	$0.00	$0.00	$992.22	$0.00	$0.00	$0.00
R	1 [0]	TIE-COMP-2-COV-FNECK-P	Tie Composite #2 [$17.40]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	1 [0]	TIE-HAND-4-AL-P	Tie Hand 4 AL [$1.41]	$0.00	$0.00	$1.69	$0.00	$0.00	$0.00
R	3 [0]	TIE-SPOOL-1/0-AL-P	Tie Spool 1/0 AL [$2.65]	$0.00	$0.00	$5.07	$0.00	$0.00	$0.00
R	3 [0]	TIE-TOP-1/0-AL-FNECK-P	Tie Top 1/0 AL F Neck [$3.15]	$0.00	$0.00	$5.07	$0.00	$0.00	$0.00
R	681.51 [0]	WIRE-PRI-1/0-AAAC-P	(UOP) 1/0 AAAC Bare Overhead Wire with 7 Strands [$0.31]	$0.00	$0.00	$656.49	$0.00	$0.00	$0.00
R	453.51 [0]	WIRE-PRI-2-AAAC-P	(UOP) #2 AAAC Bare Overhead Wire with 7 Strands [$0.20]	$0.00	$0.00	$437.33	$0.00	$0.00	$0.00
T	2	OLAB-TRF-WIRE-SM-DE-P	DEP Adder Conductor - OH Labor Transferring overhead wire up to 2/0 dead end (per attachment)	$0.00	$0.00	$0.00	$119.54	$0.00	$0.00
T	4	OLAB-TRF-WIRE-SM-NDE-P	DEP Adder Conductor - OH Labor Transferring overhead wire up to 2/0 non dead end (per attachment)	$0.00	$0.00	$0.00	$183.30	$0.00	$0.00
Totals:				$4,929.27	$22,625.75	$4,247.41	$302.84	$41,728.91	$0.00
Overhead Costs:								$10,014.94	
				$956.28	$5,430.18	$1,019.38	$72.68		
Total Materials:									
				$5,885.55					
Total Labor:									
					$28,055.93	$5,266.79	$375.52		
Total Install Cost:									
				$33,941.48					
Total Removal Cost:									
				$5,266.79					
Total Transfer Cost:									
				$375.52					
Total Salvage Value:									$0.00

Total Gross Up:	$12,096.63	**Total Install Man Hours:**	227.52
		Total Remove Man Hours:	43.14
		Total Transfer Man Hours:	3.04

Total Project Cost: **$103,424.27**

Show Report Criteria

SAFETYFirst
▷ PERSONAL ACCOUNTABILITY
▷ ACTIVE CARING
▷ HAZARD RECOGNITION

USP:
USP: AØ 65K Fuse at Intersection of Tomahawk Ave
USP: 9th St., Black Mountain, NC 28711
USP: ID: 428802701
USP:

CIRCLE FOR SAFETY — DUKE ENERGY

Safety Reminders / Adverse Conditions

?: WORK ZONE BESIDE GOLF COURSE
?: FLAGGING REQUIRED
?: CIRCLE OF SAFETY
?: WEAR PROPER PPE

Work Zone General Comments:
MEDIUM TRAFFIC PEDESTRIAN AND VEHICLE

REMEMBER: Work zone area conditions may have changed for this job! Everyone is responsible for verifying the above safety information is correct prior to any work being performed each day.

P1 45/4 BX56BZ
POLE EXISTING

P2 45/4 AWB22 19°
R: 40/5
R:1Ø TL
I:45/4
I: 1Ø DDE
I: DBL DGUY (23' GL)

P3 40/5 CE58BZ
R: 40/5
R:1Ø TL
R:1Ø DE TAP FUSED (25KS)
R: AØ FUSE 25KS
R:SGL DGUY

P4 45/4 CE59BZ
R: 40/5
R: 1Ø DDE
R: OWS DE FROM P8
R: 2/3 TPX TO DEMAND POINT
R: DBL DGUY
I: 45/4
I: 1Ø DDE
I: OWS DE FROM P8
I: 2/3 TPX TO DEMAND POINT
I: DBL DGUY (12' GL)

P5 45/4 11° CE19BZ
R: 40/5
R:1Ø TL
R: 1Ø DE TAP
R: #4 TPX TO P6
R: DBL DGUY
R: 50W LED S/L 6' BKT
R: SGL SGUY TO P7
I: 45/4
I: 1Ø DDE
I: 1Ø DE TAP
I: #4 TPX TO P6
I: DBL DGUY (12' GL)
I: DBL DGUY (21' GL)
I: 50W LED S/L 6' BKT

P6 45/4 CE15BZ
POLE EXISTING

P7 45/4 CE20BZ
POLE EXISTING

P8 40/5 CE60BZ
POLE EXISTING

P9 45/4 19° 2LBL14
I: 45/4
I: 1Ø DDE
I: DBL DGUY (26' GL)

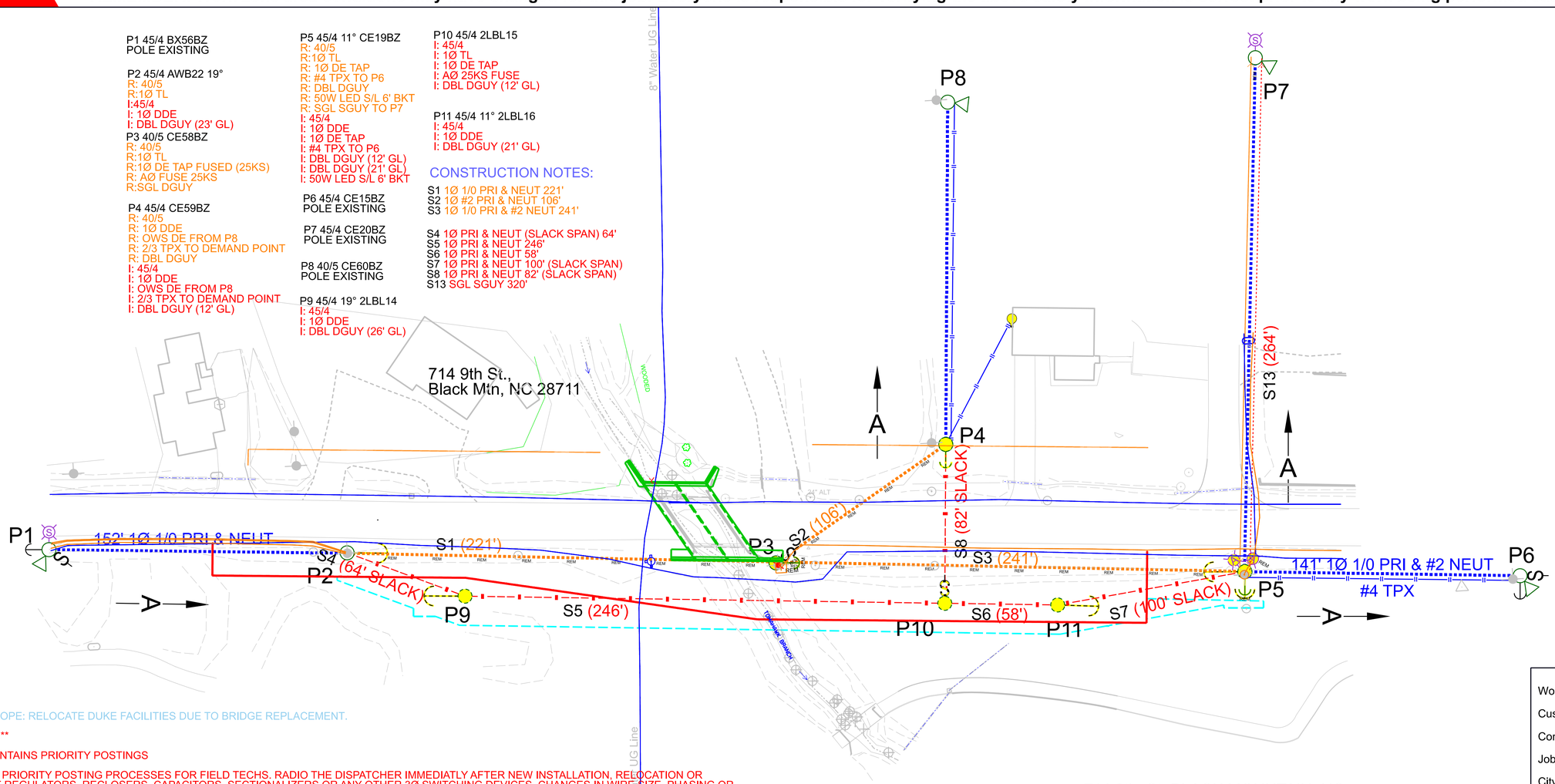
P10 45/4 2LBL15
I: 45/4
I: 1Ø TL
I: 1Ø DE TAP
I: AØ 25KS FUSE
I: DBL DGUY (12' GL)

P11 45/4 11° 2LBL16
I: 45/4
I: 1Ø DDE
I: DBL DGUY (21' GL)

CONSTRUCTION NOTES:

S1 1Ø 1/0 PRI & NEUT 221'
S2 1Ø #2 PRI & NEUT 106'
S3 1Ø 1/0 PRI & #2 NEUT 241'

S4 1Ø PRI & NEUT (SLACK SPAN) 64'
S5 1Ø PRI & NEUT 246'
S6 1Ø PRI & NEUT 58'
S7 1Ø PRI & NEUT 100' (SLACK SPAN)
S8 1Ø PRI & NEUT 82' (SLACK SPAN)
S13 SGL SGUY 320'



PROJECT SCOPE: RELOCATE DUKE FACILITIES DUE TO BRIDGE REPLACEMENT.

ATTENTION

THIS JOB CONTAINS PRIORITY POSTINGS

FOLLOW GIS PRIORITY POSTING PROCESSES FOR FIELD TECHS. RADIO THE DISPATCHER IMMEDIATLY AFTER NEW INSTALLATION, RELOCATION OR REMOVAL OF REGULATORS, RECLOSERS, CAPACITORS, SECTIONALIZERS OR ANY OTHER 3Ø SWITCHING DEVICES, CHANGES IN WIRE SIZE, PHASING OR LOAD TRANSFERS, UNDERGROUND PERMANENT LOAD SWITCHING, INSTALLATION, REMOVAL, ENERGIZING OR DE-ENERGIZING OF BACKBONE FEEDERS. COMPLETION OF ANY SECTIONALIZATION PROJECT.

**MOVE TXs AND TAPS TO PHASES AS NOTED, OTHERWISE

LEAVE ON EXISTING PHASE.

**MAINTAIN MINIMUM OF 18' CLEARANCE OVER ALL ROADS ON ALL NEUTRAL AND SECONDARY CONDUCTORS CROSSINGS.

**ALL GUY LEADS SHOULD MEET CURRENT DUKE SPEC UNLESS OTHERWISE NOTED.

**RETROFIT ALL DEVICES AS NEEDED WITH COUTOUTS, ARRESTERS, AND WILDLIFE GUARDS.

**INSTALL FIBERGLASS GUY INSULATORS ON ALL PRIMARY GUYS.

**INSTALL/UPDATE ALL FUSE TAGS.

FIELD ID TAGS NEED TO BE ADDED TO POLES*POLE IDs ARE LISTED FOR EACH POLE***

If needed, add:

**THIS JOB CONTAINS TIES BETWEEN DIFFERENT CIRCUITS! **

**PHASING HAS NOT BEEN VERIFIED! PHASING WILL NEED TO BE VERIFIED BEFORE TIES ARE COMPLETED! **

SET POLE (DETERMINED BY POLE SIZE) 10% + 2' PER DUKE STANDARDS

CHARGING WID'S

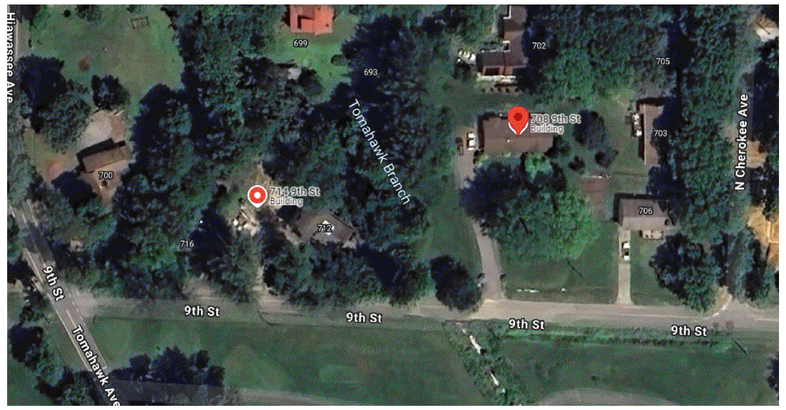
-ACTIVE INSTALL-MX0467037-I

-ACTIVE REMOVE-MX0467037-R

-ACTIVE TRANSFER-MX0467037-X

TREE TRIMMING CHARGE TO ACTIVITY I

714 9th. St, BLACK MOUNTAIN, NC



Work Order Number	50467037
Customer/Contact	Raymond Veilleux
Contact Phone	864.908.5478
Job Site Address	714 9th St
City	BLACK MOUNTAIN
County	BUNCOMBE
State, Zip	NC, 28711
Designer	BRODY MIERS
Designer Phone	864-908-5478
Circuit ID	T0810B02
Primary Voltage	12.47/7.2kV
Permit Required	Yes___ No*___
Permit Type/No.	
Permit Type/No. 2	
Permit Type/No. 3	
Revision Date	1-21-2025

DUKE ENERGY®

Sheet 1 OF 1
Scale = 1"=30'

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Angela Reece, Facilities & Project Manager, Deputy Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Project Manager & Facilities

TITLE OF ITEM: EB-5547B (Greenway) Temp Construction Easement Donation

SUGGESTED MOTION(S):

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.

SUMMARY:

EB5547 A and B (formerly known as the River Walk Greenway) is an ongoing bike and pedestrian project which is broken down into two sections. Section B begins at Black Mountain Ave and ends at the existing trailhead of The Oaks Trail. This section includes significant improvements to the intersection of Midland Avenue and E. State Street, bike lanes on NC-9 Hwy to Vance Avenue and Black Mountain Avenue. Construction is projected to commence at the end of 2025 or early 2026 depending on Section A factors. The town has been working with Michael Baker International Engineering and Tellix to procure right of way and construction easements for this project. This DEED OF RIGHT OF WAY reflects Montreat College donating a temporary construction easement to the town. Staff request the Town Attorney to review this document and make any amendments to the suggested motion as necessary.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? This project is identified in the State Transportation Improvement Plan (STIP) as EB5547-B which includes 80% federal funding from the Federal Highway Administration (FHA) which is passed through the NC Department of Transportation (NCDOT) and allocated by the French Broad River Metropolitan Planning Organization (MPO) within the State Transportation Improvement Plan (STIP).

If no, describe how it will be funded. General Fund/Capital Project Ordinances O-19-10 O-24-03 and Resolutions R-19-03.
Please visit the project page to learn more: https://www.townofblackmountain.org/2783/EB-5547-A-B-Riverwalk-Greenway

ATTACHMENTS:

1. 25-07-24_Montreat-College-Donation-Easement-EB5547B
2. 25-07-24_Montreat-College-Construction-Easement-EB5547B

DONATION OF EASEMENT TO
THE TOWN OF BLACK MOUNTAIN

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

Project Name: EB-5547B – Black Mountain Riverwalk Greenway
Property Owner: Montreat College
Parcel No.: 1
PIN No: 0609-93-9480

This is to advise that the undersigned, as owner of the property or property interest referenced above, desires to make a voluntary donation of said easement or property interest to the Town of Black Mountain for the use and benefit of said Project.

The undersigned has been advised that he/she is entitled to receive just compensation for the areas needed and the owner hereby waives any compensation in exchange for the donation of easement as full settlement of his/her claim. Having been fully informed of the above rights, I, the owner, hereby waive those rights unless otherwise noted below.

MONTREAT COLLEGE
a North Carolina non-profit corporation

☒ DONATE John W. Boughan _____ _____ 7/24/25
Print Name Signature Date

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

Excise Tax $0.00

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

PROJECT NAME: **Black Mountain Riverwalk Greenway**
PROJECT NO: **EB-5547B**
PARCEL NO.: **1**

A Portion of Tax Lot Number: **0609-93-9480**

Property Address: **Vance Avenue**

Brief Description for the Index: **See Attached Exhibit.**

THIS GRANT OF EASEMENT is made this 24th day of July, 20 25 by and between **MONTREAT COLLEGE**, a North Carolina non-profit corporation, PO Box 1267, Montreat, NC 28757 (hereinafter referred to as "GRANTOR"), and **THE TOWN OF BLACK MOUNTAIN,** a North Carolina municipal corporation, 160 Midland Avenue, Black Mountain, NC 28711, (hereinafter referred to as "GRANTEE").

The designation GRANTOR and GRANTEE, as used herein, shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, said Grantor owns a certain tract of land ("Tract") in the Town of Black Mountain, County of Buncombe, North Carolina, the same being the land conveyed to Grantor, by deed recorded in Book **2502,** Page **075** in the office of the Register of Deeds of Buncombe County;

NOW THEREFORE said GRANTOR for good and valuable consideration, the receipt and sufficiency of which is acknowledged, has granted, and by these presents does grant to said GRANTEE and its successors a Temporary Construction Easement ("TCE") for the purpose of laying and constructing the public project referenced above. This shall include, but not be limited to, the removal of trees, shrubs, and landscaping, as well as making modification of the topography, which are necessary for the construction of the project. Said TCE is located in that certain portion of the Tract in or near the Town of Black Mountain, County of Buncombe and State of North Carolina, and described as follows:

> THAT PORTION of the Tract labeled "Temporary Construction Easement" or "TCE" on the map attached hereto as Exhibit A and incorporated herein by reference, said map having been prepared by or for the GRANTEE.

The TCE granted in the immediately preceding paragraph shall take effect upon the beginning of this project's construction on the above mentioned parcel and shall expire at the completion of said project, but no later than 180 calendar days after the beginning of this

RETURN TO: TELICS
ESMT TCE

project's construction; and the parties hereto further covenant and agree that upon the expiration of the TCE as herein provided, the GRANTEE or its Contractor shall have no further obligations to maintain or rights to enter upon the TCE described herein.

GRANTOR understands and agrees that the consideration, paid by the GRANTEE, represents full and final payment for the transfer of the easement described herein, as well as all improvements located within the easement area or areas unless stated otherwise.

GRANTOR understands that this property is being acquired for a construction project of the GRANTEE and agrees that construction may begin on said property at any time following execution of this Agreement. It is further agreed that commencement of construction on said property prior to receiving compensation shall not be deemed as trespass and GRANTOR shall waive claim of trespass on said property.

It is further understood that the GRANTOR shall erect no permanent structure of any kind over or across this TCE for the duration of the term of this instrument, or any subsequent instrument executed by the parties hereto. For purposes of this document, permanent structure includes, but is not limited to: buildings, tennis courts, and swimming pools.

GRANTOR, his heirs and assigns, hereby covenants to and with the GRANTEE that GRANTOR is the owner of the hereinabove-described property, and that GRANTOR has the right to convey this Temporary Easement(s).

Upon completion of construction, GRANTEE, at its sole cost and expense, shall restore the TCE area to a condition reasonably similar to that which existed prior to the construction project.

TO HAVE AND TO HOLD the land hereinbefore described unto the GRANTEE, its successors and assigns, for the aforesaid uses and purposes and none other.

RETURN TO: TELICS
ESMT TCE

IN WITNESS WHEREOF these presents have been duly executed under seal by the Grantor on this the 24th day of July, 2025.

MONTREAT COLLEGE
a North Carolina non-profit corporation

By: _____
John W. Beaghan
Vice President for Finance & Administration

****

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Audrey F Weaver, a Notary Public of the County of Buncombe State of North Carolina, certify that John Beaghan personally came before me this day and acknowledged that he/she is the Vice President for Finance & Administration of Montreat College, a North Carolina non-profit corporation, and that by the authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name and on its behalf as its act and deed.

Witness my hand and notary seal or stamp, this the 24th day of July, 2025.

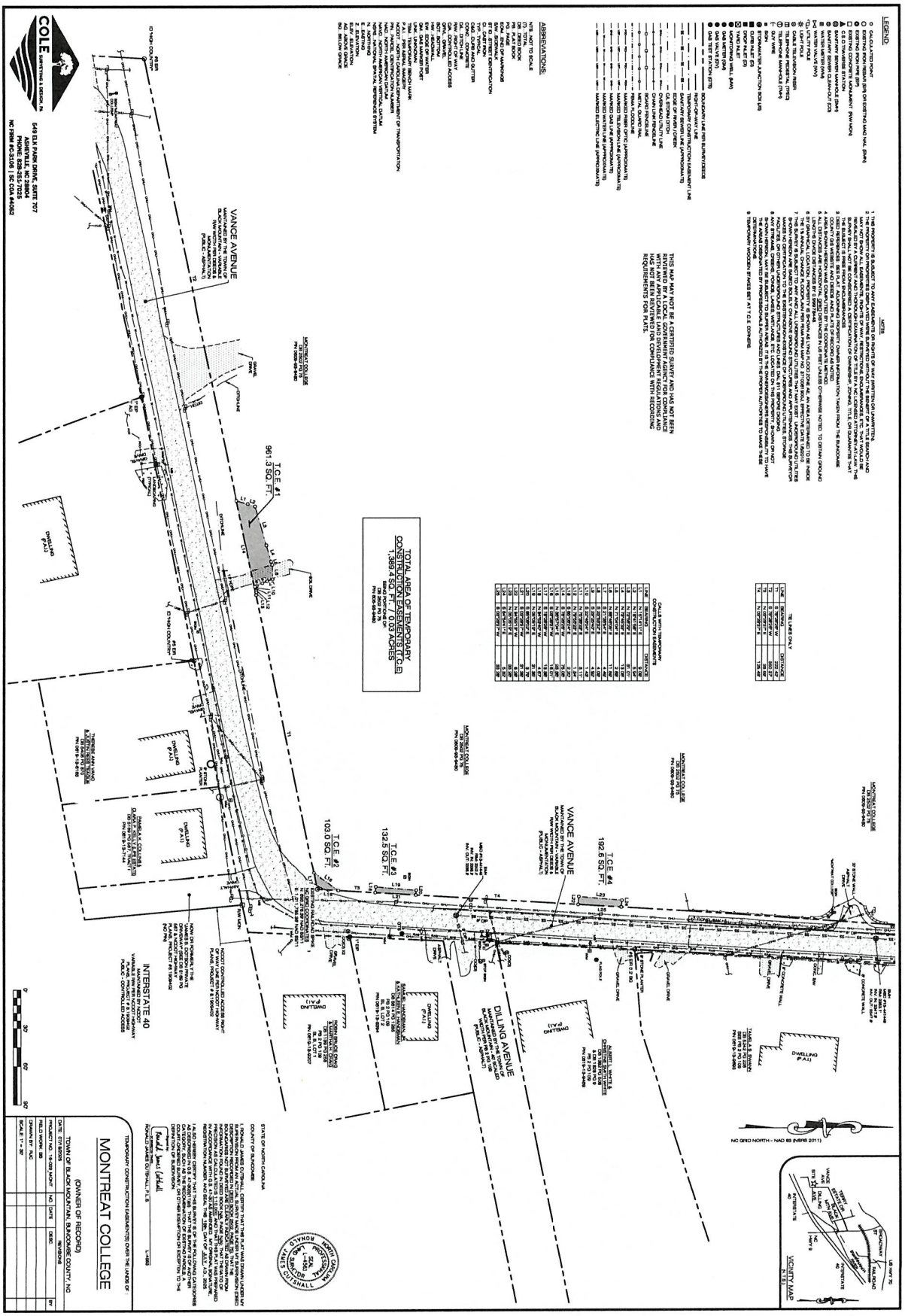
[SEAL] AUDREY F. WEAVER NOTARY PUBLIC My Comm. Expires 12/5/2027 MCDOWELL COUNTY NC

Audrey F. Weaver
Notary Public

My commission expires: 12/5/2027

RETURN TO: TELICS
ESMT TCE

EXHIBIT A


LEGEND
NOTES
ABBREVIATIONS
VANCE AVENUE
DILLING AVENUE
INTERSTATE 40
MONTREAT COLLEGE
TOTAL AREA OF TEMPORARY CONSTRUCTION EASEMENT (TCE) 1,388.4 SQ. FT. / 0.063 ACRES
T.C.E. #1 961.3 SQ. FT.
T.C.E. #2 103.0 SQ. FT.
T.C.E. #3 132.5 SQ. FT.
T.C.E. #4 192.5 SQ. FT.
VICINITY MAP
NC GRID NORTH - NAD 83 (NSRS 2011)
COLE SURVEYING & DESIGN, PA
649 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
NC FIRM #C-5106 | SC COA #4052
MONTREAT COLLEGE
(OWNER OF RECORD)
TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NC
TEMPORARY CONSTRUCTION EASEMENT(S) OVER THE LANDS OF
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of New Wells		

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

SUMMARY:

The American Relief Act, 2025 (PL 118-158) includes Supplemental Appropriations for the State Revolving Funds (SRF) for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene (SA-HMW).

North Carolina's allotment is $409 million for Drinking Water State Revolving Fund (DWSRF Helene) projects and $253 million for Clean Water State Revolving Fund (CWSRF Helene) projects, including administrative costs.

The Town intends to construct and drill new wells that will connect to the Town's water system which will prevent interruption in the event of a flood or natural disaster, and enhance resiliency of the Town's water supply. For this project, the Town intends to request State Revolving Loan Funds (SRF) with 100% principal forgiveness at an estimated amount of $2,500,000. This resolution will need to be adopted by Council to proceed with the application.

Some information about this fund is listed below and included in the packet attachment.

What types of projects can this program fund?
This program can fund SRF-eligible projects that serve one or more of the following purposes:

- Reduce flood risk and vulnerability at drinking water/wastewater treatment works, or
- Enhance resiliency to rapid hydrologic change or natural disasters at treatment works

What are examples of types of drinking water and wastewater projects that can be funded by SA-HMW?

- Projects that prevent interruption of collection/distribution system operation in the event of a flood or natural disaster.
- Projects that prevent floodwaters from entering treatment works or well house.
- Projects that maintain the operation of treatment works and integrity of a treatment train in the event of a flood or natural disaster.
- Projects that preserve and protect treatment works equipment in the event of a flood or natural disaster.
- Projects that make connections from homes served by decentralized wastewater treatment systems to centralized wastewater treatment systems.

This is not an all-inclusive list.

What are the program specifics for this funding?

- **Funds will be made available as no interest loans, with principal forgiveness applied to the loan.**
- Project funding can have 20- to 30-year loan terms based on the anticipated life of the infrastructure.
- Initial Cap of $5M per applicant for WW projects and $10 M per applicant for DW projects will be applied; this cap may be increased after April, 2026 based on funding availability.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. These funds, if awarded to the Town, will be made available as no interest loans, with principal forgiveness applied to the loan.

ATTACHMENTS:

1. R-25-41_Resolution to Apply for State Revolving Fund for Drilling New Wells
2. 2025 SRF Helene SA-HMW Fact Sheet

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA
RESOLUTION TO APPLY FOR DRINKING WATER STATE REVOLVING FUND (SRF) FUNDING FOR DRILLING OF WELLS

Resolution #: R-25-41

WHEREAS, The Town of Black Mountain has need for and intends to construct, plan for, or conduct a study in a project described as the drilling new wells to connect to the Town's water system in an attempt to prevent interruption in the event of a flood or natural disaster, and enhance resiliency; and

WHEREAS, The Town of Black Mountain intends to request State Revolving Loan Funds with 100% principal forgiveness for the project at an estimated amount of $2,500,000.

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

1. That the Town of Black Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

2. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

3. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

4. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Black Mountain to make a scheduled repayment of the loan, to withhold from the Town of Black Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

5. 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 study of or construction of the project described above, at an estimated amount of $2,500,000.

6. 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.

7. 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.

Adopted this the 11th day of August 2025 at Black Mountain, North Carolina.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

Division of Water Infrastructure
SRF Funding for Hurricane Helene

2025

Last updated: July 28, 2025

American Relief Act, 2025 (PL 118-158) includes Supplemental Appropriations for the State Revolving Funds (SRF) for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene (SA-HMW)

Funds are for enhancing infrastructure resiliency

How much funding is available?

North Carolina's allotment is $409 million for Drinking Water State Revolving Fund (DWSRF Helene) projects and $253 million for Clean Water State Revolving Fund (CWSRF Helene) projects, including administrative costs. There is also approximately $22 million for the CWSRF program to improve the resilience of decentralized wastewater treatment systems (CWSRF Helene Decentralized).

DWSRF Helene and CWSRF Helene

What types of projects can this program fund?

This program can fund SRF-eligible projects that serve one or more of the following purposes:

- Reduce flood risk and vulnerability at drinking water/wastewater treatment works, or
- Enhance resiliency to rapid hydrologic change or natural disasters at treatment works

Who can apply for this funding?

Any local government unit (LGU) or non-profit water/wastewater corporations affected by Hurricane Helene may apply for this funding. LGUs include counties, cities, towns, Sanitary Districts, Water and Sewer Authorities, Metropolitan Districts, etc. Investor-owned drinking water corporations affected by Hurricane Helene may also apply for the DWSRF Helene funds.

What are examples of types of drinking water and wastewater projects that can be funded by SA-HMW?

- Projects that prevent interruption of collection/distribution system operation in the event of a flood or natural disaster
- Projects that prevent floodwaters from entering treatment works or well house
- Projects that maintain the operation of treatment works and integrity of a treatment train in the event of a flood or natural disaster
- Projects that preserve and protect treatment works equipment in the event of a flood or natural disaster
- Projects that make connections from homes served by decentralized wastewater treatment systems to centralized wastewater treatment systems

This is not an all-inclusive list.

What are the program specifics for this funding?

- Funds will be made available as no interest loans, with principal forgiveness applied to the loan.
- Project funding can have 20- to 30-year loan terms based on the anticipated life of the infrastructure.
- Initial Cap of $5M per applicant for WW projects and $10 M per applicant for DW projects will be applied; this cap may be increased after April, 2026 based on funding availability.

CWSRF Helene Decentralized Wastewater Treatment Systems (DWTS)

What types of projects can this program fund?

This program can fund CWSRF-eligible projects that serve one or more of the following purposes:

- Improve the resilience of decentralized wastewater treatment systems to flooding
- Assess the potential to connect homes served by decentralized wastewater treatment systems to centralized wastewater treatment systems, or
- To fund such connections.

Repair/replacement of decentralized wastewater treatment systems that meet the requirements above in areas that were affected by Hurricane Helene are eligible.

Who can apply for this funding?

Any local government unit (LGU), non-profit water/wastewater corporations and Community Development Finance Institutions or Nonprofits that provide financing assistance to homeowners to repair or replace DWTS in NC.

What are the program specifics for this funding?

- Funds will be made as 100% principal forgiveness loans. No portion of the funding will be repayable.
- All funds must be spent within 5 years or December 2031 (whichever comes first).
- Funds are subject to all SRF conditions (Except BABA).

General Information and Applications

What do I need to know before I apply for SRF SA-HMW funding?

- The primary purpose of the project must be to reduce flood risk and enhance resiliency. Recovery from hurricane damage is only eligible if the recovery includes reducing flood risks or enhancing resiliency.
- The scope of a project seeking SA-HMW funds must include resiliency and must be different from the scopes that received funding from other federal agencies.
- SRF federal crosscutter requirements apply, including Engineering Report approval, Environmental Review, federal and state procurement requirements, American Iron and Steel requirements, Davis-Bacon Wage requirements, etc. Crosscutters will be applicable to the entire project. However, Build America, Buy America (BABA) Act requirements do not apply to SA-HMW funds.
- Planning and design costs incurred after September 27, 2024 will be eligible to receive these funds if they meet the eligibility criteria for SA-HMW funding and costs were incurred for projects that are/were in compliance with all of the SRF requirements applicable to SA-HMW funds.

How do I apply for the funds?

Application materials are posted on the Division's Application Forms and Additional Resources webpage. Applications will be accepted year-round on a rolling basis until March 2, 2026. Any un-obligated funds will be awarded to previously approved applications based on SWIA awarded priority points and funding needs after April SWIA meeting.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Consent Agenda	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines within High-Risk Hazard Areas		

SUGGESTED MOTION(S):

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.

SUMMARY:

The American Relief Act, 2025 (PL 118-158) includes Supplemental Appropriations for the State Revolving Funds (SRF) for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene (SA-HMW).

North Carolina's allotment is $409 million for Drinking Water State Revolving Fund (DWSRF Helene) projects and $253 million for Clean Water State Revolving Fund (CWSRF Helene) projects, including administrative costs.

The Town intends to construct and relocate water lines that are located within high-risk hazard areas which will prevent interruption in the event of a flood or natural disaster, and enhance the resiliency of the Town's water supply. For this project, the Town intends to request State Revolving Loan Funds (SRF) with 100% principal forgiveness at an estimated amount of $2,500,000. This resolution will need to be adopted by Council to proceed with the application.

Some information about this fund is listed below and included in the packet attachment.

What types of projects can this program fund?

This program can fund SRF-eligible projects that serve one or more of the following purposes:

- Reduce flood risk and vulnerability at drinking water/wastewater treatment works, or
- Enhance resiliency to rapid hydrologic change or natural disasters at treatment works

What are examples of types of drinking water and wastewater projects that can be funded by SA-HMW?

- Projects that prevent interruption of collection/distribution system operation in the event of a flood or natural disaster.
- Projects that prevent floodwaters from entering treatment works or well house.
- Projects that maintain the operation of treatment works and integrity of a treatment train in the event of a flood or natural disaster.
- Projects that preserve and protect treatment works equipment in the event of a flood or natural disaster.
- Projects that make connections from homes served by decentralized wastewater treatment systems to centralized wastewater treatment systems.

This is not an all-inclusive list.

What are the program specifics for this funding?

- **Funds will be made available as no interest loans, with principal forgiveness applied to the loan.**
- Project funding can have 20- to 30-year loan terms based on the anticipated life of the infrastructure.
- Initial Cap of $5M per applicant for WW projects and $10 M per applicant for DW projects will be applied; this cap may be increased after April, 2026 based on funding availability.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. These funds, if awarded to the Town, will be made available as no interest loans, with principal forgiveness applied to the loan.

ATTACHMENTS:

1. R-25-42_Resolution to Apply for State Revolving Fund for Relocation of Water Lines in High Risk Hazard Areas

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA
RESOLUTION TO APPLY FOR DRINKING WATER STATE REVOLVING FUND (SRF) FUNDING FOR RELOCATION OF WATER LINES WITHIN HIGH-RISK HAZARD AREAS

Resolution #: R-25-42

WHEREAS, The Town of Black Mountain has need for and intends to construct, plan for, or conduct a study in a project described as relocation of water lines located within high-risk hazard areas in an attempt to prevent interruption in the event of a flood or natural disaster, and enhance resiliency; and

WHEREAS, The Town of Black Mountain intends to request State Revolving Loan Funds with 100% principal forgiveness for the project at an estimated amount of $2,500,000.

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

1. That the Town of Black Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

2. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

3. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

4. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Black Mountain to make a scheduled repayment of the loan, to withhold from the Town of Black Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

5. 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 study of or construction of the project described above, at an estimated amount of $2,500,000.

6. 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.

7. 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.

Adopted this the 11th day of August 2025 at Black Mountain, North Carolina.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Josh Harrold, Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	Unfinished Business	**DEPARTMENT:**	Administration

TITLE OF ITEM: 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.

SUGGESTED MOTION(S):

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.

SUMMARY:

Public Service Company, Inc., d.b.a. Enbridge (formerly Domninon Energy), has sent over the proposed franchise agreement renewal for operating natural gas utilities within the Town of Black Mountain. The original franchise agreement was adopted by the Town Council in 1995 for 30 years, expiring July 2025. A public hearing was held during the Town Council meeting on June 9th, 2025. At the June 9th, 2025 meeting, Town Council asked the Town Attorney to work on some amendments to the proposed agreement, which included disturbance of right-of-ways and text that was removed in the new proposed agreement from the previous agreement. Further, Council voted to extend the existing agreement for an additional seventy (70) days from its expiration in order for the attorney to work on these edits. The Attorney has made revisions to the document and the Council should now review these changes attached in the packet.

Attached is the original franchise agreement ordinance from July 1995, and the July 2025 revised draft franchise agreement ordinance with attorney revisions.

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 Renewal Draft_Black Mountain Franchise Agreement (Redline-Attny edits)
2. Black Mountain Franchise Agreement_Public Service Company of NC_Gas Utilities_approved July 10, 1995

ORDINANCE

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.

WHEREAS, Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the Town of Black Mountain North Carolina, (the "Town") and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Black Mountain North Carolina as follows:

SECTION 1. DEFINITIONS.

Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

(a) **(CITY/TOWN COUNCIL, TOWN BOARD, VILLAGE COUNCIL, BOARD OF COMMISSIONERS)** shall mean the governing body of the Town of Black Mountain North Carolina, as now or hereafter constituted.

(b) **COMPANY** shall mean Public Service Company of North Carolina, Incorporated, its successors, and assigns.

(c) **(CITY, TOWN, VILLAGE)** shall mean the Town of Black Mountain, North Carolina, including its present and future boundaries.

(d) **DEPARTMENT OF TRANSPORTATION** shall mean the North Carolina Department of Transportation or its successor.

(e) **GAS** shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.

(f) **GAS UTILITY SYSTEM** shall mean all facilities of the Company in the Town used for the transmission or distribution of Gas within the Town.

(g) **FERC** shall mean any reference made to the Federal Energy Regulatory Commission or its successor.

(h) **COMMISSION** shall mean the North Carolina Utilities Commission, or any successor body lawfully constituted.

(i) **PUBLIC WAY OR WAYS** shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the Town over which the Town has jurisdiction ~~or~~ and exercises control.

(j) **GOOD UTILITY PRACTICES** shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. Grant of Authority

The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the Town together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the Town as of the applicable time, has jurisdiction ~~or~~ and exercises control of the public ways. ~~This Franchise~~

~~Agreement shall also permit the Company to exercise the rights granted herein without the need for additional permit(s) from the Town.~~

SECTION 3. Conditions on Use of Public Ways

(a) No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction, installation, replacement or repair and shall be restored to the same good order and condition as when said work was commenced;~~.~~ provided, ~~H~~however, in the Town's sole discretion, should such work by the Company be located in a Public Way appropriate for future construction of a sidewalk, then the Company shall restore such area with appropriate material, including an aggregate base, to allow for such future sidewalk. S~~s~~hould any such damage occur due to the Company's failure to use due care during its work of construction, installation, replacement or repair, the Company shall repair the same as promptly as possible, and, in default thereof, the Town, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company.

(b) To ensure compliance with this Ordinance by the Company, a~~A~~ll work upon the streets and public places of the Town shall be done subject to reasonable inspection of the Town Manager or designee (or other legally constituted governing body) of the Town.~~,~~ A~~a~~ll sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors and assigns, to the reasonable requirements of the Town.

(c) The Company shall construct and locate its Gas Utility Systems so as not to interfere with any existing sewer or water connection and/or sewer lines, water mains and other utility infrastructure. The Company shall take reasonable steps necessary to protect the facilities of the Town and other utilities during its work.

~~(b)~~(d) The Company shall coordinate with other utilities and their providers which use or are located or will be located in the Public Way so as to allow any such additional infrastructure to be properly constructed or installed. Upon request of the Town, the Company shall provide information identifying the location of its Gas Utility System.

SECTION 4. Annexation Notification

The Town shall mail to the Company areas annexed into the Town. Said notices shall include pertinent maps and/or tax map numbers, so that newly annexed customers may be identified. Any written notice to the Company shall be sent to Public Service Company of North Carolina, GIS Services-Annexations, 800-A Gaston Road, Gastonia, NC 28056.

SECTION 5. Service

(a) The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply

of such gas the customers within the Town shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

(b) The Company shall, as with all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the Town.

SECTION 6. Nonexclusive Grant and Term

(a) The gas franchise granted by this Ordinance is not exclusive. The Town may grant the same or similar rights and privileges to other ~~certified~~ persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

(b) Upon ratification and acceptance, this franchise shall constitute a contract between the Town and the Company and shall be in force and effect for an initial term of 30 years and shall continue in force and effect year-to-year thereafter until properly terminated by either party Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. Franchise Not Waiver of Law

This franchise is subject to the constitution and laws of the State of North Carolina and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the Town to enact any ordinance or policy that does not diminish, conflict, or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein.

SECTION 8. Regulations, Safety and Customer Service

(a) Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.

(b) The Company will restore gas utility service using Good Utility P~~p~~ractices.

(c) The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.

(d) Company vehicles responding to natural gas emergencies may park in a Public Way as close to the location of the emergency as is practicable.

SECTION 9. Commission Rules and Rates

The Company may from time to time declare, make, and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the Town. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. Plat of Gas Utility System

The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the Town may review the same during any regular business hours of the Company.

SECTION 11. Bankruptcy, Successors, Assigns

In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the Town in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the Town is bound by this Ordinance.

SECTION 12. Revocation

In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the Town, the Company fails to cure or remedy such default, or to have begun reasonable measures to do so, then the Town may cause the Company to appear at a hearing before the Town Council or its designee upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Public Service Company of North Carolina, 800 Gaston Road Gastonia, NC 28053-1398, Attention: Local Government and Economic Development Manager. If at such hearing ~~the Town~~it should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the Town may revoke and terminate this franchise; provided, however, that the Company may file with the Town within ten (10) days after such determination the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the Town and Company agree that such court shall hear and determine *de novo* whether there has been substantial, repeated, or flagrant failure or default by the Company of the terms, conditions, or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination unless such failure or default shall be determined to be material and continuing.

SECTION 13. Indemnification:

The Company shall indemnify and hold harmless the Town, its governing board, officers, agents and employees from any losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from the action or inaction of the Company in constructing, operating, or maintaining a ~~g~~Gas Utility ~~s~~System, in carrying on the business of selling, transmitting or distributing gas, or in exercising or failure to exercise any right or privilege granted by this franchise and save and except for any such losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from, or contributed to, by the negligent action or inaction of the Town or any of its officers, agents, or

employees. Provided, however, the Company's indemnification at any time is conditioned on the Town having notified the Company in writing of any such claim, demand, or suit within such time as

to give the Company reasonable opportunity to resolve or defend the same on behalf of the Town. In the event of such notification, the Company shall have the sole and full responsibility for the resolution and defense of any such claim, demand, or suit on behalf of the Town, and the Town shall cooperate fully with the Company in any such undertaking. If after proper notification, the Company fails to undertake any such responsibility, the Town shall have the right to resolve or defend any such claim, demand, or suit at the expense of the Company.

SECTION 14. Severability, Third Party Rights

(a) If any provision in this contract is determined to be invalid, void, or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement, or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders, and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.

(b) The rights hereunder in this Ordinance accrue exclusively to the parties, their successors, and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 15. Effective Date, Term, Adoption, and Ratification

(a) This Ordinance shall be effective from and after the _____ day of_____, 2025 provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least one year in advance.

(b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted by the Town of Black Mountain the _____ day of_____, 2025, and hereby ratified.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley Barker, Clerk

APPROVED AS TO FORM:

_____
Attorney

ACCEPTANCE BY COMPANY

Public Service Company of North Carolina, Incorporated, does hereby accept and acknowledge the foregoing Ordinance, and in consideration of the benefits and privileges granted to it does hereby agree to the terms and conditions therein provided.

This is the _____ day of _____, 2025.

PUBLIC SERVICE COMPANY
OF NORTH CAROLINA, INCORPORATED

By: D. Russell Harris
Vice President and General Manager

ATTEST:

Its: Assistant Corporate Secretary

Kelly Gray
(Corporate Seal)

ORDINANCE

AN ORDINANCE GRANTING A GAS FRANCHISE TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, FOR THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, FOR A PERIOD OF THIRTY (30) YEARS

BE IT ORDAINED by the Board of Aldermen of the Town of Black Mountain, North Carolina:

SECTION 1. Definitions.

Whenever and wherever used in this Ordinance the following words and names shall have the following respective meanings:

(a) **BOARD OF ALDERMEN** shall mean the Board of Aldermen of the Town of Black Mountain, North Carolina, as now or hereafter constituted.

(b) **COMPANY** shall mean Public Service Company of North Carolina, Incorporated, its successors and assigns.

(c) **TOWN** shall mean the Town of Black Mountain, North Carolina, including its present and future Town limits.

(d) **DEPARTMENT OF TRANSPORTATION** shall mean the North Carolina Department of Transportation or its successors.

(e) **GAS** shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.

(f) **GAS SYSTEM** shall mean all facilities of the Company in the Town used for the transmission or distribution of Gas within the Town.

(g) **COMMISSION** shall mean the North Carolina Utilities Commission or any

successor body lawfully constituted.

(h) FERC shall mean the Federal Energy Regulatory Commission or its successor.

(i) PUBLIC WAY OR WAYS shall mean any public street, avenue, road, alley, lane, bridge or other public right-of-way within the Town over which the Town as of the applicable time has jurisdiction or exercises control.

SECTION 2. Grant of Authority.

The Town hereby grants to the Company the right and privilege to construct, operate and maintain a gas utility system within the Town for the transmission, distribution and sale of Gas to customers or users of the Company. The Company shall have the right, authority and privilege to construct, install, operate, maintain, lay, re-lay, renew, replace and repair gas pipes, mains, pipelines and necessary appurtenances thereto in, through, across, along and under the Public Ways within the Town for the pumping, handling, transmission, distribution and sale of Gas for any and all purposes, and for such objects and purposes to take up the pavement in Public Ways, and to make such excavation and changes therein as may be necessary therefor.

SECTION 3. Nonexclusive Grant.

This franchise is not exclusive. The Town may grant the same or similar rights and privileges to other persons at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

SECTION 4. Franchise Not Waiver of Law.

This franchise is not a waiver of any present or future law or regulation. This franchise is not a limitation upon the authority of the Town to adopt any law or regulation.

SECTION 5. Conflict with Other Regulations.

In the event any provision of this franchise is in conflict with any rule of the Commission or FERC, so that the Company cannot reasonably comply both with the provisions of this franchise and any rule of the Commission or FERC, then the Company shall comply with such Commission or FERC rule instead of the conflicting provision of this franchise.

SECTION 6. Service Standards.

(a) The Company shall maintain and operate its Gas System in a reasonably efficient manner in order to supply adequate gas service to its customers in the Town.

(b) The Company shall comply with all applicable ordinances and regulations of the Town not in conflict with the rules of the Commission of FERC or with this franchise.

(c) In the event of any interruption or impairment of service or failure of supply of Gas by reasons of force majeure, act of God, strike, breakdown, accident or other happening beyond the reasonable control of the Company, the Company shall use due diligence to restore such service within a reasonable time. Such interruption or failure shall not constitute a breach of this Ordinance.

SECTION 7. Conditions on Use of Public Ways.

(a) The Company shall construct, operate and maintain its Gas System so as to cause the minimum reasonable interference with the public use of any Public Ways, or with any abutting property owner's access thereto.

(b) The Company shall place the gas mains and pipes of its Gas System in the Public Ways at such location as the Town may prescribe. The Company shall construct and locate its gas mains and pipes so as not to interfere with existing sewer or water connections or sewer lines or water mains. The Company will take reasonable steps necessary to protect the facilities of the Town and other utilities during the work.

(c) The Company shall coordinate with other utilities which use the Public

Way. Upon request of the Town, the Company shall provide information identifying the location of Company facilities.

SECTION 8. Excavation in Public Ways; Restoration; Damage.

(a) Whenever the Company excavates in any of the Public Ways pursuant to this franchise, such excavation shall be made by the Company in compliance with the laws and regulations of the Town in effect at the time.

(b) Upon installation by the Company of gas mains or pipes, the Company shall, without delay, refill the trenches in which the mains and pipes are located according to standards established by the Town. The Company shall promptly restore and replace the pavement, sidewalk, curbs or gutters in any Public Way destroyed, disturbed or damaged by such work.

SECTION 9. Inspection.

The Town shall have the right to inspect all construction and installation work performed by the Company pursuant to this Ordinance and to make such other inspections as it shall deem necessary to ensure compliance with this Ordinance by the Company.

SECTION 10. Indemnification.

The Company shall indemnify and hold harmless the Town, its officers and employees from any cost, expenses, claims, judgments, suits or demands resulting or arising from the action or inaction of the Company in constructing, operating or maintaining its Gas System, in carrying on the business of selling, transmitting or distributing Gas, or in exercising or failing to exercise any right or privilege granted by this Ordinance, save and except for any such losses, costs, expenses, claims, judgments, suits or demands resulting or in any manner arising from or contributed to by the negligent action or inaction of the Town or any of its officers, agents or employees. However, nothing herein shall be construed to be a waiver of the legal immunities of the Town or its officials, employees, or agents performing their official governmental functions. The Company's obligation to indemnify the Town and such persons at any time is conditioned, however, on the Town having notified the Company in writing of any such claim, demand or suit in sufficient time to give the Company reasonable opportunity to resolve or defend the same on behalf of the Town. In the event of such notification, the Company shall have the sole and full responsibility for the resolution and defense of any such claim, demand or suit on behalf of the Town, and the Town shall cooperate fully with the Company in any such undertaking. If, after proper notification, the Company fails to undertake any such responsibility, the Town shall have the right to resolve or defend any such claim, demand or suit at the expense of the Company.

SECTION 11. Rules and Regulations.

The Company may from time to time declare, make and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the Town.

SECTION 12. Rates.

The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 13. Plat of Gas System.

The Company shall maintain maps or plats of its Gas System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the Town shall have access to the same during any regular business hours of the Company.

SECTION 14. Bankruptcy.

In the event (a) the Company is adjudged bankrupt or (b) its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, or (c) the Company reorganizes, merges or consolidates with any other Company, or (d) the properties and business of the Company are foreclosed or sold to satisfy

any lien or indebtedness or obligation of the Company, then the interest, rights and remedies of the Town in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance.

SECTION 15. Revocation.

In the Event the Company violates or fails to perform any of the provisions of this Ordinance and within sixty days after receipt of written notice of the same from the Town has failed to cure or remedy, or to have begun reasonable steps to cure or remedy, any such violation, failure or default, then the Board of Aldermen may give at least thirty (30) days written notice to the Company specifying the violation or failure constituting the grounds for revocation and notifying the Company to appear at a hearing before the Board of Aldermen to show cause why this franchise should not be revoked. If at such hearing the Board of Aldermen should determine that the Company's violation, failure or default has been substantial, repeated or flagrant, then upon such determination the Board of Aldermen may revoke and terminate this franchise; provided, however, that the Company may file with the Town within ten (10) days after any such determination the Company's election to appeal such determination to the proper North Carolina court, and in that event the Town and the

Company agree that such court shall hear and determine de novo whether there has been a substantial, repeated or flagrant violation, failure or default by the Company of the terms, conditions or obligations of this ordinance. A violation or default which cannot be cured by the Company shall not be grounds for revocation and termination, unless such violation or default shall be determined to be material and continuing.

SECTION 16. Severability.

Should any court of competent jurisdiction declare any part, term or provision of this Ordinance illegal, unauthorized or in conflict with any law of the United States or the State of North Carolina, or to be in conflict with any valid rule or regulation duly promulgated by any agency or regulatory body of the United States or the State of North Carolina, the remaining portions or provisions of this Ordinance shall not be affected thereby.

SECTION 17. Certified Copy to Company.

The Town Clerk shall deliver to the Company an executed or conformed copy of this Ordinance and the Company's written acceptance thereof, certified as follows:

"Certified to be a true and exact copy of an ordinance duly adopted by the Board of Aldermen of the Town of Black Mountain, North Carolina, on the 10 day of July, 1995, and the acceptance thereof by Public Service Company of North Carolina, Incorporated. The 10 day of July, 1995."

(Town's Seal)

Town Clerk, Town of Black Mountain, North Carolina

SECTION 18. Effective Date; Acceptance by Company; Term.

This Ordinance shall be effective from and after the 10th day of July, 1995, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist and continue for a period of thirty (30) years hereafter. Adopted by the Board of Aldermen the 10th day of July, 1995.

Carl R. Buttitt
Mayor

Attest:

Joanne S. Turner
Town Clerk

APPROVED AS TO FORM

Richard E. Thompson
Town Attorney

Acknowledgement

NORTH CAROLINA

BUNCOMBE COUNTY

This is to certify that on the 10th day of July, 1995, before me personally came Suzanne S. Turner, with whom I am personally acquainted, who, being by me duly sworn, says that he/she is the Town Clerk and Carl R. Bartlett is the Mayor of the Town of Black Mountain, the municipal corporation described in and which executed the foregoing; that he/she knows the corporate seal of said municipal corporation; that the seal affixed to the foregoing instrument is said corporate seal, and the name of the municipal corporation was subscribed thereto by the Town Clerk and that the said corporate seal was affixed, all by order of the governing body of said municipal corporation, and that the said instrument is the act and deed of said municipal corporation.

Witness my hand and official seal this the 10th day of July, 1995.

Debra B. Wilson
Notary Public

(SEAL)

My Commission Expires: 4/2/98

Acceptance of Franchise

Public Service Company of North Carolina, Incorporated does hereby accept and approve the foregoing Ordinance and all its terms and conditions, and in consideration of the benefits and privileges granted to it does hereby agree to abide by, carry out, observe and perform all the obligations and undertakings therein provided to be carried out and performed by it.

This the 27th day of September, 1995.

PUBLIC SERVICE COMPANY
OF NORTH CAROLINA, INCORPORATED

ATTEST:

J. Paul Douglas
Corporate Secretary

By: Charles E. Zeigler, Jr.
Charles E. Zeigler, Sr.
Chairman, President and
Chief Executive Officer

Acknowledgement

NORTH CAROLINA

GASTON COUNTY

This is to certify that on the 27TH day of September, 1995, before me personally came **J. Paul Douglas**, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Corporate Secretary, and **Charles E. Zeigler, Jr.** is the Chairman, President and Chief Executive Officer of Public Service Company of North Carolina, Incorporated, the corporation described in the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said Secretary and that the said Secretary and Chairman subscribed their names thereto, and said seal was affixed, all by order of the Board of Directors of said corporation.

Witness my hand and official seal this the 27TH day of September, 1995.

Notary Public

(SEAL)

My Commission Expires: 12-6-95

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jennifer Tipton, Senior Admin	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Planning & Development Services
TITLE OF ITEM:	Petition for Town to Take Over Maintenance of Fay Jones Lane and Rantis Lane		

SUGGESTED MOTION(S):

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.

SUMMARY:

The owners of the residences on Fay Jones Lane and Rantis Lane have filed a petition to dedicate both Fay Jones Lane and Rantis Lane to the Town for maintenance and ownership.

Public Works has viewed the petition and inspected the roads and are not recommending that the Town take over these roads for the following reasons:

- Future expense to maintain with no extra funding from the state (Powell Bill funds) and concern that existing funding may be cut due to Helene.
- Would require more staffing for maintenance such as snow removal.

The Council should discuss this filed petition. A copy of the plat map is attached showing these roads.

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. Resident Petition
2. Fay Jones & Rantis Lanes Map

Docusign Envelope ID: B1159C1B-D1FD-4B68-8C86-FD90BFFA24B0

TOWN OF BLACK MOUNTAIN - STREET DEDICATION POLICY

PETITION

We, the undersigned property owners of property located abutting a private street knows as Rantis Lane and Fay Jones, located off of Jane Jacobs Road, do hereby petition the Black Mountain Town Council to dedicate and maintain said street for public use.

We verify that we are willing to provide a cleared ~~40~~ 20 foot right-of-way needed to establish this as a town street.

Name/Signature	Property/Mailing Address
1. Signed by: [signature] 21193DA4585A49F...	19 Rantis Lane, Black Mountain, NC 2
2. DocuSigned by: DAVID KUSHNER B69D92C9AAFA442...	11 Rantis Lane, Blake Mountain, NC
3. Signed by: Bruce Snyder 5C8510ABCE5C4D5...	8 Fay Jones Lane Black Mountain, NC 28
4. DocuSigned by: [signature] 41A4950884D7434...	6 Fay Jones Lane Black Mountain NC
5. Signed by: Alex Quattlebaum A76E1ECA2E374D5...	9 Rantis Lane Black Mountain NC
6. Signed by: Kern Family Trust 59ACBB3F3DBB49B...	7 Fay Jones Lanee
7. DocuSigned by: Michael Wentz FB6BABA3330B422...	11 Fay Jones Lane
8. Signed by: [signature] 9AEC64FDD0454BF...	3 Fay Jones Lane
DocuSigned by: [signature] 7293D0EC322A4F0...	13 Fay Jones Lane
Signed by: Linda Braman 166A7A899431489...	5 Fay Jones Lane

TOWN OF BLACK MOUNTAIN - STREET DEDICATION POLICY

PETITION

We, the undersigned property owners of property located abutting a private street knows as Rantis Ln + Fay Jones Ln., located off of 2713 and Jane Jacobs Rd., do hereby petition the Black Mountain Town Council to dedicate and maintain said street for public use.

We verify that we are willing to provide a cleared ~~40~~ 20 foot right-of-way needed to establish this as a town street.

Name/Signature	Property/Mailing Address
1. Tucker Branham /	16 Fay Jones Ln Black Mtn, NC 28711
2. Lisa Lambeth /	16 Fay Jones Ln Black Mountain, NC 28711
3. Carolina Rojas	15 Fay Jones Lane Black Mountain, NC 28711
ERIC MAYOS / 4. KIT MATTHEW / Kathy K. Matthew	9 FAY JONES LANE BLACK MOUNTAIN, NC 28711
5. Carolina Rojas	20 Fay Jones Lane Black Mountain, NC 28711
6. William H. Bauer /	24 Fay Jones Ln Black Mtn. NC 28711
7. KIRK & Mi WOOD	1 FAY JONES LN BLACK MOUNTAIN NC 28711
8. Douglas Chamberlain /	13 Rantis Lane Black Mt, NC 28711

TOWN OF BLACK MOUNTAIN - STREET DEDICATION POLICY

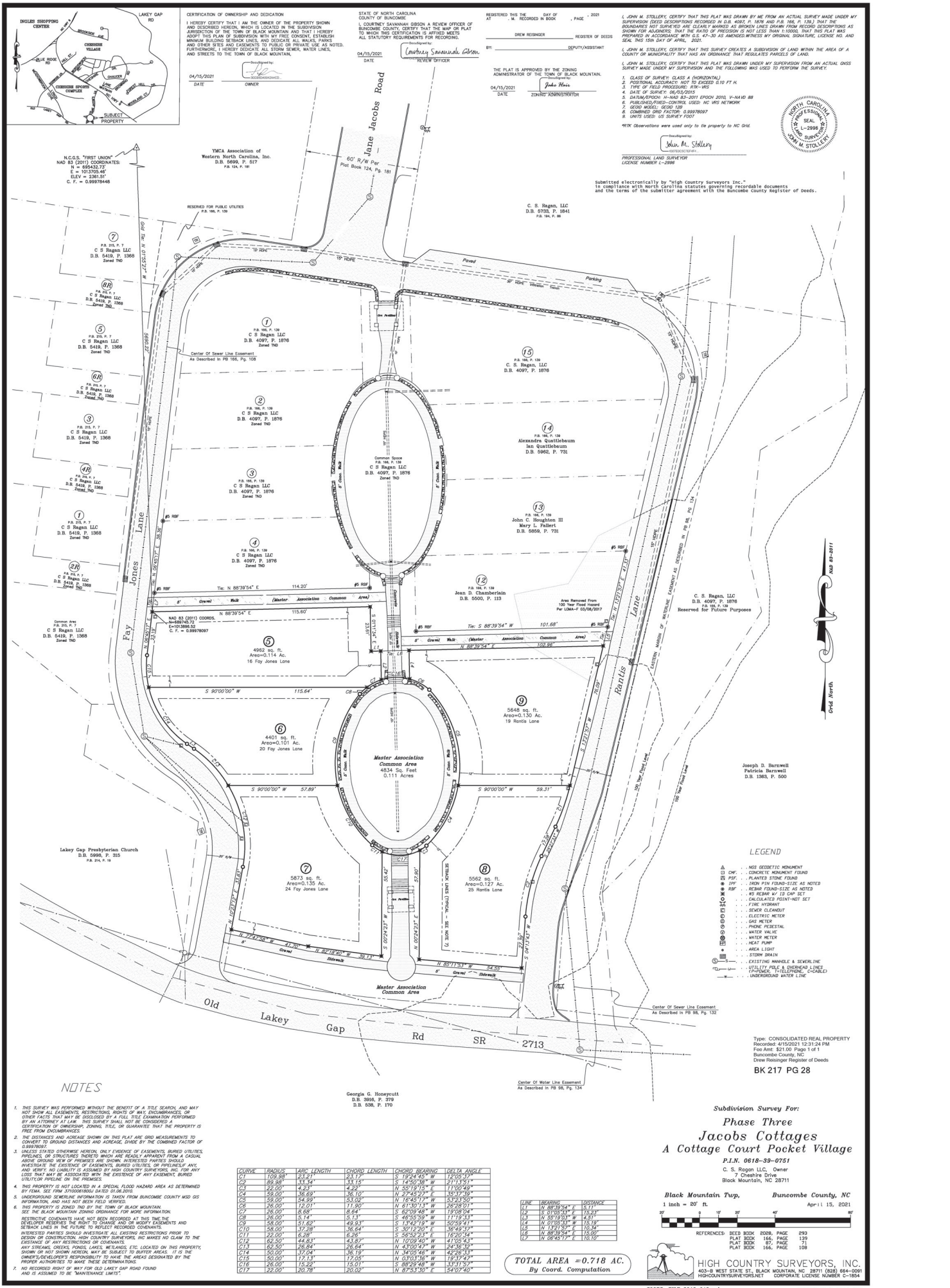
PETITION

We, the undersigned property owners of property located abutting a private street knows as Rantis Ln & Fay Jones Ln located off of 2713 and Jane Jacobs Rd., do hereby petition the Black Mountain Town Council to dedicate and maintain said street for public use.

We verify that we are willing to provide a cleared ~~40~~ 20 foot right-of-way needed to establish this as a town street.

Name/Signature	Property/Mailing Address
1. Jean Chamberlain / Jean Chamberlain	13 Rantis Lane Black Mtn, NC 28711
2. SANDRA MASON / Sandra C Mason	12 FAY JONES LN BLACK MTN, NC 28711
3. L R	7 FAY JONES LN BLACK MTN, NC 28711
4. R. + D. HARDY Robert Hardy Diana Hardy	5 RANTIS LN BLK MTN NC 28711
5. Pamela Cowart PCowart	10 Fay Jones Lane Black Mountain, NC 28711
6. DAVID COWART	10 Fay Jones Ln, Blk Mtn NC 28711
7. Sites Regan	25 Rantis Lane
8.	

DocuSign Envelope ID: 35844BAF-2465-4E55-A4F1-ECDF06F5485



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	109.98'	23.51'	23.17'	S 19°24'45" W	12°05'17"
C2	89.98'	33.34'	33.15'	S 14°50'58" W	21°13'51"
C3	22.00'	4.23'	4.22'	N 58°19'54" E	11°00'49"
C4	59.00'	36.69'	36.10'	N 27°45'27" E	35°37'59"
C5	59.00'	54.99'	53.02'	N 16°45'17" W	53°23'50"
C6	26.00'	12.01'	11.90'	N 61°30'13" W	26°28'01"
C7	26.00'	5.68'	5.67'	S 62°09'48" W	19°08'04"
C8	26.00'	5.14'	5.13'	S 46°55'59" W	11°19'33"
C9	58.00'	51.62'	49.93'	S 13°42'19" W	50°59'41"
C10	58.00'	37.28'	36.64'	S 30°12'20" W	36°49'37"
C11	22.00'	6.28'	6.26'	S 56°52'53" E	16°20'54"
C12	62.50'	44.83'	43.87'	N 10°09'40" W	41°05'43"
C13	62.50'	26.84'	26.64'	N 43°00'47" W	24°36'52"
C14	50.00'	37.04'	36.19'	N 34°05'46" W	42°26'33"
C15	50.00'	17.13'	17.05'	N 03°03'16" W	19°37'47"
C16	26.00'	15.22'	15.01'	S 88°29'48" W	33°31'57"
C17	22.00'	20.78'	20.02'	N 87°53'30" E	54°07'40"

LINE	BEARING	DISTANCE
L1	N 88°39'54" E	5.17'
L2	S 01°05'53" E	15.23'
L3	N 55°19'03" W	4.51'
L4	N 01°05'53" W	15.19'
L5	N 13°21'57" E	10.34'
L6	N 88°39'54" E	15.00'
L7	N 06°45'17" E	10.10'

TOTAL AREA =0.718 AC.
By Coord. Computation

NOTES
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ENCUMBRANCES, OR OTHER FACTS THAT MAY BE DISCLOSED BY A FULL TITLE EXAMINATION PERFORMED BY AN ATTORNEY AT LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE PROPERTY IS FREE FROM ENCUMBRANCES.
2. THE DISTANCES AND ACREAGE SHOWN ON THIS PLAT ARE GRID MEASUREMENTS. TO CONVERT TO GROUND DISTANCES AND ACREAGE, DIVIDE BY THE COMBINED FACTOR OF 0.99978097.
3. UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES,IF ANY, AND HEREBY NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY,OR PIPELINE ON THE PREMISES.
4. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3710008160D, DATED 01.06.2010.
5. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED TND BY THE TOWN OF BLACK MOUNTAIN. SEE THE BLACK MOUNTAIN ZONING ORDINANCE FOR MORE INFORMATION.
RESTRICTIVE COVENANTS HAVE NOT BEEN RECORDED AT THIS TIME.THE DEVELOPER RESERVES THE RIGHT TO CHANGE AND OR MODIFY EASEMENTS AND SETBACK LINES IN THE FUTURE TO REFLECT RECORDED COVENANTS.
INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC MAKES NO CLAIM TO THE EXISTANCE OF ANY RESTRICTIONS OR COVENANTS.
ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
7. NO RECORDED RIGHT OF WAY FOR OLD LAKEY GAP ROAD FOUND AND IS ASSUMED TO BE "MAINTENANCE LIMITS".

Type: CONSOLIDATED REAL PROPERTY
Recorded: 4/15/2021 12:31:24 PM
Fee Amt: $21.00 Page 1 of 1
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 217 PG 28

Subdivision Survey For:
Phase Three
Jacobs Cottages
A Cottage Court Pocket Village
P.I.N. 0618-39-0751
C. S. Ragan LLC, Owner
7 Cheshire Drive
Black Mountain, NC 28711

Black Mountain Twp, Buncombe County, NC
1 inch = 20' ft.
April 15, 2021
20' 0 10' 20' 40' 80'

REFERENCES: DEED BOOK 2028, PAGE 293
PLAT BOOK 166, PAGE 139
PLAT BOOK 87, PAGE 71
PLAT BOOK 166, PAGE 108

HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

COORD. FILE 2016-019.crd
DRAWING NO. 2021-068

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jennifer Tipton, Senior Admin	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Planning & Development Services

TITLE OF ITEM: Discussion of Turning S. Ridgeway Avenue and a Portion of Sutton Avenue to One-Way

SUGGESTED MOTION(S):

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

SUMMARY:

McAdams, formerly Traffic, Planning and Design, conducted a study in April of 2023, to look at turning S. Ridgeway Avenue southbound to Sutton Avenue at the intersection of Sutton Avenue and S. Richardson Blvd into one-way traffic. Based on the report, it was recommended that traffic be directed one-way southbound on S. Ridgeway Avenue and to re-time the signals at the intersection of S. Richardson Blvd and State Street.

Due to the rising foot traffic that is being seen on Sutton Avenue and S. Ridgeway Avenue, staff is recommending that Council approve the traffic be redirected to one-way southbound on S. Ridgeway Avenue to the intersection of Sutton Avenue and S. Richardson Blvd. This will allow for marked pedestrian space along both streets.

The recommended signage from the engineer report will cost approximately $400.00.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

1. 2023-04-07 Ridgeway One-way Analysis
2. proofs and pricing (003)
3. 25_08_11_staff_report_ridgeway_one_way

Est. 1989

TRAFFIC PLANNING AND DESIGN, INC.

Ridgeway Avenue One-Way Analysis

For Submission To:
Town of Black Mountain, NC

Ridgeway Avenue One-Way Analysis

FOR SUBMISSION TO:
Town of Black Mountain, NC

April 7, 2023
TPD # TOBM.00004

Prepared For:
Jessica Trotman, AICP
Planning Director
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711



TRAFFIC PLANNING AND DESIGN, INC.

Prepared By:
Traffic Planning and Design, Inc.
80 Charlotte Street
Suite 40
Asheville, NC 28801

Phone: (828) 417-3551
E-mail: TPD@TrafficPD.com
Website: www.trafficpd.com

NC Business License #C-4448

Colin Kinton, P.E.
Project Manager

North Carolina License Number PE-048897

Table of Contents

EXECUTIVE SUMMARY i
RECOMMENDATIONS II
INTRODUCTION 1
EXISTING CONDITIONS 1
EXISTING ROADWAY NETWORK 1
EXISTING TRAFFIC VOLUME DATA 2
RIDGEWAY AVENUE - PEAK HOUR DATA ANALYSIS 2
SPEED CHARACTERISTICS 4
IDENTIFICATION OF HEAVY VEHICLE PERCENTAGES 4
FUTURE NO-BUILD CONDITIONS 4
ANNUAL BACKGROUND GROWTH 4
BUILD (REDISTRIBUTED) CONDITION TRAFFIC VOLUMES 4
LEVEL OF SERVICE 5
INTERSECTION LEVEL OF SERVICE 5
LEVEL OF SERVICE RESULTS 5
QUEUE ANALYSIS 8
SIGNAL TIMING ADJUSTMENTS 8
CONCLUSIONS 10

FIGURES 1 – 7

FIGURE 1: SITE LOCATION
FIGURE 2: EXISTING LANE CONFIGURATION
FIGURE 3: 2022 HONEYCUTT VOLUMES
FIGURE 4: 2022 EXISTING CONDITIONS - AM (MIDDAY) [PM]
FIGURE 4B: 2022 EXISTING CONDITIONS - SATURDAY
FIGURE 5A: 2024 NO-BUILD - AM (MIDDAY) [PM]
FIGURE 5B: 2024 NO-BUILD - SATURDAY]
FIGURE 6A: 2024 REDISTRIBUTION VOLUMES - AM (MIDDAY) [PM]
FIGURE 6B: 2024 REDISTRIBUTION VOLUMES - SATURDAY
FIGURE 7A: 2024 BUILD - AM (MIDDAY) [PM]
FIGURE 7B: 2024 BUILD - SATURDAY

TABLES 1 - 9

TABLE 1: ROADWAY CHARACTERISTICS WITHIN STUDY AREA
TABLE 2: AVERAGE HOURLY VOLUME
TABLE 3: SPEED CHARACTERISTICS
TABLE 4: HEAVY VEIHICLE PERCENTAGES
TABLE 5: LEVEL OF SERVICE CRITERIA
TABLE 6: LEVEL OF SERVICE DELAY (SECONDS) SUMMARY
TABLE 7: MAXIMUM SIMTRAFFIC QUEUE (FEET)
TABLE 8: LEVEL OF SERVICE DELAY (SECONDS) SUMMARY – TIMING ADJUSTMENTS
TABLE 9: MAXIMUM SIMTRAFFIC QUEUE (FEET) – TIMING ADJUSTMENTS

TECHNICAL APPENDICES

APPENDIX A: MANUAL TRAFFIC COUNT PRINTOUTS
APPENDIX B: CAPACITY ANALYSES
APPENDIX C: NCDOT SIGNAL PLANS

EXECUTIVE SUMMARY

Traffic Planning and Design, Inc. (TPD) conducted a traffic analysis for Ridgeway Avenue. The corridor study area, as shown in **Figure 1**, extends from Richardson Blvd & Sutton Avenue intersection to Ridgeway Avenue & State Street intersection. The corridor is in the Town of Black Mountain, North Carolina.

The purpose of this study is to evaluate proposed one-way traffic flow on Ridgeway Avenue. This two-way to one-way traffic conversion will create an opportunity to reallocate roadway width to provide a shoulder for bicycle and pedestrian traffic on Ridgeway Avenue.

The scope of the traffic analysis in this report includes an evaluation of the existing traffic conditions and an analysis of proposed one-way traffic flow between Sutton Avenue at Richardson Boulevard and E. State Street at Ridgeway Avenue. One-way traffic flow to be studied would be southbound only due to geometric constraints at the E. State Street at Ridgeway Avenue intersection.

Under existing conditions, Ridgeway Avenue operates with 2 lanes and is a local downtown roadway running north and south between Sutton Avenue and State Street. There are a mix of residential, and commercial land uses along this stretch of Ridgeway Avenue. There are no existing sidewalk or bicycle facilities along Ridgeway Avenue. The recorded 2022 ADT volumes for Ridgeway Avenue is 2,494 vehicles per day (VPD). **Table 1** summarizes the existing roadway characteristics.

Traffic was analyzed for the weekday A.M. and weekday P.M. peak hours at the following study area intersections included in this analysis are as follows:

- Sutton Avenue at Richardson Boulevard
- E. State Street at Ridgeway Avenue
- E. State Street at Montreat Road/Broadway Avenue
- E. State Street at Richardson Boulevard
- Sutton Avenue at Broadway Avenue

Note: Traffic counts for the Saturday midday peak hour were reviewed and are lower than the volumes analyzed during the weekday analysis. As such, it was determined that additional Saturday analysis was not warranted.

The results of the analysis indicate that the study area intersections are anticipated to operate at the same overall intersection level of service (ILOS) after redistribution or traffic, with one exception. After redistributing traffic from Ridgeway Avenue through the Richardson Boulevard and State Street signalized intersection, the northbound thru-right movement resulted in an increase in delay and vehicle queues that requires mitigation through signal retiming. **With the proposed timing revision for the traffic signal at Richardson Boulevard and State Street, all intersection movements will operate an acceptable LOS C or better and all turning lane queues will remain within available storage capacity. As such, the impact of this one-way conversion will be adequately mitigated.**

A more detailed summary of traffic analysis results is as follows:

Richardson Boulevard & State Street

- With no mitigation, under the 2024 Build (Redistributed) Analysis, during the midday peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS E with an increase in delay of 43.8 seconds. During the P.M. peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS F with an increase in delay of 60.4 seconds. To reduce

the increase in delay, **signal timing is recommended as discussed further in the Signal Timing Adjustments Section of this report.**

- With no mitigation, under the 2024 Build (Redistributed), the northbound left approach queue is anticipated to increase from 48 feet to 356 feet in the midday peak hour. During the PM peak hour, the northbound left approach queue is anticipated to increase from 68 feet to 359 feet. To reduce the increase in queue, **signal timing is recommended as discussed further in the Signal Timing Adjustments Section of this report.**
- Signal timing modifications, to provide additional green time to the northbound and southbound movements, will mitigate the impacts of the one-way conversion based on overall intersection delay and queueing. Comparing Build conditions (no-mitigation) to Build conditions with revised signal retiming, the northbound thru-right improves in the midday peak hour reducing delay from 68.4 seconds to 30.4 seconds and improving the LOS from E to C. The northbound thru-right improves in the P.M. peak hour reducing delay from 84.3 seconds to 33.8 seconds and improving the LOS from F to C. The northbound left queuing during the midday peak hour improves from 356 feet to 67 feet. The northbound left queuing during the P.M. peak hour improves from 359 feet to 46 feet.

RECOMMENDATIONS

Ridgeway Avenue & State Street

- Install On-Way signage on Ridgeway Avenue to alert motorists of the direction of vehicular flow.

Richardson Boulevard & Sutton Avenue

- Install DO NOT ENTER and Right Turn Only signage on Sutton Avenue to alert motorists of the direction of vehicular flow and prevent wrong way travel.
- Install NO LEFT TURN signs on southbound Richardson Boulevard.

Ridgeway Avenue & Center Avenue

- Install appropriate DO NOT ENTER, ONE WAY, and NO RIGHT TURN signs on Center Avenue and Ridgeway Avenue to alert motorists of the direction of travel and prevent wrong way travel.

INTRODUCTION

Traffic Planning and Design, Inc. (TPD) conducted a traffic analysis for Ridgeway Avenue. The corridor study area, as shown in **Figure 1**, extends from Richardson Blvd & Sutton Avenue intersection to Ridgeway Avenue & State Street intersection. The corridor is in the Town of Black Mountain, North Carolina. Ridgeway Avenue and Sutton Avenue are Town maintained roadways.

The purpose of this study is to evaluate proposed one-way traffic flow on South Ridgeway Avenue. This two-way to one-way traffic conversion will create an opportunity to reallocate roadway width to provide a shoulder for bicycle and pedestrian traffic on South Ridgeway Avenue.

The scope of the traffic analysis in this report includes an evaluation of the existing traffic conditions and an analysis of proposed one-way traffic flow between Sutton Avenue at Richardson Boulevard and E. State Street at Ridgeway Avenue. One-way traffic flow to be studied would be southbound only due to geometric constraints at the E. State Street at Ridgeway Avenue intersection.

Under existing conditions, Ridgeway Avenue operates with 2 lanes and is a local downtown roadway running north and south between Sutton Avenue and State Street. There are a mix of residential, and commercial land uses along this stretch of Ridgeway Avenue. There are no existing sidewalk or bicycle facilities along Ridgeway Avenue. The recorded 2022 ADT volumes for Ridgeway Avenue is 2,494 vehicles per day (VPD). **Table 1** summarizes the existing roadway characteristics.

EXISTING CONDITIONS

Existing Roadway Network

For this analysis, the following intersections adjacent to the corridor were evaluated:

- E. State Street at Ridgeway Avenue
- E. State Street at Montreat Road/Broadway Avenue
- E. State Street at Richardson Boulevard
- Sutton Avenue at Broadway Avenue
- Sutton Avenue at Richardson Boulevard

Table 1 summarizes the existing roadway characteristics. The existing lane configurations are illustrated in **Figure 2.**

TABLE 1: EXISTING ROADWAY CHARACTERISTICS

Roadway	Roadway Maintenance	Predominant Directional Orientation	Posted Speed Limit
State St	Local	East-West	20 MPH
Montreat/Broadway	Local	North-South	20 MPH
Richardson Blvd	Local	North-South	20 MPH
Ridgeway Ave	Local	North-South	25 MPH
Sutton Ave	Local	East-West	25 MPH

The following is a description of the intersecting roadways:

- State Street - State Street currently operates with one lane east and west with a 2-way left turn lane. The posted speed limit is 20 MPH. There is a mix of residential, commercial and office land uses along this stretch of State Street. There are existing sidewalks along the north and south side of the corridor. There are no existing bicycle facilities. The NCDOT recorded 2018 AADT for this corridor is 7,600 vehicles per day (VPD) for State Street.
- Ridgeway and Sutton Avenues - Ridgeway and Sutton Avenues currently operate with one lane north and south. The posted speed limit is 25 MPH. The pavement width is approximately 20 feet. There are a mix of residential, commercial land uses along this stretch of Ridgeway/Sutton Avenue. There are no existing sidewalk or bike facilities. The recorded 2022 ADT volumes for Ridgeway Avenue is 2,494 vehicles per day (VPD).

Existing Traffic Volume Data

Twenty-four (24) hour Automatic Traffic Recorder (ATR) counts for a seven (7) day period (Dec 14, 2022 – Dec 20, 2022) for determining daily and hourly traffic flows, along with distribution of northbound versus southbound traffic. ATR counts were collected at one (1) location on S. Ridgeway Avenue.

New intersection turning movement traffic counts were collected between December 13 and 14, 2022 (Tuesday and Wednesday) between the hours of 7:00 AM and 7:00 PM and on Saturday, December 17, 2022, between the hours of 12:00 noon and 3:00 PM at the following intersections:

- Sutton Avenue at Richardson Boulevard
- E. State Street at Ridgeway Avenue

Previously collected traffic count data (2019 and 2017) for the following intersections were utilized with balancing adjustments to reflect current traffic volumes:

- E. State Street at Montreat Road/Broadway Avenue
- E. State Street at Richardson Boulevard
- Sutton Avenue at Broadway Avenue

For volume balancing, the overall study area peak hours were utilized as follows:

- Weekday Morning: 7:15-8:15 A.M.
- Weekday Midday: 12:15-1:15 P.M.
- Weekday Evening: 3:00-4:00 P.M.
- Saturday Midday: 12:15-1:15 P.M.

For the E. State Street & Montreat and E. State Street & Richardson intersections, peak hour volumes were utilized from TPDs' Honeycutt One-Way Analysis and are illustrated in **Figure 3**.

Existing condition traffic volumes for the weekday A.M., Midday, and P.M. peak hours are illustrated in **Figure 4A**. Existing condition traffic volumes for the weekend Saturday peak hour are illustrated in **Figure 4B.** Manual traffic count data sheets and calculations are provided in **Appendix A.**

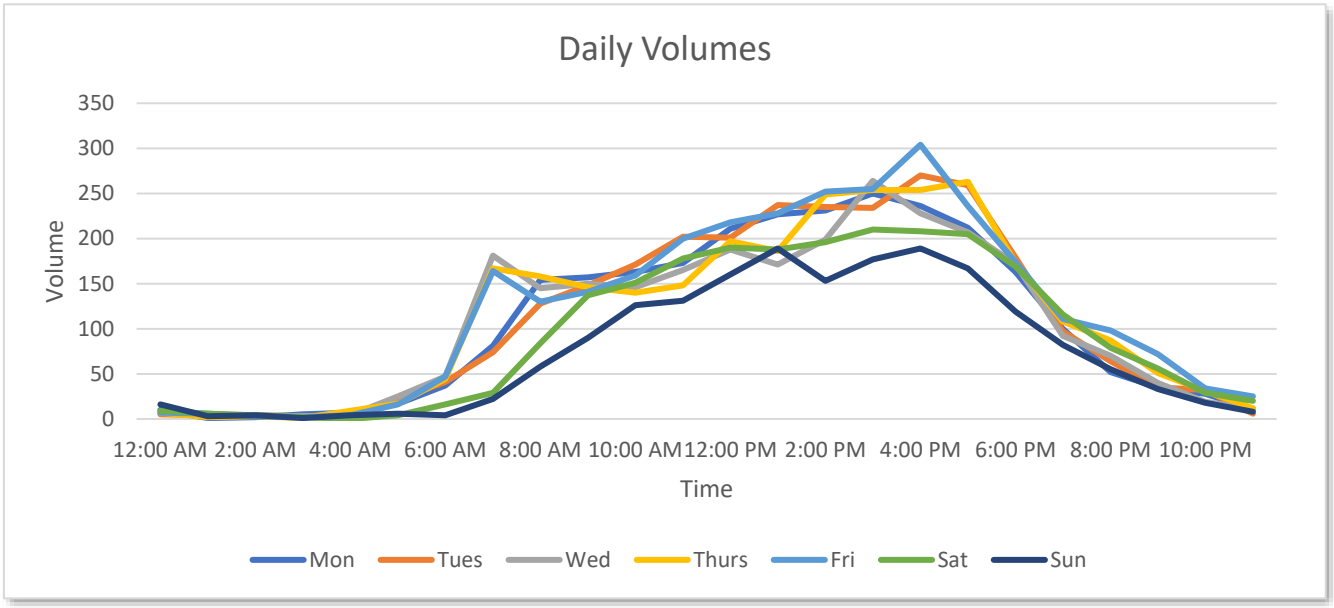
Ridgeway Avenue - Peak Hour Data Analysis

Table 2 and **Graphs 1** and **2** below summarize the directional volume data collected from the 24-hour Automatic Traffic Recorder (ATR) counts on Ridgeway Avenue from December 14-20, 2022.

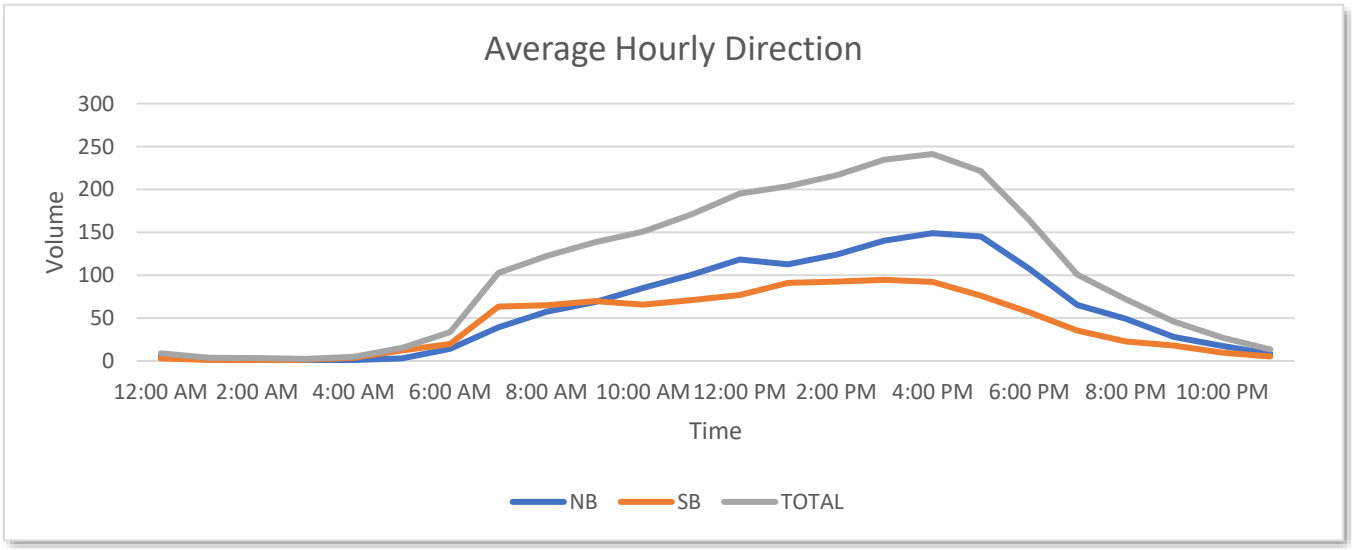
Table 2: Average Hourly Volume (northbound + southbound)

Ridgeway Avenue	A.M.		Midday		P.M.	
	Northbound	Southbound	Northbound	Southbound	Northbound	Southbound
Weekday	51 vph	82 vph	123 vph	80 vph	150 vph	100 vph
Weekend	9 vph	17 vph	106 vph	69 vph	114 vph	80 vph

GRAPH 1:
TYPICAL DAILY TRAFFIC PATTERNS ON RIDGEWAY AVENUE NORTHBOUND + SOUTHBOUND



GRAPH 2:
AVERAGE HOURLY DIRECTIONAL FLOW ON RIDGEWAY AVENUE



Speed Characteristics

Table 3 summarizes speed data that was collected from the 24-hour ATR counts from December 14-20, 2022.

Table 3: Ridgeway Avenue Speed Characteristics

Ridgeway Avenue	Northbound	Southbound	Total
85th Percentile	31 MPH	28 MPH	29 MPH
Average Speed	26 MPH	23 MPH	24 MPH
Pace Speed	21-30 MPH	21-30 MPH	21-30 MPH

Identification of Heavy Vehicle Percentages

Table 4 summarizes heavy vehicle (truck) data collected from the 24-hour ATR counts from December 14-20, 2022.

Table 4: Heavy Vehicle Percentages for Ridgeway Avenue (Buses + 2 axel-6 tire)

Ridgeway Avenue	Heavy Vehicle Percentage %
Northbound	4.3
Southbound	2.7
Total	3.7

FUTURE NO-BUILD CONDITIONS

Annual Background Growth

Background growth factors for the roadways in the study area were developed by TPD. A background growth trend factor of 1% per year was utilized to apply two years of growth for the 2024 future year. The additional traffic volumes due to background growth were added to the existing traffic data to produce 2024 No-Build condition traffic volumes. No-Build condition volumes for the weekday A.M, Midday, and P.M. peak hours are illustrated in **Figure 5A** for the future year 2024 conditions. No-Build condition volumes for the weekend Saturday peak hour are illustrated in **Figure 5B** for the future year 2024 conditions.

BUILD (REDISTRIBUTED) CONDITION TRAFFIC VOLUMES

Northbound traffic volumes on Ridgeway Avenue were redistributed throughout the network to account for the proposed one-way southbound flow between the intersections of State Street & Ridgeway Avenue and Sutton Avenue & Richardson Boulevard. Since the northbound traffic will be restricted under this "Build" Condition, all existing northbound Ridgeway traffic was redistributed to other roadways in the study area.

Redistribution volumes for the weekday A.M, Midday, and P.M. peak hours are illustrated in **Figure 6A**. Redistribution volumes for the weekend Saturday peak hour is illustrated in **Figure 6B**. Build (Redistributed)

condition volumes for the weekday A.M, Midday, and P.M. peak hours are illustrated in **Figure 7A** for the future year 2024 Build conditions. Build (Redistributed) condition volumes for the weekend Saturday peak hour is illustrated in **Figure 7B** for the future year 2024 Build conditions.

LEVEL OF SERVICE

Intersection Level of Service

For analysis of intersections, level of service is defined in terms of delay, which is a measure of driver discomfort and frustration, fuel consumption, and lost travel time. LOS criteria is stated in terms of control delay per vehicle for a one-hour analysis period. Control delay includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The criteria are indicated in **Table 5**. Delay, as it relates to level of service, is a complex measure and is dependent upon several variables. For signalized intersections, these variables include the quality of vehicle progression, the cycle length, the green time ratio, and the volume/capacity ratio for the lane group in question. For unsignalized intersections, delay is related to the availability of gaps in the flow of traffic on the major street and the driver's discretion in selecting an appropriate gap for a particular movement from the minor street (straight across, left or right-turn).

TABLE 5: LEVEL OF SERVICE CRITERIA

Level of Service	Control Delay Per Vehicle (Seconds)	
	Signalized	Unsignalized[1]
A	< 10	< 10
B	> 10 and < 20	> 10 and < 15
C	> 20 and < 35	> 15 and < 25
D	> 35 and < 55	> 25 and < 35
E	> 55 and < 80	> 35 and < 50
F	> 80 or v/c > 1.0	> 50 or v/c > 1.0

1 Obtained from Exhibits 18-4 and 19-1 of the Transportation Research Board's Highway Capacity Manual 2010

The existing intersections were analyzed according to the methodologies contained in the *Highway Capacity Manual* (HCM) *6th Edition* and using Synchro 10 software, and the reports are included in **Appendix B**. The signals in the corridor are not currently coordinated and are fully actuated. Existing signal plans are included in **Appendix C**. The Level of Service (LOS) analysis for all the intersections in the corridor was conducted using Synchro 10 software.

Level of Service Results

Level of service (LOS) analysis for the study area intersections are shown in **Table 6**.

TABLE 6
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY – AM & MIDDAY

Intersection	Movement	Weekday A.M. Peak Hour					
		Existing Condition		2024 Conditions			
				No-Build		Build	
		LOS	Delay	LOS	Delay	LOS	Delay
Richardson Blvd & State Street	**EB Approach**	**A**	**7.5**	**A**	**7.4**	**A**	**7.4**
	EB L	A	5.9	A	5.9	A	5.9
	EB TR	A	7.6	A	7.5	A	7.5
	WB Approach	**A**	**9.6**	**A**	**9.2**	**A**	**9.2**
	WB L	A	6.2	A	6.1	A	6.1
	WB TR	A	10.0	A	9.6	A	9.6
	NB Approach	**C**	**23.4**	**C**	**23.0**	**C**	**33.5**
	NB L	B	19.6	B	19.6	B	19.6
	NB TR	C	23.6	C	23.3	C	34.0
	SB Approach	**C**	**20.1**	**C**	**20.0**	**C**	**20.1**
	SB L	C	20.5	C	20.3	C	20.5
	SB TR	B	19.4	B	19.4	B	19.4
	ILOS	B	10.5	B	10.2	B	13.2
Ridgeway Avenue & State Street	EB L	A	8.9	A	8.5	A	8.5
	WB L	A	8.2	A	8.0	A	8.3
	NB LTR	B	13.0	B	11.4	---	---
	SB LTR	D	29.4	C	20.8	C	21.5
Richardson Blvd & Sutton Avenue	EB L	A	7.7	A	7.7	A	7.9
	SB LTR	A	9.3	A	9.2	A	9.2

Intersection	Movement	Weekday MIDDAY Peak Hour					
		Existing Condition		2024 Conditions			
				No-Build		Build	
		LOS	Delay	LOS	Delay	LOS	Delay
Richardson Blvd & State Street	**EB Approach**	**A**	**7.3**	**A**	**7.3**	**A**	**7.3**
	EB L	A	6.2	A	6.2	A	6.2
	EB TR	A	7.4	A	7.5	A	7.5
	WB Approach	**A**	**7.5**	**A**	**7.6**	**A**	**7.5**
	WB L	A	6.1	A	6.1	A	6.1
	WB TR	A	7.8	A	7.8	A	7.7
	NB Approach	**C**	**23.7**	**C**	**23.8**	**E**	**62.8**
	NB L	C	21.1	C	21.1	C	21.5
	NB TR	C	24.5	C	24.6	**E**	**68.4**
	SB Approach	**C**	**20.4**	**C**	**20.4**	**C**	**20.5**
	SB L	B	20.0	B	20.0	C	20.4
	SB TR	C	20.5	C	20.5	C	20.5
	ILOS	B	10.6	B	10.6	C	23.8
Ridgeway Avenue & State Street	EB L	A	7.8	A	7.8	A	7.8
	WB L	A	7.9	A	7.9	A	8.3
	NB LTR	B	12.3	B	12.5	---	---
	SB LTR	B	12.9	B	13.2	B	13.6
Richardson Blvd & Sutton Avenue	EB L	A	7.7	A	7.7	A	8.1
	SB LTR	A	9.8	A	9.9	A	9.3

TABLE 6 (CONT.)
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY – PM

Intersection	Movement	Weekday P.M. Peak Hour					
		Existing Condition		2024 Conditions			
				No-Build		Build	
		LOS	Delay	LOS	Delay	LOS	Delay
Richardson Blvd & State Street	**EB Approach**	**A**	**8.4**	**A**	**8.5**	**A**	**8.4**
	EB L	A	6.0	A	6.1	A	6.0
	EB TR	A	8.6	A	8.7	A	8.6
	WB Approach	**A**	**8.1**	**A**	**8.1**	**A**	**7.9**
	WB L	A	6.5	A	6.6	A	6.6
	WB TR	A	8.3	A	8.3	A	8.2
	NB Approach	**C**	**23.2**	**C**	**23.3**	**E**	**78.7**
	NB L	C	20.7	C	20.6	C	20.9
	NB TR	C	23.8	C	23.9	**F**	**84.3**
	SB Approach	**C**	**20.1**	**C**	**20.1**	**C**	**20.4**
	SB L	C	20.2	C	20.2	C	21.0
	SB TR	C	20.1	C	20.1	C	20.1
	ILOS	B	10.4	B	10.4	C	26.4
Ridgeway Avenue & State Street	EB L	A	7.9	A	7.9	A	7.9
	WB L	A	8.4	A	8.4	A	9.1
	NB LTR	C	15.6	C	16.0	**---**	---
	SB LTR	B	14.6	B	14.8	C	16.9
Richardson Blvd & Sutton Avenue	EB L	A	7.7	A	7.7	A	8.2
	SB LTR	B	10.0	B	10.0	A	9.6

Under the 2024 Build (Redistributed) Analysis without any proposed mitigation, the Richardson Boulevard & State Street intersection, the following conditions are noted:

- During the midday peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS E with an increase in delay of 43.8 seconds.
- During the P.M. peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS F with an increase in delay of 60.4 seconds.
- To reduce the increase in delay, **signal timing is recommended as discussed further in the Signal Timing Adjustments Section of this report.**

QUEUE ANALYSIS

Queue analyses were conducted at the study area intersections using *Synchro 11* software. For this analysis, the 95th percentile Synchro queue and SimTraffic Max Observed queue are summarized in **Table 7** below.

TABLE 7
SIMTRAFFIC MAX QUEUE (FEET) ANALYSIS

Intersection	Movement	Available Storage	Weekday A.M. Peak Hour			Weekday Midday Peak Hour			Weekday P.M. Peak Hour		
			Existing	2024 Conditions		Existing	2024 Conditions		Existing	2024 Conditions	
				No-Build	Build		No-Build	Build		No-Build	Build
Richardson Blvd & State Street	EB L	200	48	84	50	69	68	52	72	124	52
	EB TR	---	205	295	[121]	206	136	268	221	267	268
	WB L	---	92	72	157	79	69	74	54	75	74
	WB TR	---	141	182	267	150	171	194	113	143	194
	NB L	125	44	23	24	43	48	**356**	68	68	**359**
	NB TR	---	106	110	129	108	83	[219]	87	[67]	[240]
	SB L	80	47	47	28	49	28	50	48	50	50
	SB TR	---	52	30	30	52	71	71	95	73	71
Ridgeway Avenue & State Street	EB L	150	49	47	50	25	26	127	26	0	127
	WB L	100	62	60	48	94	47	92	100	70	92
	NB LTR	---	72	73	---	72	69	---	68	113	---
	SB LTR	---	45	24	45	45	24	47	46	24	47
Richardson Blvd & Sutton Avenue	EB L	---	53	53	31	55	68	72	55	52	72
	SB LTR	---	78	54	30	56	56	78	80	70	78

SimTraffic Max Queue [95th percentile Synchro Queue] – XX [XX]

Under the 2024 Build (redistributed) conditions without any proposed mitigation for the A.M, midday, and P.M. peak hours at the Richardson Boulevard & State Street intersection the following conditions are noted:

- The northbound left approach is anticipated to increase in queue from 48 feet to 356 feet in the midday peak hour exceeding the available storage.
- The northbound left approach is anticipated to increase in queue from 68 feet to 359 feet in the midday peak hour exceeding the available storage.
- To reduce the increase in queue, **signal timing is recommended as discussed further in the Signal Timing Adjustments Section of this report.**

For all other intersections, from no-build to build (redistributed) conditions, queues are not anticipated to exceed the available storage. Therefore, there are no other recommendations for minimizing queue lengths.

SIGNAL TIMING ADJUSTMENTS

Level of service (LOS) analysis for the timing adjusted study area intersection of Richardson Boulevard & State Street is provided in **Table 8**. The 95th percentile Synchro queue and SimTraffic Max Observed queue for the timing adjusted intersection is summarized in **Table 9** below. Proposed retiming includes an increased green time for the northbound and southbound movements and a decrease in green time for the westbound and eastbound movements.

TABLE 8
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY – TIMING ADJUSTMENT

Intersection	Movement	Weekday Midday Peak Hour						Weekday P.M. Peak Hour					
		2024 No-Build		2024 Build		2024 Build*		2024 No-Build		2024 Build		2024 Build*	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Richardson Blvd & State Street	**EB App.**	**D**	**43.7**	**A**	**7.3**	**A**	**9.8**	**A**	**8.5**	**A**	**8.4**	**A**	**9.9**
	EB L	A	6.2	A	6.2	A	8.3	A	6.1	A	6.0	A	7.1
	EB TR	A	7.5	A	7.5	B	10.1	A	8.7	A	8.6	B	10.1
	WB App.	**C**	**29.7**	**A**	**7.5**	**B**	**10.1**	**A**	**8.1**	**A**	**7.9**	**A**	**9.3**
	WB L	A	6.1	A	6.1	A	8.2	A	6.6	A	6.6	A	7.8
	WB TR	A	7.8	A	7.7	B	10.4	A	8.3	A	8.2	A	9.6
	NB App.	**E**	**59.7**	**E**	**62.8**	**C**	**29.2**	**C**	**23.3**	**E**	**78.7**	**C**	**32.3**
	NB L	C	21.1	C	21.5	B	17.5	C	20.6	C	20.9	B	17.2
	NB TR	C	24.6	**E**	**68.4**	C	30.8	C	23.9	**F**	**84.3**	C	33.8
	SB App.	**E**	**62.3**	**C**	**20.5**	**B**	**16.9**	**C**	**20.1**	**C**	**20.4**	**B**	**16.8**
	SB L	B	20.0	C	20.4	B	16.8	C	20.2	C	21.0	B	17.2
	SB TR	C	20.5	C	20.5	B	17.0	C	20.1	C	20.1	B	16.7
	ILOS	B	10.6	C	23.8	B	15.8	B	10.4	C	26.4	B	15.6

2024 Build = Signal Timing Adjustments Applied*

TABLE 9
SIMTRAFFIC MAX QUEUE (FEET) ANALYSIS – TIMING ADJUSTMENT

Intersection	Movement	Available Storage	Weekday Midday Peak Hour			Weekday P.M. Peak Hour		
			2024 Conditions			2024 Conditions		
			No-Build	Build	Build*	No-Build	Build	Build*
Richardson Blvd & State Street	EB L	200	68	52	124	124	52	119
	EB TR	---	136	268	218	267	268	226
	WB L	---	69	74	111	75	74	54
	WB TR	---	171	194	158	143	194	177
	NB L	125	48	**356**	67	68	**359**	46
	NB TR	---	83	[219]	178	[67]	[240]	[198]
	SB L	80	28	50	28	50	50	28
	SB TR	---	71	71	69	73	71	51

2024 Build = Signal Timing Adjustments Applied*
SimTraffic Max Queue [95th percentile Synchro Queue] – XX [XX]

As indicated in the above tables, modifying the signal timing, and redistributing green time to the northbound and southbound movements will mitigate the impacts of the one-way conversion based on overall intersection delay and queueing. When comparing Build conditions (no-mitigation) to Build* with signal retiming:

- The northbound thru-right improves in the midday peak hour reducing delay from 68.4 seconds to 30.4 seconds and improving the LOS from E to C. The northbound thru-right improves in the P.M. peak hour reducing delay from 84.3 seconds to 33.8 seconds and improving the LOS from F to C. Both for Midday and P.M. peak hours, adjusting the signal timing has reduced queueing for the northbound thru-right movement.
- The eastbound thru-right and westbound thru-right during the midday and P.M. peak hours experienced a drop from LOS A to B. This is not a concern as these movements only see a small 2-4 second increase in delay.

- The northbound left queuing during the midday peak hour improves from 356 feet to 67 feet. The northbound left queuing during the P.M. peak hour improves from 359 feet to 46 feet.

CONCLUSIONS

The results of the analysis indicate that the study area intersections are anticipated to operate at the same overall intersection level of service (ILOS) after redistribution or traffic, with one exception. After redistributing traffic from Ridgeway Avenue through the Richardson Boulevard and State Street signalized intersection, the northbound thru-right movement resulted in an increase in delay and vehicle queues that requires mitigation through signal retiming. **With the proposed timing revision for the traffic signal at Richardson Boulevard and State Street, all intersection movements will operate an acceptable LOS C or better and all turning lane queues will remain within available storage capacity. As such, the impact of this one-way conversion will be adequately mitigated.**

Note: Traffic counts for the Saturday midday peak hour were reviewed and are lower than the volumes analyzed during the weekday analysis. As such, it was determined that additional Saturday analysis was not warranted.

Richardson Boulevard & State Street

- With no mitigation, under the 2024 Build (Redistributed) Analysis, during the midday peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS E with an increase in delay of 43.8 seconds. During the P.M. peak hour, the northbound thru-right movement LOS is anticipated to drop from LOS C to LOS F with an increase in delay of 60.4 seconds. To reduce the increase in delay, signal timing recommendations were provided.
- With no mitigation, under the 2024 Build (Redistributed), the northbound left approach queue is anticipated to increase from 48 feet to 356 feet in the midday peak hour. During the PM peak hour, the northbound left approach queue is anticipated to increase from 68 feet to 359 feet. To reduce the increase in queue, signal timing recommendations are provided.
- Signal timing modifications, to provide additional green time to the northbound and southbound movements, will mitigate the impacts of the one-way conversion based on overall intersection delay and queueing. Comparing Build conditions (no-mitigation) to Build conditions with revised signal retiming, the northbound thru-right improves in the midday peak hour reducing delay from 68.4 seconds to 30.4 seconds and improving the LOS from E to C. The northbound thru-right improves in the P.M. peak hour reducing delay from 84.3 seconds to 33.8 seconds and improving the LOS from F to C. The northbound left queuing during the midday peak hour improves from 356 feet to 67 feet. The northbound left queuing during the P.M. peak hour improves from 359 feet to 46 feet.

Ridgeway Avenue & State Street

- Install On-Way signage on Ridgeway Avenue to alert motorists of the direction of vehicular flow.
- After redistribution, all movements will operate at acceptable LOS with no concerning queue lengths.

Richardson Boulevard and Sutton Avenue

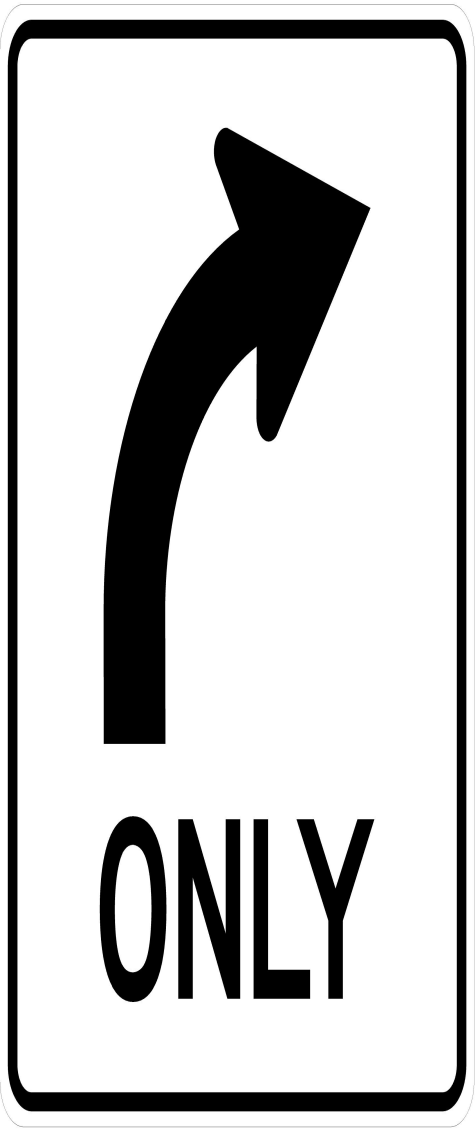
- Install DO NOT ENTER and Right Turn Only signage on Sutton Avenue to alert motorists of the direction of vehicular flow and prevent wrong way travel.
- Install NO LEFT TURN signs on southbound Richardson Boulevard.
- After redistribution, all movements will operate at acceptable LOS with no concerning queue lengths.

Ridgeway Avenue & Center Avenue

- Install appropriate DO NOT ENTER, ONE WAY, and NO RIGHT TURN signs on Center Avenue and Ridgeway Avenue to alert motorists of the direction of travel and prevent wrong way travel.

These prices DO NOT include tax or freight

30x36 $86.00 each



30x30 $68.75 each



36x12 $34.55 each





24x24 $47.20 each



TOWN OF BLACK MOUNTAIN
STAFF REPORT
For August 11, 2025, Town Council Meeting

STAFF RECOMMENDATION

Staff suggests Town Council implement the recommendations of *Ridgeway Avenue One-Way Analysis*, a study prepared by Traffic Planning and Design, Inc. (TPD) for the Town and dated April 7, 2023. In addition, staff suggest Council direct staff to create a zone for pedestrians and cyclists on the roadway segments that are converted to one-way.

With a finding that converting to a one-way traffic pattern will not negatively impact Levels of Service, the TPD study recommends making Ridgeway Avenue, as well as the portion of Sutton Avenue between Ridgeway Avenue and Richardson Avenue, one-way.

DETAILS OF STAFF RECOMMENDATION

The Town engaged TPD to conduct a traffic analysis for Ridgeway Avenue and the adjacent portion of Sutton Avenue, evaluating a one-way traffic flow scenario. "This two-way to one-way traffic conversion will create an opportunity to reallocate roadway width to provide a shoulder for bicycle and pedestrian traffic on Ridgeway Avenue" (quoting from the executive summary).

Ridgeway Avenue One-Way Analysis recommends making South Ridgeway Avenue, as well as the portion of Sutton Avenue between Ridgeway Avenue and Richardson Avenue, one-way. To implement the recommendation, the Town will have to take the following steps:

- In consultation with DOT, adjust the timing of the signal at Richardson Boulevard & State Street.
- Install signage:
    - At the Ridgeway Avenue & State Street intersection: One-Way signage on Ridgeway Avenue to alert motorists of the direction of vehicular flow.
    - At the Richardson Boulevard & Sutton Avenue intersection:
        - DO NOT ENTER and Right Turn Only signage on Sutton Avenue to alert motorists of the direction of vehicular flow and prevent wrong way travel.
        - NO LEFT TURN signs on southbound Richardson Boulevard.
    - At the Ridgeway Avenue & Center Avenue intersection:
        - DO NOT ENTER, ONE WAY, and NO RIGHT TURN signs on Center Avenue and Ridgeway Avenue to alert motorists of the direction of travel and prevent wrong way travel.

With the street segments serving in a one-lane/one-way capacity, there is room to create a zone for pedestrians and cyclists, with pavement markings and/or physical barriers safely separating motorized and non-motorized users. As this area of downtown is experiencing development and redevelopment, and as the large parcel that is 141 S. Richardson Blvd can reasonably be expected to be occupied or

more intensely developed in the future, now is the time to establish critical portions of the Town's long-stated multi-modal transportation goals.

South Ridgeway Avenue is 0.19 mile in length, according to the Powell Bill Stret Map of Black Mountain. Sutton Avenue between South Ridgeway Avenue and South Richardson Avenue is approximately 0.076 mile in length. Thus, the full extent of the project is .266 mile. South Ridgeway Avenue is bordered by the Central Business (CB) zoning district on the west, by CB and Highway Business (HB-8) on the east. Sutton Avenue between South Ridgeway Avenue and South Richardson Avenue is bordered by CB on the north and by the Norfolk Southern right-of-way on the south.

ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

The Future Land Use Map in the Town's comprehensive plan, *Elevate Black Mountain*, identifies all of South Ridgeway Avenue and all of Sutton Avenue as being in the Downtown area. Downtown is one of six ***Activity and Employment*** areas on the map. (In addition, there are five ***Neighborhood*** areas.) One of the four *Opportunities* for Downtown is: "Enhance streetscapes with street trees, wider sidewalks, pedestrian amenities, and burying overhead wires."

Elevate Black Mountain has eight Development Principles, one of which specifically emphasizes pedestrians and cyclists:
Principle 4: Places throughout Black Mountain are well connected and designed to balance the needs of pedestrians, drivers, cyclists, and transit users.
Among the opportunities identified are:

- Well-connected streets will be designed with short blocks and include sidewalks to facilitate walking.
- Streets and trails will have high connectivity within and between neighborhoods and commercial districts.
- Bicycle and pedestrian paths and supporting amenities will be integrated into new development and areas undergoing redevelopment.

Elevate's goals emphasize multi-modal transportation, including specific policy recommendations.
WALKABLE & LIVABLE
Goal 2.1: Complete neighborhoods with diverse housing options and walkable daily needs, jobs, and services
Policy 2.1.2: Build a network of active mixed-use walkable centers that are well-connected by multimodal corridors.

Goal 2.4: Unique community character that celebrates the Town's history, provides gateways, enhances safety, and creates active and exciting places
Policy 2.4.2: Use the town's walkable and special historic character as a guide for design of new development.

Goal 2.6: An active environment that supports physical activity and healthy living
Policy 2.6.1: New growth should use best practice principles of walkable design to improve human health through active modes of transportation.

CONNECTED & ACCESSIBLE
Goal 6.1: Multiple safe and realistic transportation mode options for residents
Policy 6.1.1: Enhance street intersection safety, pedestrian crossings, and other traffic-calming measures.
Policy 6.1.2: Prioritize physical barriers, such as curbs, on-street parking, trees, curbs, or bollards, between automobile lanes and non-automotive infrastructure.

Goal 6.2: Non-automotive transportation network
Policy 6.2.1: Establish a connected network of local and regional protected bicycle lanes, paths, and greenways.
Policy 6.2.2: Expand the Town's sidewalk and street tree network within both new and existing development. Enhance connectivity between denser neighborhoods and services.

The *Black Mountain Creating Outdoor Recreation Economies (CORE) Strategic Plan 2023-2028* includes Action Strategy #5 that states, in part, "Walkability and bikeability are vital to making the community more hospitable to a broader variety of people including young children."

Black Mountain by Bike – A Plan for Bicyclists (2026) identifies how the Town can create places where residents can access healthy food and reconnect neighborhoods via multi-modal transportation infrastructure.

Photos taken on 7/28.2025:




SPEED LIMIT
25











TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Michelle Kennedy, Planning Director	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Planning & Development Services

TITLE OF ITEM: 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

SUGGESTED MOTION(S):

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.

SUMMARY:

The current ordinance regarding sidewalk seating is vague and not clear on what can be included with sidewalk seating. The proposed text amendment will strengthen and clarify the allowance of sidewalk seating by adding a definition of sidewalk seating, adding a barrier requirement, adding sidewalk seating to the Table of Uses by Zoning District, implementing an annually-renewed permit requirement, and providing new standards.

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. 25_08_11_staff_report_sidewalk_seating
2. 25_08_11_ORDINANCE_SIDEWALK_SEATING
3. O-25-21 Amendments to Code of Ord-Ch 4_Sec 4-1_re_Sidewalk Seating

TOWN OF BLACK MOUNTAIN
STAFF REPORT
For August 11, 2025, Town Council Meeting

STAFF RECOMMENDATION

Staff recommend Town Council direct staff to strengthen and clarify the Land Use Code's allowance of sidewalk seating in the Central Business (CB) zoning district, by drafting text amendment language for consideration by the Planning Board.

The text amendment will add a definition of sidewalk seating, add a barrier requirement, add Sidewalk Seating to the Table of Uses by Zoning District, implement an annually-renewed permit requirement, and move the standards from the CB "Supplementary District Requirements" section of Chapter 4 (Zoning) to Chapter 5 (Additional Use Standards for Specified Uses).

DETAILS OF STAFF RECOMMENDATION

Sidewalk seating is not listed on the Table of Uses by Zoning District (Sec. 4.7.14) even though it can be considered a use.

The allowance for existing sidewalks to be used for seating in CB is explained in one sentence: "Existing sidewalks may be used for outdoor seating." (reference: item ***B*** in Sec. 4.7.7.2) Business owners, property owners and staff are provided no standards for outdoor seating, including regarding safety and passage for pedestrians and wheelchairs.

However, for the placement of displays or temporary signs, there is a safety requirement: "Sidewalks may also be used for displays or temporary signs as permitted by Chapter 9 of this LUC as long as four feet (4' or 48"), as measured from the back of the curb toward the building, is maintained as free and clear for pedestrians and wheelchairs."

CB is a nearly fully built-out zoning district. For the infrequent situation where new construction occurs, a significant width requirement is imposed if the sidewalk is intended to include outdoor seating; this width requirement implicitly adds a measure of safety as far as room for pedestrians and wheelchair users. The new-construction provision is: "As part of new construction, sidewalks are required adjacent to state and town roadways and must be a minimum of six feet wide. Sidewalks intended for shared use with outdoor seating or retail displays must be a minimum of 12 feet wide." (reference: item ***C*** in Sec. 4.7.7.2)

Staff suggest Sidewalk Seating be added as a use in the Table of Uses by Zoning District (Sec. 4.7.14), with the use coded ***A*** for Additional Requirements (***A*** uses are detailed in Chapter 5 – Additional Use Standards for Specified Uses) for the CB zoning district.

Section **5.[#] – Sidewalk Seating** would state the following requirements:

- A free-and-clear passage area on the sidewalk that is a minimum of four feet wide between the outermost edge of the seating area barrier and the closest point of all fixtures, planter boxes, poles, etc., on the street side of the sidewalk.
- A removable post-and-rope type stanchion barrier.
- An annually renewed Sidewalk Seating permit that includes:
    - If alcoholic beverages are to be served on any day of the week, or at any time of day, in the sidewalk seating area: a copy of the relevant ABC permit.
    - A site plan
    - Acknowledgement that the entire post-and-rope barrier system will be removed by the permit holder at the end of business hours on any day during which outdoor seating is set up.
    - Acknowledgement that the area will be used exclusively for dining, drinking, and circulation of customers.

The minimum width requirement of four feet is based on ADA's minimum three-foot requirement for wheelchairs plus one foot for emergency situations, per the Fire Marshal.

With use requirements listed in Chapter 5, items ***B*** and ***C*** in Sec. 4.7.7.2 would be amended to refer only to displays and temporary signs.

Staff recommend the following being incorporated in the text amendment:
If there is insufficient room to establish outdoor seating, a parking space (or spaces) in a parking lot can be converted to a parklet through a joint agreement among property and business owners. A parklet is a cordoned-off area for seating and dining, and it typically includes significant landscaping or hardscaping to enhance the cordoning to make it noticeably clear that the area is not for vehicles.

Section 1.2.3 (Definitions) of the Land Use Code has one sidewalk definition:

> Sidewalk: A paved or otherwise surfaced area designed for pedestrian and wheelchair use.

Staff suggest amending Section 1.2.3 to add the following:

> Sidewalk Seating: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way and used exclusively for dining, drinking, and circulation of customers.

(definition language based on a sample definition in *A Planner's Dictionary*, published by American Planning Association)

ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

The Future Land Use Map in the Town's comprehensive plan, *Elevate Black Mountain*, identifies Downtown as one of six ***Activity and Employment*** areas on the map. (In addition, there are five ***Neighborhood*** areas.) One of the four *Opportunities* for Downtown aligns with Council amending the

Land Use Code to provide clear standards for business owners to safely establish sidewalk seating: "Enhance streetscapes with street trees, wider sidewalks, pedestrian amenities, and burying overhead wires."

The *Black Mountain Creating Outdoor Recreation Economies (CORE) Strategic Plan 2023-2028* includes Action Strategy #5 that states, in part, "Walkability and bikeability are vital to making the community more hospitable to a broader variety of people including young children." Sidewalk seating is an important non-vehicular use of outdoor and right-of-way space.

Black Mountain by Bike – A Plan for Bicyclists identifies how the Town can create places where residents can access healthy food and reconnect neighborhoods via multi-modal transportation infrastructure. Sidewalk seating is an important non-vehicular use of outdoor and right-of-way space; it implicitly supports a multi-modal transportation environment.

REASONABLENESS/PUBLIC INTEREST:

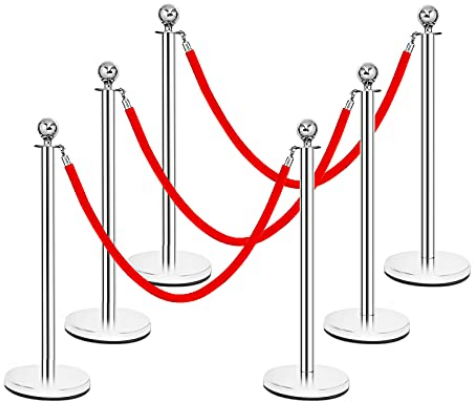
Public health and safety are at the core of the Town's Code of Ordinances, including the Land Use Code. In all of Western North Carolina, and across the state and country, removable post-and-rope type stanchion barriers provide aesthetically pleasing, non-intrusive, reasonably priced demarcation of a zone for seating and dining separate from other uses on a sidewalk.

By grounding sidewalk seating in a permit that includes a site plan and a requirement for annual renewal, staff will be able to efficiently and fairly ensure proper and safe passage for pedestrians and wheelchair users throughout the Central Business zoning district.

Commercial property owners and business owners regularly state that clearly stated, safety-based code requirements are not only reasonable, they're also good for business. Permitted and defined sidewalk seating would allow the private sector to safely, fairly and consistently maximize the uses that occur on downtown sidewalks.

Example of removable post-and-rope type stanchion barrier styles:







ORDINANCE #

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS; CHAPTER 4, SECTION 4.7.7.2, CENTRAL BUSINESS DISTRICT; CHAPTER 4, SECTION 4.7.14, TABLE OF USES; AND CHAPTER 5, SECTION 5.18, SIDEWALK SEATING, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE

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

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.7.2, Central Business District; Chapter 4, Section 4.7.14, Table of Uses; and Chapter 5, Section 5.18, Sidewalk Seating, of the Town of Black Mountain Land Use Code, be amended to the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1
Section 1.2.3 Definitions.

Sidewalk Seating: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way and used exclusively for dining, drinking, and circulation of customers.

Chapter 4
Section 4.7.7.2 Supplementary district requirements (CB).

A. Primary entrances to buildings must connect to sidewalks.

B. ~~Existing sidewalks may be used for outdoor seating.~~ Sidewalks may ~~also~~ be used for displays or temporary signs as permitted by Chapter 9 of this LUC as long as four feet (4' or 48"), as measured from the back of the curb toward the building, is maintained as free and clear passage for pedestrians and wheelchairs.

C. As part of new construction, sidewalks are required adjacent to state and town roadways and must be a minimum of six feet wide. Sidewalks intended for shared use with outdoor seating or retail displays must be a minimum of 12 feet wide.

Chapter 4
Section 4.7.14, Table of Uses

Category	Uses	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Commercial	**Sidewalk Seating**							**A**			

Chapter 5
Section 5.18 Sidewalk seating.

Sidewalk seating will comply with the following:

A. **A free-and-clear passage area on the sidewalk that is a minimum of four feet wide between the outermost edge of the seating area barrier and the closest point of all fixtures, planter boxes, poles, etc., on the street side of the sidewalk.**

B. **A removable post-and-rope type stanchion barrier.**

C. **An annually renewed Sidewalk Seating permit that includes:**
   a. **If alcoholic beverages are to be served on any day of the week, or at any time of the day, in the sidewalk seating area, a copy of the relevant ABC permit will be attached to the application.**
   b. **A site plan.**
   c. **Acknowledgement that the entire post-and-rope barrier system will be removed by the permit holder at the end of business hours on any day during which outdoor seating is set up.**
   d. **Acknowledgement that the area will be used exclusively for dining, drinking, and circulation of customers.**

If there is sufficient room to establish outdoor seating, a parking space (or spaces) in a parking lot can be converted to a parklet through a joint agreement among property and business owners. A parklet is a cordoned-off area for seating and dining, and it typically includes significant landscaping or hardscaping to enhance the cordoning to make it noticeably clear that the area is not for vehicles.

READ, APPROVED, AND ADOPTED by a vote of _____ to _____ this the 11th day of August 2025.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

Council Member ___ made a motion to approve the following text amendments as presented. A vote of ___.

ORDINANCE #0-24-07

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES

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

NOW, THEREFORE, BE IT RESOLVED that Chapter 4, Alcoholic Beverages, of the Town of Black Mountain Code of Ordinances, be amended to the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 4 -ALCOHOLIC BEVERAGES

Sec. 4-1. - Drinking in public places; exception**s**.

(a) No person shall consume alcoholic beverages, as defined by G.S. 18B-101(4), on or within the rights-of-way of the municipal streets, boulevards, alleys, sidewalks, municipal recreation areas, parks, playgrounds, or municipal buildings or on any other property owned or occupied by the town, except as herein provided.

(b) Exceptions:

(1) Any person who, for a fee, is using the Black Mountain Golf Course.

(2) Any person who has contracted to use and is using the Black Mountain Club House for a fee.

(3) Participants of a special event that has received an approved special event permit from the town that includes the serving of alcoholic beverages for consumption on streets and sidewalks closed pursuant to an approved special event permit.

(4) Sidewalk dining meeting the requirements of Chapter 5, Section 5.18, Sidewalk Seating, of the Town of Black Mountain Land Use Code.

READ, APPROVED, AND ADOPTED by a vote of __ to ___ this the 11th day of August 2025.

_____
Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Ordinance Prohibiting Construction of New Town-Owned Buildings in the Regulatory Floodplain		

SUGGESTED MOTION(S):

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

SUMMARY:

Staff recommends adoption of an ordinance that prohibits the construction of new public facilities within the regulatory floodplain. If no practicable alternative exists, these public facilities would require a level of design that exceeds NFIP (National Flood Insurance Program) requirements and is subject to the approval of the Town Council. This aligns with the State Executive Order No. 266, which directs state agencies, and strongly encourages local governments, to avoid placing public infrastructure in flood-prone areas to reduce long-term risk and promote community resilience.

This ordinance would be added to the Flood Damage Prevention Ordinance within the Town's Land Use Code under Chapter 2, Section 2.3, Article 5, as Section G.

This proactive policy builds on lessons learned from Tropical Storm Helene, and other recent flood events, where public infrastructure suffered repeated damage due to its location within flood-prone areas. By adopting this ordinance, the Town demonstrates leadership in risk-informed development and strengthens its eligibility for future resilience and mitigation funding.

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. Executive Order 266 - State Floodplain Policy - July 25, 2022
2. O-25-20_Ordinance Prohibiting New Town Buildings in Floodplain_2025.08.11

State of North Carolina

ROY COOPER
GOVERNOR

July 25, 2022

EXECUTIVE ORDER NO. 266

UPDATING THE NORTH CAROLINA UNIFORM FLOODPLAIN MANAGEMENT POLICY FOR STATE CONSTRUCTION

WHEREAS, the National Flood Insurance Program, incorporated at 42 U.S.C. § 4001 *et seq.*, authorizes the establishment of floodplain management regulations applicable to state-owned properties; and

WHEREAS, North Carolina's Uniform Floodplain Management Policy was established by Executive Order No. 31, issued by Governor James B. Hunt, Jr. in 1979, and was subsequently amended by Executive Order No. 123, 5 N.C. Reg. 724-736 (September 4, 1990), issued by Governor James G. Martin; and

WHEREAS, the Uniform Floodplain Management Policy provides for the sound management of state-owned properties as they relate to potential flood hazards; and

WHEREAS, the frequency and intensity of hurricanes and severe storms, riverine and estuarine flooding, saltwater intrusion and rising ground water have greatly increased since 1990; and

WHEREAS, avoiding new construction within the floodplain where feasible and adopting resilient development policies and construction practices where construction within the floodplain cannot be avoided will reduce loss of critical state infrastructure and services during a flooding event; prevent costly repairs of damage from floodwaters; minimize the impact of floods on human safety, health, and welfare; and restore and protect the natural and beneficial values served by floodplains; and

WHEREAS, floodplain maps based upon historic information do not always accurately reflect current flood risk or flood risk based upon future conditions, including climate change and sea level rise, and state projects should be planned with a holistic understanding of flood risk; and

WHEREAS, the 2020 North Carolina Climate Risk Assessment and Resilience Plan recommends that when state infrastructure components cannot feasibly be constructed outside the floodplain, the state evaluate the implication of increased risk associated with changes in climate patterns and adapt development policies and construction techniques to minimize the detrimental impacts related to increased levels of risk; and

WHEREAS, accordingly, the undersigned, in consultation with the North Carolina Department of Administration ("NCDOA"), has determined that the Uniform Floodplain Management Policy be updated to reflect current flood risks and projected flood risk, as well as contemporary standards; and

WHEREAS, this Executive Order directs NCDOA and other state agencies to update the Uniform Floodplain Management Policy within eighteen (18) months of this Executive Order; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, by the authority invested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. North Carolina Uniform Floodplain Management Policy

NCDOA, in consultation with the North Carolina Department of the Environmental Quality ("NCDEQ"), the North Carolina Department of Transportation ("NCDOT"), and the North Carolina Department of Public Safety's Emergency Management Division ("NCEM") and the Office of Recovery and Resiliency ("NCORR"), and any other relevant state agencies, shall update the North Carolina Uniform Floodplain Management Policy ("Policy") within eighteen (18) months of this Executive Order. This updated Policy shall replace the current Policy when approved and signed by the Secretary of NCDOA.

The updated Policy shall be developed with public stakeholder input and designed to achieve the following objectives for state-owned construction: comprehensively assess and mitigate risks for state construction; minimize flood damage to state-owned assets, considering the impacts of sea level rise and climate change; and support natural hydrologic conditions and the beneficial services provided by natural infrastructure.

To help achieve these objectives, the updated Policy shall include a flood risk management review process and flood resilience standards for state construction. In particular, the updated Policy will address, but not be limited to, the following topics:

a. Establish processes and criteria for determining whether a proposed state construction project is subject to the Policy;

b. Establish a process for determining whether construction is proposed in a floodplain or other area with flood risk, including coastal or inland flood risk, and the degree of risk presented;

c. Implement measures to reduce construction in a floodplain to the greatest extent feasible;

d. Set reasonably protective and cost-effective flood resilience standards for proposed construction within and outside of a floodplain, based upon flood risk over the lifetime of the construction; and

e. Provide standards, options, and considerations for including nature-based infrastructure to reduce flood risk.

Section 2. State-Funded Construction

NCDOA, in consultation with NCDEQ, NCDOT, NCEM, NCORR, and other relevant state agencies and stakeholders, shall analyze the effect of expanding the requirements of the Policy beyond state-owned construction to also include state-funded construction. This analysis shall evaluate the legal, financial, environmental, and regulatory implications of such an expansion. The analysis also shall address the financial impact to the state of not applying the Policy to state-funded construction, including losses reasonably anticipated due to flooding. NCDOA shall publish the analysis within eighteen (18) months of this Executive Order. Additionally, NCDOA shall include provisions in the updated Policy that expand the Policy to state-funded construction to the extent feasible and permitted by law.

Section 3. Effect and Duration

This Executive Order is effective immediately and shall remain in effect unless rescinded or replaced with a superseding Executive Order. Upon approval and signature by the Secretary of NCDOA, the Policy will replace in its entirety and supersede the policy adopted in Executive Order No. 123. Effective on the date of the signed updated Policy, Executive Order No. 123 is rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 25th day of 2022 in the year of our Lord two thousand and twenty-two.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State

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

AN ORDINANCE AMENDING THE SPECIAL FLOOD HAZARD MITIGATION ORDINANCE OF THE TOWN OF BLACK MOUNTAIN TO PROHIBIT NEW TOWN-OWNED BUILDINGS IN THE REGULATED FLOODPLAIN

Ordinance No. O-25-20

WHEREAS, the Town of Black Mountain is committed to fiscal responsibility, public safety, and climate resilience; and

WHEREAS, recent flood events, including Tropical Storm Helene in 2024, have highlighted the vulnerability of public facilities located within regulated flood hazard areas; and

WHEREAS, North Carolina Executive Order No. 266 prohibits new state-owned buildings in flood hazard areas unless no feasible alternative exists, aligning with best practices in risk reduction and infrastructure resilience; and

WHEREAS, it is in the interest of the Town to adopt a similar policy framework to reduce long-term public exposure to flood risk and ensure responsible stewardship of taxpayer resources.

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

Section 1. Amendment

The Black Mountain Land Use Code (Appendix A) within the Town of Black Mountain Code of Ordinances, Chapter 2- Building Regulations, Section 2.3- Flood Damage Prevention Ordinance, Article 5- Provisions for Flood Hazard Reduction is hereby amended to **add** the following new section:

Section G. - Prohibition on New Town-Owned Buildings in the Regulated Floodplain.

1) **Purpose.**
   To reduce the risk of flood-related losses to public infrastructure and align capital investment decisions with best practices in floodplain management and climate adaptation, the Town of Black Mountain establishes a prohibition on the construction of new town-owned buildings within regulated floodplains.
2) **Applicability.**
   This section applies to any new building that will be constructed, owned, and operated by the Town of Black Mountain, including but not limited to administrative buildings, public works facilities, parks and recreation buildings, emergency services buildings, and utility structures.
3) **Floodplain Restrictions.**
   No new town-owned building shall be constructed within a FEMA-designated Special Flood Hazard Area (100-year floodplain) or Moderate Flood Hazard Area (500-year floodplain), unless the following four conditions are met:

a. **No Feasible Alternative Site Exists.**
The Town demonstrates, through site selection analysis, that there is no feasible alternative location outside the 100- and 500-year floodplains.

b. **Flood Risk Assessment.**
A qualified flood risk assessment is completed by a professional engineer or certified floodplain manager, and the assessment findings are submitted to the Town Council.

c. **Enhanced Resilient Design.**
The proposed building incorporates design elements that exceed the minimum requirements of this ordinance by one additional foot in addition to BFE+2 and the North Carolina Building Code, including but not limited to freeboard, floodproofing, and elevated utilities. The proposed improvements will be recommended by the Town Manager and approved by the Town Council.

d. **Written Justification.**
A written justification is submitted to and approved by the Town Council in an open meeting, prior to any final site or construction approvals.

4) **Exemptions.**
   a. This section shall not apply to the repair, rehabilitation, or retrofit of existing town-owned buildings, provided such activities do not result in a substantial improvement as defined by this ordinance.
5) **Consistency with State Policy.**
   a. This policy is intended to align with the principles of North Carolina Executive Order No. 266 and shall be interpreted to promote eligibility for state and federal disaster recovery and mitigation funding.

Section 2. Severability.

If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

Section 3. Effective Date.

This ordinance shall become effective upon adoption.

READ, APPROVED AND ADOPTED, this the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Administration
TITLE OF ITEM:	Amendment to the Town's Personnel Policy Manual to add an Emergency Lodging & Meal Support Policy		

SUGGESTED MOTION(S):

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

SUMMARY:

Following Tropical Storm Helene, the Town incurred expenses to provide lodging and meals for essential staff and emergency personnel required to maintain operations and support response efforts. FEMA Public Assistance and other reimbursement programs require a formal policy to support such expenditures in order for them to be eligible for reimbursement.

The proposed Emergency Lodging and Meal Support Policy establishes the authority and framework for the Town to provide or reimburse meals and lodging during emergency declarations—whether presidentially declared, state declared, locally declared, or determined by the Town Manager or Assistant Town Manager. The policy outlines who may be eligible, under what conditions, and how expenses will be documented and managed to meet reimbursement standards.

The policy will be added to the Town’s Personnel Policy Manual and will strengthen our emergency preparedness and continuity of operations efforts while aligning with federal and state emergency reimbursement requirements.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? Event-specific basis.

If no, describe how it will be funded. Costs will be incurred only in the event of emergencies as described.

ATTACHMENTS:

1. R-24-34_Resolution to Amend Personnel Policy to add Emergency Food_and_Lodging Policy_2025.08.11

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

RESOLUTION TO AMEND THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA PERSONNEL POLICY

Resolution #: R-25-34

WHEREAS, the Town of Black Mountain recognizes the importance of maintaining an up-to-date and effective personnel policy to guide its employees and ensure a fair and consistent workplace; and

WHEREAS, it is the desire of the Town Council to amend certain provisions within the existing Personnel Policy Manual to address current needs, improve clarity, or ensure compliance with applicable laws and regulations; and

WHEREAS, the proposed amendments have been reviewed by appropriate staff and departments and are deemed to be in the best interest of the Town and its employees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following changes be made to the Town of Black Mountain Personnel Policy Manual, effective as of the date of this Resolution (additions are underlined in bold and deletions are shown as red struck text):

Article VI: Work Conditions and Expectations, Section 24.

Section 24. Emergency Lodging and Meal Support Policy

(a) **Purpose**

(1) **The purpose of this policy is to establish formal authorization for the Town of Black Mountain to provide lodging and meals for town staff, emergency workers, contractors, and essential personnel during an emergency situation in which remaining onsite or in proximity to critical operations is necessary to protect health, safety, or the continuity of government operations.**

(2) **This policy ensures compliance with requirements of federal and state reimbursement programs, including but not limited to FEMA Public Assistance (PA), the North Carolina Emergency Management (NCEM) reimbursement programs, and any future applicable relief mechanisms.**

(b) **Authority**

(1) **This policy shall apply during:**

- **A presidentially declared disaster or emergency;**
- **A state-declared disaster or emergency;**
- **A locally declared state of emergency by the Mayor;**
- **A determination by the Town Manager or Assistant Town Manager that an emergency situation exists that threatens the safety of personnel or significantly disrupts essential services.**

(c) **Policy**

(1) **The Town of Black Mountain may provide or reimburse reasonable costs for lodging, meals, and related subsistence expenses for:**

- **Town employees required to remain onsite or within close proximity to their assigned emergency duties;**
- **Mutual aid responders and contracted emergency personnel supporting the Town's response and recovery;**
- **Other individuals whose housing or meal support is deemed necessary to maintain critical operations or ensure health and safety during the event.**

This includes:

- **Hotel or short-term lodging accommodations when safe on-site shelter is unavailable or inappropriate;**
- **Meals provided onsite or through per diem reimbursement consistent with federal and state guidance;**
- **Extended support if recovery or response efforts continue beyond the duration of the declared event.**

All expenditures must be:

- **Pre-approved by the Town Manager or Assistant Town Manager;**
- **Reasonable, necessary, and directly related to the emergency;**
- **Documented with itemized receipts and justification, including names of those housed or fed and their roles in the response.**

(d) **Implementation**

The Town Manager, Assistant Town Manager, or their designee shall be responsible for implementing this policy during a qualifying emergency. Finance staff will ensure all documentation meets standards required for reimbursement by external funding agencies.

(e) **Reimbursement and Funding**

When applicable, the Town will seek reimbursement for these expenses through FEMA Public Assistance, NCEM, insurance, or other sources. Adoption of this policy is intended to support eligibility for current and future reimbursement programs by demonstrating formal procedures.

(f) **Review and Updates**

This policy shall be reviewed periodically and revised as necessary to remain consistent with best practices and federal/state guidance for emergency management and disaster recovery.

BE IT FURTHER RESOLVED that all other provisions of the Town of Black Mountain Personnel Policy Manual shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Town Manager (or other designated authority) is hereby authorized to take all necessary actions to implement these amendments, including updating the electronic and physical copies of the Personnel Policy Manual and communicating these changes to employees.

Adopted this 11th day of August, 2025.

_____
C. Michael Sobol
Mayor

Attest:

_____
Wesley M. Barker
Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Jessica Trotman, Assistant Town Manager	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Administration

TITLE OF ITEM: Recommendation of Engineering Firms for FEMA Projects.

SUGGESTED MOTION(S):
Motion to approve recommendations and direct the Assistant Town Manager to negotiate contracts for these projects.

SUMMARY:

The following engineering firms have been recommended by staff for FEMA projects:

FIRM	PROJECT
McAdams	-Hilltop Road -Town Roads
Anchor	-N. Occoneechee Sinkhole -Flat Creek Greenway
Jennings	-Swannanoa River Restoration
SM&E	-Lake Tomahawk Dam
McGill	-Watershed & Water Sytem

All firms have been federally procured for FEMA Projects. Once these firms are under contract, they will provide estimates for the work. FEMA will then obligate funds for the project(s), and the firms are paid out of that obligation of funds from FEMA. The next step in the process is for Town Council to approve the recommended firms and direct the Assistant Town Manager to negotiate contracts for these projects.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. FEMA-PA Eligible Expense

ATTACHMENTS:

1. R-25-46_Resolution to Recommend Engineering Firms for FEMA Projects_2025.08.11

Council Member Doug Hay made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

A RESOLUTION APPROVING RECOMMENDED ENGINEERING FIRMS FOR FEMA PROJECTS AND AUTHORIZING CONTRACT NEGOTIATIONS
Resolution No. R-25-46

WHEREAS, staff has completed a federally compliant procurement process for engineering services related to FEMA projects as a result of Tropical Storm Helene; and

WHEREAS, the following firms have been recommended by staff for the respective projects:

Firm	**Project(s)**
McAdams	Hilltop Road; Town Roads
Anchor	N. Occoneechee Sinkhole; Flat Creek Greenway
Jennings	Swannanoa River Restoration
SM&E	Lake Tomahawk Dam
McGill	Watershed & Water System

WHEREAS, all firms have been federally procured for FEMA projects, and upon execution of contracts, will provide estimates for the scope of work; and

WHEREAS, FEMA will obligate funds for each project upon review of the estimates, and payments to the firms will be made from these obligated funds; and

WHEREAS, the next step in the process is for the Town Council to approve the recommended firms and direct the Assistant Town Manager to negotiate and execute contracts for these projects.

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

1. The Town Council hereby approves the above-named engineering firms for the FEMA projects as outlined.
2. The Assistant Town Manager is hereby authorized and directed to negotiate and execute contracts with the approved firms for the listed projects.

Adopted this the 11th day of August 2025.

_____
Archie Pertiller, Vice Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Wesley Barker, Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Town Clerk

TITLE OF ITEM: Appointment to the Black Mountain ABC Board

SUGGESTED MOTION(S):
Motion to appoint [name] to the Black Mountain ABC Board for a three-year term.

SUMMARY:

The Black Mountain Alcoholic Beverage Control (ABC) Board has a total of three (3) seats, that are appointed by the Town Council. The ABC Board has one seat whose term is expiring. This seat is currently held by Amanda Nichols. Ms. Nichols has indicated she does not wish to be re-appointed for another term on the ABC Board.

Applications to the ABC Board were received by Andrew Tyson, Shawn Slome, and Jack Heinen. These applications are included within the packet. Please note that Jack Heinen does not reside within the corporate limits of Black Mountain. The other applicants do reside within the corporate limits of Black Mountain. After researching the guidelines for ABC Board Members, considering this is a board created via State Legislation and ABC Boards in North Carolina are local, independent political subdivisions of the State, SL-1971-457, the legislation text does not indicate any residency requirements for members of Black Mountain's ABC Board. Therefore, all three applicants are eligible.

For multiple applicants, Town Council will use the ballot-method to vote on the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make one (1) appointment to the vacant seat on the ABC Board to serve a three-year term.

Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date
Harris	Larry	Chair	7/1/2026	n/a	8/14/2023
Tabor	Sharon	Member	7/1/2027	7/1/2024	12/13/2021
Nichols	Amanda	Member	7/1/2025	n/a	7/11/2022

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. ABC Bd_Andrew Tyson_Application_January 2025
2. ABC Bd_Shawn Slome_Application_May 2025
3. ABC Bd_Jack Heinen_Application_June 2025

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name
Andrew Tyson

Do you live inside the Incorporated Town (City) Limits of Black Mountain?
Yes

Physical Address
22 Tudor Way, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

Primary Email
tysonam3@gmail.com

Primary Phone
(828) 337-2086

Other Phone (if applicable)

Are you seeking reappointment?
No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).
ABC Board

Primary Preference
ABC Board

Secondary Preference

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.
I have experience working with manufacturers, small businesses, and end consumers.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?
I am looking for a way to volunteer my time and abilities to help support local businesses and help generate revenue for the community!

Experience, Education, Certifications

I have experience in business administration that can help facilitate the goals and mission of the ABC Board.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.
Yes

Signature

Date
1/29/2025

Andrew Tyson

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain
Advisory Board and Commission Application

Thank you for your interest in the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please submit a complete application. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. If you prefer to fill an application out online, visit: https://www.townofblackmountain.org/154/Boards-Commissions or scan QR code.

SCAN ME

APPLICANT INFORMATION

First Name: Shawn ***Last Name:*** Slome

PHYSICAL ADDRESS

Address: 115 3rd street

City: Black Mountain ***State:*** NC ***Zip:*** 28711

MAILING ADDRESS *(if different than above)*:

Address: _____

City: _____ ***State:*** _____ ***Zip:*** _____

Do you live inside the Town Limits of Black Mountain? Yes x **No** _____

**If you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible. Some exceptions may apply.*

EMAIL ADDRESS: shawn.slome@gmail.com
(This is the preferred communication method for advisory board/commission members)

PHONE NUMBER: Main (919-491-1217) **Other** (_____)

Are you seeking re-appointment? Yes ____ **No** x

ADVISORY BOARD/COMMISSION PREFERENCE

Please select the Board or Commission you wish to apply for (or seeking reappointment to):

x ABC Board	____ Recreation Commission
____ Active Mobility Commission	____ Board of Adjustment
____ Historic Preservation Commission	____ Black Mountain Library Maintenance Board*
____ Planning Board	____ MSD (Metropolitan Sewerage District) Board**

- If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.
- For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page at https://www.townofblackmountain.org/154/Boards-Commissions.
- *The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the Library facility & management of both minor/major maintenance for the Library.
- **The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website, https://www.msdbc.org

PRIMARY & SECONDARY BOARD/COMMISSION PREFERENCES:

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary board/commission choice: _____, and secondary board/commission choice: _____.

CIVIC INVOLVEMENT

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement. *Please use additional sheet if necessary.*

I served on the Planning Board for one term. I now serve on the Board of Directors of the Black Mountain, Swannanoa Chamber of Commerce and I serve as Vice Chair on the Board of Directors of the Black Mountain Tailgate Market.

I am retired now but my career was in retail as the owner operator of TWIG, a Retail . and Wholesale business in Chapel Hill. That experience would translate directly to the duties of the ABC Board

STATEMENT OF INTEREST

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member? *Please use additional sheet if necessary.*

I am interested in contributing to the well being of our community. I believe my professional experience and my current civic engagement make me well qualified for the position on the ABC Board

EXPERIENCE, EDUCATION, CERTIFICATIONS

Please provide any educational, certifications or experience that you could bring to this Board or Commission. *Please use additional sheet if necessary.*

I have a BA in Biology from UNC-Chapel Hill.
From 1991 until 2017, I built a successful specialty retail and wholesale business.

Prior to going in to retail, I was a Real Estate Broker for seven years specializing in commercial Real Estate. I was awarded the Certified Commercial Investment Manager (CCIM) during that time.

OTHER INFORMATION

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member. *Please use additional sheet if necessary.*

I am a founding member of the Friends of the Black Mountain Community Garden and rent a garden plot there.

My step-daughter Erin Walker Goode is the owner of two retail establishments in downtown Black Mountain; The Gem Drop Shop on Broadway and DANG / Mountain Fairy Hair on Cherry Street.

Before signing application, please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically, this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- ***Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.*** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships. Any exceptions will be

made on a case-by-case basis. If an appointed member moves out of the town limits during their term, they must immediately inform the staff liaison, or the Town Clerk.

- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    1. ***Code of Ethics***
    2. ***Attendance Policy***
    3. ***Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided with the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

SIGNATURE & ACKNOWLEDGEMENT

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application. You also agree that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.



5/21/2025

Applicant Signature ***Date***

Submitted applications will be kept on file for a period of one (1) year in the Town Clerk's office. Thank you for your interest!

Please return the completed application to the Town Clerk by the following methods:

- Via email: town.clerk@tobm.org
- Drop off at Town Hall, Monday-Friday 8am-5pm, 160 Midland Ave.
- USPS Mail: Attn: Town Clerk, 160 Midland Ave., Black Mountain, NC 28711.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
www.townofblackmountain.org

Application revised 05.19.2025

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name
Jack Heinen

Do you live inside the Incorporated Town (City) Limits of Black Mountain?
Yes

Physical Address
18 RED PLUM LANE, BLACK MOUNTAIN, North Carolina 28711

Mailing Address (if different than above)
18 RED PLUM LANE, BLACK MOUNTAIN, North Carolina 28711

Primary Email
jhheinen53@gmail.com

Primary Phone
(616) 828-3333

Other Phone (if applicable)

Are you seeking reappointment?
No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).
ABC Board
Recreation Commission
Black Mountain Library Maintenance Board*

Primary Preference
ABC Board

Secondary Preference
Recreation Commission

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.
Civic experience: 6 years Black Mountain Chamber Board. 4 years board member and treasurer Black Mountain Center for the Arts. 3 years advisory board Black Mountain YMCA. 2 years board member and treasurer Harvard Club of Western North Carolina. Volunteer actor in Black Mountain and Asheville theater productions

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or

Commission member?
I believe that when living in a small town service to that town is important. Active involved citizens help create a vital community. I am retired from fulltime employment and want to use my flexible schedule to serve worth causes.

Experience, Education, Certifications
MBA Harvard Business School. 40 years experience as a CFO / VP Finance in a variety of industries including higher education, food, medical, long term care.

For the ABC Board I have extensive experience developing, reviewing and managing budgets. I have HR management experience so I understand the importance of employees. Early in my career I worked in retail and food service, gaining knowledge related to the work of the ABC store

For Recreation Commission I co-managed the $3 million development of the Black Mountain Vance Avenues sports complex for Montreat College. As VP Finance I worked closely with the athletic director and coaches in many areas of management of sports.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.
I know Larry Harris fairly well and would enjoy working with him on the ABC Board

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.
Yes

Signature



Date
6/18/2025

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some

boards, and for purposes of regional memberships.

- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: **MEETING DATE:** August 11, 2025

AGENDA SECTION: New Business **DEPARTMENT:** Town Clerk

TITLE OF ITEM: Appointments to the Active Mobility Commission

SUGGESTED MOTION(S):
Appointment of members to the Active Mobility Commission.

SUMMARY:

The Active Mobility Commission (AMC) consists of seven (7) members, who serve three-year (3-year) terms. Members must be full-time residents of the Town, or the East Buncombe Fire District. Currently, the AMC has two seats that are expiring and one vacant seat.

Current members Kyle Cole and Michelle Knight's first terms are expiring. Michelle Knight is not interested in being reappointed.

Further, there were 6 new applications submitted for AMC. These were from Edwin Aaronson, Jeremy Claeys, Tara Cooke, Janice Rausch, Alan Simmons and Joe Tuohey. Each of these applicants reside within the corporate limits of Town and are eligible. These applications are included in the agenda packet.

For multiple applicants, Town Council will use the ballot-method to vote on the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make appointments by a vote.

Board/ Commission	Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date
Active Mobility Commission	White	Julie	Chair	7/1/2027	7/1/2024	7/12/2021

Active Mobility Commission	Neal	Karen	Member	7/1/2027	n/a	7/8/2024
Active Mobility Commission	Bergna	Kristie	Secretary	7/1/2026	n/a	8/14/2023
Active Mobility Commission	Raleigh	Lisa	Member	7/1/2026	n/a	4/10/2023
Active Mobility Commission	Cole	Kyle	Vice Chair	7/1/2025	n/a	8/8/2022
Active Mobility Commission	Knight	Michelle	Member	7/1/2025	n/a	8/8/2022
Active Mobility Commission	VACANT	VACANT	Member			

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. Active Mobility_Edwin Aaronson_Application_June 2025
2. Active Mobility_Jeremy Claeys_Application_June 2025
3. Active Mobility_Tara Cooke_Application_July 2025
4. Active Mobility_Janice Rausch_Application_July 2025
5. Active Mobility_Alan Simmons_Application_June 2025
6. Active Mobility_Joe Tuohey_Application_June 2025

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Edwin (First) Aaronson (Last)

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

167
Address Line 1

Vance Ave.
Address Line 2

Black Mountain (City) North Carolina (State) 28711 (Zip Code)

Mailing Address (if different than above)

167
Address Line 1

Vance Ave.
Address Line 2

Black Mountain (City) North Carolina (State) 28711 (Zip Code)

Primary Email

edwinaaronson@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(610) 470-1584

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Active Mobility Commission
☐ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Active Mobility Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Plannnig Board

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I do not have lots of relate experience but am enthusiastic about greenways and live along the road that many people use to get to veterans park. I'm consistently having conversations with people who use Black Mountains' roads, sidewalks and trails as I frequent them myself and am naturally curious. I have a deep passion to make our community safer and more healthy by making sure we live in a walkable, bike-able town that prioritizes our natural space.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I am 34, own my first home and want to be more engaged in the community. I'm thrilled to be living in a small town where we can all chip in and make a difference.

Experience, Education, Certifications

- Eagle Scout
- Bachelor of Arts in Graphic Design, Cum Laude, Kutztown University PA

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

My wife and I own a small business and have started a native landscaping project which we're excited to share with the many people who walk, bike and run by our home.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/19/2025



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***

- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Jeremy
First

Claeys
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

1 Western View Street
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

1 Western View Street
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Primary Email

thejeremyclaeys@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(863) 738-0910

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Active Mobility Commission
☐ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Active Mobility Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Recreation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I've spent over a decade in operations and project management roles, with a strong focus on sustainability, resource efficiency, and long-term planning. My professional experience has taught me the value of thoughtful infrastructure and how small improvements can lead to meaningful community impact.

Civically, I served in AmeriCorps, where I gained firsthand experience in community-based service and collaboration. More recently, I've been an active resident advocating for safer, more connected pedestrian and cycling infrastructure in my neighborhood. My goal is to help Black Mountain become a model for small-town active mobility. Where residents of all ages can move safely and easily, and where infrastructure supports health, sustainability, and quality of life.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or

Commission member?

I would like to serve to help make Black Mountain a more connected, safer place for all its residents. What drew me to move here and start a family was the town's accessibility to nature and its small town charm. I believe our streets and green spaces should reflect the values of our community: welcoming, safe, and oriented toward people, not just cars. I'd love to be part of the effort to make active mobility more practical and enjoyable for everyone, from kids biking to school to seniors walking to the park.

Experience, Education, Certifications

BS of Environmental Science and Geography from Florida State University; Small business owner/operator

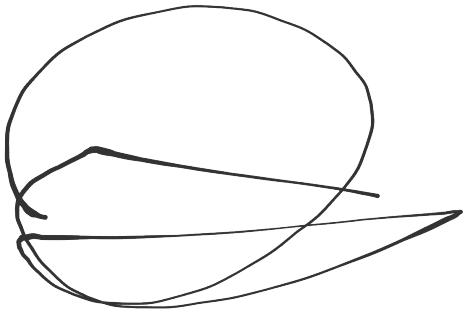
Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

As an avid walker, runner, cyclist, and "baby taxi," I often feel let down by the lack of safe, connected pedestrian infrastructure, especially outside the downtown core. Living south of I-40 off Route 9, I regularly encounter sidewalks that lead nowhere, missing crosswalks, and intersections that are unsafe for people on foot or bike. As a parent, I want to help shape a future where families can confidently choose active transportation and where Black Mountain isn't just a great place to visit, but a town families want to call home because it's healthy, safe, and accessible every day.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

6/30/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.

- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Tara
First

Cooke
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

1012 Montreat Rd.
Address Line 1

Apartment 3
Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

1012 Montreat Rd, Apartment 3
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Primary Email

taraap2021@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(703) 927-6732

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⊙ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Active Mobility Commission
☐ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I was on the advisory board for James City County Virginia's Department of Social Services. During that time we addressed allocation of funds to local human service agencies to provide care to low income and elderly in the community.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

A passion of mine is to have walkable communities that allow people who do not have access to transportation a safe way to get to basic services. This is challenging in a mountain community, but one I feel is achievable. At least in the city center. That is why I am interested in this commission.

Experience, Education, Certifications

I have two masters degrees, one in gerontology and the other in public health.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

7/5/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.

    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Janice
First

Rausch
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

122 Louisa St
Address Line 1

Address Line 2

BLACK MOUNTAIN
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

janicek.rausch@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(803) 622-2883

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⊙ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board	☐ Planning Board
☑ Active Mobility Commission	☐ Recreation Commission
☐ Board of Adjustment	☐ Black Mountain Library Maintenance Board*
☐ Historic Preservation Commission	☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Active Mobility Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I am a newly retired Occupational Therapist and an enthusiastic hiker, biker, and walker. I am also a retired LTC from the US Army. During my 21 years in the military, I served on numerous boards and committees such as hospital-wide Quality Improvement committees and Joint Commission Care of Patients committees. I have been responsible for writing Standard Operating Procedures and conducting After Action Reviews. I have also served as the chair of the American Occupational Therapy Association's Physical Disability Special Interest Section where I represented more than 15,000 Occupational Therapists for a three year elected position. On the state level, I served as the treasurer of the South Carolina Hand Therapy Association for 5 years. In addition, I have served in multiple leadership capacities within our church including the Board Chairman of our preschool, and was commissioned as a Deacon and also onto the Women's Ministry board. I have been on the board for Young Life and Club Beyond (Young Life for Military Teens) for over 10 years where I stewarded fundraising and development initiatives, recruited for the board, and supported the Executive Director and leadership team. I have also been a leader for a co-ed Medical Explorers group sponsored by the Boy Scouts of America.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

My husband and I just moved full-time to Black Mountain after owning a vacation home here for the past 5 years. I am newly retired and eager to get involved to meet people, contribute to our community, and to help shape the future of Black Mountain. I want to help facilitate the process of ensuring our community is accessible in ways that are environmentally friendly, safe for those engaging in non-motorized activities, and accessible to both residents and individuals visiting the town of Black Mountain. By doing this, I believe Black Mountain will continue to have a reputation as a welcoming place for bikers, hikers and outdoor enthusiasts, as well as those that just want to live in or visit a walkable community, which ultimately facilitates economic growth for the town at large. I am especially interested in ensuring the growth in our greenway system is accessible to all - whether young, old, or those with mobility challenges. I believe my experience as an Occupational Therapist, in which I worked creatively with individuals with disabilities and injuries to identify tools and resources to support them in living their daily lives in meaningful ways, will make me a valuable member of the commission.

Experience, Education, Certifications

I am a registered and licensed Occupational Therapist, with both a Bachelor of Science and Masters of Science degrees. I am a retired Army Lieutenant Colonel and am a graduate of the Army's Command and General Staff College.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

As an Occupational Therapist, I have training and experience in expanding accessibility for individuals through the continuum of ages (from children through geriatrics) and across the ability spectrum. Throughout my 40+ year career, I worked with individuals with wide ranging abilities and disabilities, learning alongside my patients how our cities and built environments, including greenways and parks, can be both places of inclusion and exclusion depending on how and for whom they are designed. Designing outdoor spaces to be accessible for people of many abilities is important work that contributes to a thriving community when its members are able to enjoy the benefits of connection to nature and to community.

I am also a very collaborative person. It was part of my career and it is just a part of who I am. I enjoy being involved with others in my community, contributing as meaningfully as I can, and learning alongside others who bring their own expertise and gifts.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

7/16/2025



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory

Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Alan
First

Simmons
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

414 S. Oconeechee Ave
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

preferthepresent@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(773) 220-5018

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⊙ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Active Mobility Commission
☐ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Relevant experience: 24 years without an automobile prior to moving to Black Mountain. Current civic involvement: Bounty and Soul (HOP program); Food Connection; Literacy Together; Wilson Garden

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Although my primary forms of transportation are walking and biking, I understand that the roads are shared by all. I think that towns that foster walking, biking, and public transportation are both healthier and more economically viable. I hope to support forms of transportation that are safe, reliable, and low in emissions.

Experience, Education, Certifications

Education: BS, Physics, Louisiana State University
Experience: Project manager; data analyst; software developer; gardener; conservation volunteer; pantry volunteer; tutor

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/27/2025

J. Alan Simmons

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the

following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Joe
First

Tuohey
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

217 Flat Creek Rd
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

tuoheyjo1@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(313) 903-5196

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ◉ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☑ ABC Board	☐ Planning Board
☑ Active Mobility Commission	☑ Recreation Commission
☐ Board of Adjustment	☐ Black Mountain Library Maintenance Board*
☐ Historic Preservation Commission	☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Active Mobility Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Recreation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

While I do not have significant professional experience related to active mobility or recreation, as a town resident I make use of our greenways and sidewalks almost every day while jogging, walking my dog, or simply walking into town. Additionally, I have some experience participating in municipal recreational leagues.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I am just looking to get more involved with the town and help out where I can!

Experience, Education, Certifications

Bachelor's of Science, Computer Science
Master of Business Administration

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

6/9/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory

Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Wesley Barker, Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Town Clerk

TITLE OF ITEM: Appointments to the Board of Adjustment

SUGGESTED MOTION(S):
Appointment of members to the Board of Adjustment.

SUMMARY:

The Board of Adjustment consists of 5 members each serving a 3-year term, and 3 alternate members without expiring terms. When a vacancy occurs, members move forward from the alternate seats and new membership is appointed to the alternate seats. Currently, the Board of Adjustment has three seats that are expiring, and two alternate member vacancies.

Current members Linda Brinson, John Hines, and Chloe Riddle's terms are expiring. They are all eligible for re-appointment. Linda Brinson and John Hines are interested in being reappointed, which would allow them to serve their first full term, as they were previously alternate members and moved up to regular members within the last year. Member Chloe Riddle has indicated she would like to remain on the Board, but due to some travel, she needs to step back from her regular member seat and be an alternate. If the Council agrees, current Alternate #1, David Barley would be moved up to her seat as a regular member, for a three-year term, and Chloe Riddle would be moved to Alternate.

Further, there was a new applicant who submitted an application, Mary E. Hall. She is eligible to serve as she lives within the corporate limits of Town. In order to maintain quorums at these Board of Adjustment meetings, staff recommends the following:

- Re-appointment of Linda Brinson and John Hines.
- Formal appointment of David Barley from Alternate to Member.
- Appointment of Mary E. Hall to an Alternate position.

This will still leave 2 vacant Alternate positions, to which recruitment will continue, but it will ensure the Board of Adjustment has enough members for quorums.

For multiple applicants for a singular seat, Town Council will use the ballot-method to vote on

the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make appointments by a vote.

Board/Commission	Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date
Board of Adjustment	Dodgin	Lauren	Chair	7/1/2027	7/1/2024	1/10/2021
Board of Adjustment	Stallings	Nicole	Member	7/1/2027	n/a	7/8/2024
Board of Adjustment	Hines	John (David)	Member	7/1/2025	n/a	7/8/2024
Board of Adjustment	Brinson	Linda	Member	7/1/2025	1/11/2025* *(appointed to reg. member from alternate)*	12/11/2023
Board of Adjustment	Riddle	Chloe	Member	7/1/2025	n/a	3/14/2022
Board of Adjustment	VACANT	VACANT	Alternate 3	n/a	n/a	n/a
Board of Adjustment	VACANT	VACANT	Alternate 2	n/a	n/a	n/a
Board of Adjustment	Barley	David	Alternate 1	n/a	n/a	7/8/2024

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. Bd of Adj_Linda Brinson_Application_May 2025
2. Bd of Adj_John Hines_Application_June 2025
3. Bd of Adj_Mary E Hall_Application_July 2025

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Linda
First

Brinson
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

251 Avena RD
Address Line 1

Apt 9
Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

lindabrinson@yahoo.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 458-2934

Other Phone (if applicable)

Are you seeking reappointment?
⦿ Yes ○ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☑ ABC Board	☐ Planning Board
☐ Active Mobility Commission	☑ Recreation Commission
☑ Board of Adjustment	☑ Black Mountain Library Maintenance Board*
☐ Historic Preservation Commission	☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Board of Adjustment

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

ABC Board

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Were on the Board before

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

To learn the things that keep the town moving forward. I enjoy my first term learn the difference zones.

Experience, Education, Certifications

National Demetia Certificate, CNA, and Activity Director

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

To help the community to grow

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

5/27/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

John
First

Hines
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

203 S Blue Ridge Rd
Address Line 1

Address Line 2

Black Mountain, NC
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

john.hines@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(386) 846-4598

Other Phone (if applicable)

Are you seeking reappointment?
⦿ Yes ○ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☐ Active Mobility Commission
☑ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I have been on this board for 1 year now

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

For the love and care of the town of Black Mountain.

Experience, Education, Certifications

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/27/2025



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon

appointment. If you are being reappointed to another term, you will also need to be sworn in.

- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain
Advisory Board and Commission Application

Thank you for your interest in the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please submit a complete application. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. If you prefer to fill an application out online, visit: https://www.townofblackmountain.org/154/Boards-Commissions or scan QR code.

SCAN ME

APPLICANT INFORMATION

First Name: *_Mary __* ***Last Name:*** *__Hall_____*

PHYSICAL ADDRESS

Address: ***___545 Sweet Birch Park Lane***

City: Black Mountain_____ State: _NC_____ Zip: _28711

MAILING ADDRESS *(if different than above)*:

Address: _____

City: _____ ***State:*** _____ ***Zip:*** _____

Do you live inside the Town Limits of Black Mountain? Yes__X___ No _____ I've sent an email to the town clerk to verify this.

**If you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible. Some exceptions may apply.*

EMAIL ADDRESS: ___maryehall@maryehall.com_____
(This is the preferred communication method for advisory board/commission members)

PHONE NUMBER: Main (704) 877-2597_____ **Other** (_____) _____

Are you seeking re-appointment? Yes ____ No __x__

ADVISORY BOARD/COMMISSION PREFERENCE

Please select the Board or Commission you wish to apply for (or seeking reappointment to):

____ ABC Board	____ Recreation Commission
____ Active Mobility Commission	__X__ Board of Adjustment
____ Historic Preservation Commission	____ Black Mountain Library Maintenance Board*
___X Planning Board	____ MSD (Metropolitan Sewerage District) Board**

- If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.
- For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page at https://www.townofblackmountain.org/154/Boards-Commissions.
- *The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the Library facility & management of both minor/major maintenance for the Library.
- **The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website, https://www.msdbc.org

PRIMARY & SECONDARY BOARD/COMMISSION PREFERENCES:

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary board/commission choice: ___Board of Adjustment_____, and secondary board/commission choice: __Planning Board_____.

CIVIC INVOLVEMENT

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement. *Please use additional sheet if necessary* -

Please see attached - I have no local government experience but have significant volunteer and professional experience.

STATEMENT OF INTEREST

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member? *Please use additional sheet if necessary.*

Serving in a volunteer or civic capacity has been part of my life experience since my teenage years. My husband and I moved from Fairview to Black Mountain in 2024 because we see Black Mountain as a fully functioning town with everything we need to live comfortably and safely for the remainder of our lives. We absolutely love living here. While we're recent residents, we've been coming to Black Mountain for 4 decades through our association with YMCA Blue Ridge Assembly (where my husband is also an eight year employee) as well as being area residents for the past 15 years. In addition to the specific experiences I mention in my attachment that I believe are directly applicable to the two boards I'm applying for, I am also a CPA and currently the AVC Finance for UNCA, having served in this role for over 11 years.

I have a unique set of skills and experiences, a curious and engaged mind, a collaborative spirit, and a servant heart. I'd like to lend my talents to serving the Town I call home.

EXPERIENCE, EDUCATION, CERTIFICATIONS

Please provide any educational, certifications or experience that you could bring to this Board or Commission. *Please use additional sheet if necessary.*

Please see attached. I am also a CPA.

OTHER INFORMATION

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member. *Please use additional sheet if necessary.*

My intention would be to serve the Town as a whole. My professional and personal experiences are such that I am competent in both big picture matters with an ability to know when to dig into the details. I'm practiced at looking around the corner for what's coming, anticipating needs, and connecting the dots - many times when the connections are not obvious.

Before signing application, please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically, this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- ***Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.*** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships. Any exceptions will be

made on a case-by-case basis. If an appointed member moves out of the town limits during their term, they must immediately inform the staff liaison, or the Town Clerk.

- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    1. ***Code of Ethics***
    2. ***Attendance Policy***
    3. ***Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided with the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

SIGNATURE & ACKNOWLEDGEMENT

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application. You also agree that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Mary E Hall _____ 07/17/25

Applicant Signature ***Date***

Submitted applications will be kept on file for a period of one (1) year in the Town Clerk's office. Thank you for your interest!

Please return the completed application to the Town Clerk by the following methods:

- Via email: town.clerk@tobm.org
- Drop off at Town Hall, Monday-Friday 8am-5pm, 160 Midland Ave.
- USPS Mail: Attn: Town Clerk, 160 Midland Ave., Black Mountain, NC 28711.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
www.townofblackmountain.org

Application revised 05.19.2025

Attachment to Town of Black Mountain Advisory Board and Commission Application for Mary E. Hall

Relevant Professional Experience:

From 1988 – 2014 – CPA specializing in commercial real estate clients (E&Y), Commercial real estate asset management (MetLife real estate investments), commercial real estate lending portfolio manager (MetLife real estate investments), commercial real estate credit officer and senior credit officer – (BB&T – now Truist, Asheville Savings Bank – Now First Bank). Size of credits/transactions/portfolio ranged from $1 million to +$100 million assets and loans over my career which included residential development and builder loans anywhere from 10 lots to hundreds of lots. In addition, I also negotiated loan workouts for commercial clients. I also taught commercial real estate underwriting for BB&T for 8 years.

Related Volunteer Experience:

Huntersville, NC – Monteith Park HOA – I was on the HOA board of this 500 lot subdivision that had approximately 150 lots in various stages of development when the 2008 financial crisis hit. The original developer and builder sold the lots to a national builder whose quality of construction relative to the existing homes was a concern for the homeowners. Given my experience with development and builders, I was the point person for negotiating with the new builder/developer on behalf of the HOA. Along with my fellow board members, we were able to ensure that the community maintained a consistent building standard for the remaining lots and also provided regular and consistent communication with the existing homeowners regarding the new builder. This effort required significant time and effort but resulted in a seamless transition with the new builder and preservation of community character and home values.

Huntersville, NC – Monteith Park HOA – The development had a stream running through it with walking trails and recreational areas around it. The HOA was approached to enter into a stream restoration agreement from a private entity with a payment amount to the HOA of $10,000. I led a subcommittee of homeowners and was the point person with the stream restoration firm. After significant due diligence around these types of agreements, we were successful in negotiating a $150,000 payment. This was very helpful to the HOA as the development was still relatively young and needed to establish capital reserves.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, Town Clerk **MEETING DATE:** August 11, 2025

AGENDA SECTION: New Business **DEPARTMENT:** Town Clerk

TITLE OF ITEM: Appointments to the Historic Preservation Commission

SUGGESTED MOTION(S):
Appointment of members to the Historic Preservation Commission.

SUMMARY:

The Historic Preservation Commission (HPC) consists of five (5) members, who serve three-year (3-year) terms. Members must be residents within the corporate limits of Black Mountain. Currently, the HPC has one member seat expiring and one seat vacancy.

Current member Lardner Moore, Jr. seat is expiring. Mr. Moore was appointed to the HPC in November 2024 to fill a vacancy in this seat. Mr. Moore is interested in continuing on this Commission, which, upon appointment, would be his first full three-year term. He has submitted an application, which is included in the agenda packet.

Further, there were 3 new applications submitted for HPC. These were from Kev Hollo, Beth Johnson, and Elizabeth Swann. Each of these applicants resides within the corporate limits of Town and are eligible. Their applications are included in the agenda packet.

Staff recommends that the Council re-appoint current member Lardner Moore, Jr., and Council would need to make one additional appointment to fill the vacant seat.

For multiple applicants, Town Council will use the ballot-method to vote on the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make appointments by a vote.

Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date

Zajac	Chris	Member	7/1/2027	n/a	7/8/2024
Moore, Jr.	Lardner	Member	7/1/2025	n/a	11/12/2024
Norman	Debra	Member	7/1/2026	n/a	8/14/2023
VACANT	VACANT	Member	7/1/2026	n/a	n/a
Hester	Melinda	Member	7/1/2027	n/a	7/8/2024

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. Historic_Lardner Moore__Application_July 2024
2. Historic_Kev Hollo_Application_June 2025
3. Historic_Beth Johnson_Application_June 2025
4. Historic_Elizabeth Swann_Application_May 2025

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Lardner
First

Moore, Jr.
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

1 Garwood Ln
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

lardner2022@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(410) 440-1249

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☐ Active Mobility Commission
☐ Board of Adjustment
☑ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Historic Preservation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

27 years retired from Federal Government
Friends of the Black Mtn. Library
Blood drives & donations
Several activities at the Senior Center
Annual Membership to the Black Mtn Pool 2023 & 2024

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

To keep Black Mountain as a historic district and learn all that is involved.
I personally own a building that is over 100 years old in Aulander, NC, 101 E Main St. It is a two-story 2500 square foot building.

Experience, Education, Certifications

42 years work experience, 27 Federal, 10 State and 5 Private Sector
B.S. Degree from Belhaven College (1980)
40 hours a year of conitinuing education in accounting, finance, budgeting and mainly contracting for supplies and services for the federal government equivalent to more than a master's degree.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

Our family has four houses in Black Mountain.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

7/18/2024

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***

    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Kev
First

Hollo
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

7 A Frame Alley
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

krhll@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(614) 634-8705

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⊙ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☐ Active Mobility Commission
☐ Board of Adjustment
☑ Historic Preservation Commission
☐ Planning Board
☑ Recreation Commission
☑ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Historic Preservation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Recreation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Historic Preservation Commission:
- German Village Society, Member/Resident (historic neighborhood in Columbus, OH)
- Riverland Terrace Neighborhood Association, Member/Resident (historic community on James Island, SC)

Recreation Commission:
- Hip Hop Youth Arts Center, Programming Chair (grassroots effort resulting in cultural arts and fitness center opening in Downtown Cincinnati)
- Open Streets, Programming/Social Media Chair (non-profit advocacy group dedicated to creating safer streets for shared pedestrian and fitness use)
- Carolina Climbers Coalition, Gym Ambassador (non-profit working to preserve and maintain access to climbing areas throughout the Carolinas)

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Historic Preservation Commission:
- I'm a designer by trade and have spent the bulk of my adult life working to protect and preserve the historical significance of every community I've lived in. I love old things that were built to last and nothing makes me happier than to act as their steward to give it a new life (and hopefully pass it on to the next generation). Our town has wonderful stories to tell; the architecture, homes, businesses and streets themselves bring them to life for visitors and residents alike. It's incumbent upon us to protect as much of those stories as possible.

Recreation Commission:
Fitness and movement in all its forms has been a passion since I was a child. From the baseball, basketball, soccer and wrestling of my youth to running, yoga, crossfit and climbing that I practice on a daily basis today, I love to champion and cheerlead my community to get outside and move. I'd love to help Black Mountain create more opportunty for citizens of all ages and abilities to recreate outside and enjoy this beautiful landscape of ours. To maximize accessibility and inclusion, we need spaces and activities that allow us to walk, run, bike or dance freely and safely.

Experience, Education, Certifications

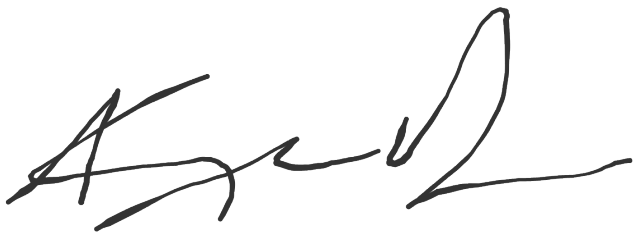
Bachelors of Arts, English. Ohio State University (2002)
Master of Arts, Creative Writing. Miami University (2006)

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

6/29/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the

duration of their term.

- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Beth
First

Johnson
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

309 VIEW ST
Address Line 1

Address Line 2

BLACK MTN
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

309 View St
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Primary Email

bethrossjohnson@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 506-2633

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☐ Active Mobility Commission
☐ Board of Adjustment
☑ Historic Preservation Commission
☐ Planning Board
☐ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I grew up in downtown Charleston, SC and have been aware of issues of historic buildings regarding preservation, accessibility, and balancing tourism and residential life. I believe in the importance of historic buildings, streets, walkways, monuments, and parks to add to the unique personality of a place and the protections they sometimes need. I have no experience in a civic committee but was involved with the initial talks in the revitalization of Old Fort, coordinated an adult education program at The NC Arboretum which developed a residential sustainable gardening certificate, and worked for several years with the Eastern Band of Cherokee Indians in cultural and environmental preservation. I hope that my experience and background would add something to the committee and my community.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I would like to be involved in and contribute to my community.

Experience, Education, Certifications

MFA in Art

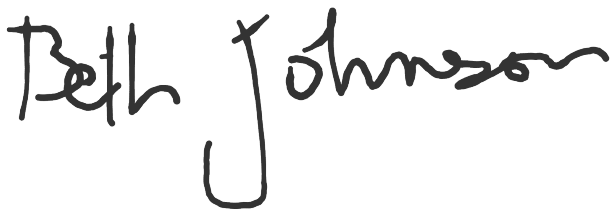
Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

I'm especially interested in addressing accessibility issues in historic buildings and areas.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

6/1/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***

- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Elizabeth
First

Swann
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

207 Gatchell St
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

eswann872@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 412-2254

Other Phone (if applicable)

(828) 669-7740

Are you seeking reappointment?

○ Yes ⊙ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board

☐ Active Mobility Commission

☐ Board of Adjustment

☑ Historic Preservation Commission

☐ Planning Board

☐ Recreation Commission

☐ Black Mountain Library Maintenance Board*

☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Historic Preservation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Black Mountain Library Board

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

No experience

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Interested in the history of our area. Even though I was born and raised here .the history of the Swannanoa Valley is always surprising me with new information that I was not aware of and anxious to learn from old photos and personal knowledge from those who have this to share..

Experience, Education, Certifications

My experience is limited..that is why I would like to increase my knowledge of the area..even though I grew up here in my earlier years .

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

5/30/2025



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***

    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Wesley Barker, Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Town Clerk

TITLE OF ITEM: Appointments to the Planning Board.

SUGGESTED MOTION(S):
Motion to make appointments to the Planning Board.

SUMMARY:

The Planning Board consists of seven (7) members, who serve three-year (3-year) terms. Members must be residents within the corporate limits of Black Mountain. Currently, the Planning Board has five seats that are expiring. Two of these seats were appointed to an additional one-year term in July 2024 by Town Council due to continued work on the Unified Development Ordinance (UDO).

The attached chart details each member's expiring terms. It should be noted that the UDO was delayed last year due to Hurricane Helene, so the work on this is still ongoing and could take several more months. Member Pam Norton was appointed for one additional year in 2024 to see the UDO process through. Even though it is not yet complete, Pam is willing to stay on the board until the UDO is complete, if Council wishes. Additionally, members Chris Collins and Lauronda Teeple's second full terms are expiring, and they are also willing to stay on the board until the UDO is complete, if Council wishes. Their applications are included in the packet.

Further, member Joe Laudenslayer's first full term is expiring, and he is eligible for re-appointment for a second term. He has submitted his application, which is included in the packet.

Member Chas Fitzgerald's term is expiring, and he has indicated he is moving out of the Town, and will be rotating off the board. This will leave a new vacancy.

New applications to the Planning Board were received from Michael Churchman, and Anton DuMars. Both applicants reside in the corporate limits of Town.

Staff recommends that the Council re-appoint current member Joe Laudenslayer for his second three-year term. Also, Council should discuss the appointments of members Chris Collins, Pam

Norton and Lauronda Teeple for an additional period until completion of the UDO. Staff has indicated this process could continue for several more months. Finally, Council will need to appoint a new member to fill the new vacant seat.

For multiple applicants, Town Council will use the ballot-method to vote on the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make appointments by a vote.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? Type answer here.

If no, describe how it will be funded. Type answer here.

ATTACHMENTS:

1. Planning Board Current Member List as of 6-30-2025
2. Planning Bd_Chris Collins_Application_June 2022
3. Planning Bd_Joe Laudenslayer_Application_March 2020
4. Planning Bd_Pamela Norton Application_June 2024
5. Planning Bd_Lauronda Teeple_Application_May 2022
6. Planning Bd_Michael Churchman_Application_June 2025
7. Planning Bd_Anton DuMars_Application_July 2025

Board/Commission	Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date
Planning Board	Collins	Chris	Chair	7/1/2025	7/11/2022	6/10/2019
Planning Board	Norton	Pam	Vice Chair	7/1/2025	7/1/2024; 7/12/2021	6/11/2018
Planning Board	Laudenslayer	Joe	Member	7/1/2025	n/a	7/11/2022
Planning Board	Earley	Rick	Member	7/1/2026	7/10/2023; 7/13/2020	6/12/2017
Planning Board	Teeple	Lauronda	Member	7/1/2025	7/11/2022	6/11/2019
Planning Board	Phillips	Kathy	Member	7/1/2027	7/1/2024; 7/12/2021	6/10/2019
Planning Board	Fitzgerald	Chas	Member	7/1/2025	7/1/2024; 7/12/2021	6/11/2018

Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
TDD 800-735-2962
www.townofblackmountain.org

The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: Christopher Collins DATE: 06.06.2022

PREFERED NAME: Chris

HOME ADDRESS: 524 Rhododendron Avenue

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC. 28711

Do you live inside the town limits of Black Mountain? Yes ✓ No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): christopher.r.collins@gmail.com

PHONE NUMBER(S): MAIN 404.242.1130 EMERGENCY 404.242.1130

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board *Are you seeking re-appointment?* Yes ✓ No ___

Why do you wish to serve the Town (or continue serving) in this capacity?
If additional space is needed please attach a separate sheet.

As an AICP certified Urban Planner currently employed as the Planning & Development Manager for the City of Asheville, I wish to use my specialized knowledge and skills to help guide the policy and built environment of the town that I've watched my three children grow up in. Black Mountain is a special place. Having grown up in suburban Atlanta where I witnessed many small towns lose and then try to regain their "specialness" and identity I would like to work to keep that from happening here.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

BA, Business Administration, Warren Wilson College

MUP, Master of Urban Planning, University of Louisville

Certified Planner (AICP), American Institute of Certified Planners

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Planning & Development Manager, City of Asheville

Deputy Director of Planning, City of Duluth, GA

Planner I, Louisville Metro Government, Louisville, KY

Owner & Principal Planner, CRC Planning, Black Mountain, NC

Current Chair of the Black Mountain Planning Board

Member in Good Standing, American Planning Association

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Applicant's Signature

June 6, 2022

Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org

Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
TDD 800-735-2962
www.townofblackmountain.org

The Town of Black Mountain Board of Aldermen have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered. Applications accepted through **Friday April 24, 2020 by 5:00 p.m.** to the Town Clerk.

Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: Joe Laudenslayer DATE: 7/3/2020

PREFERED NAME: _____

HOME ADDRESS: 724 Azalea Ave, Blk. Mtn. NC 28711

MAILING ADDRESS (if different): PO Box 1437

CITY, STATE and Zip: Blk. Mtn. NC 28711

Do you live inside the town limits of Black Mountain? Yes ✓ No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): josephgerard@bellsouth.net

PHONE NUMBER(S): MAIN 828-712-3895 EMERGENCY 828-712-3896

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board *Are you seeking re-appointment?* Yes ____ No X

Why do you wish to serve the Town (or continue serving) in this capacity?
If additional space is needed please attach a separate sheet.

See attached

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

See attached

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

See attached

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Applicant's Signature

July 3, 2020
Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Board of Aldermen will assume their position on the date of Board of Aldermen approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org

Continuation of application to the Planning Board

Joe Laudenslayer

Question: Why do you wish to serve the Town in this capacity?

I moved to Blk. Mtn. in 1995. I purchased commercial property in the downtown area and a home where I lived for 11 years. During this time, I served as president of a downtown merchants' association called Business to Business from 1996 to 2000. I served as president of the Chamber of Commerce from 2002-2004 (thereabouts). After this, I served as a member of the Planning Board for 5 years.

I 2006, I built a new home just outside of town limits and I was no longer eligible to serve on any committee or board in town. I recently have moved back within town limits and I am looking to get involved again.

We have seen growth of our town through the years and it has been good for residents and those who visit our town. I'd like to join the planning board and continue to encourage smart growth that doesn't take away from the characteristics of Blk. Mtn. that make it a special place to live.

Education and Certifications:

Graduated Kenmore East High School and after that, I completed trade school. This enabled me to become self-employed at age 23 and I have been successfully self-employed since.

Experience and Civic Involvement:

- Self-employed business owner who works with the public
- Past president of downtown merchants' association, Business to Business
- Past president of Chamber of Commerce
- Past member of the Planning Board (served 5 years)

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

Name

Pamela	Norton
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

103 Oakland Drive

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

	North Carolina	
City	State	Zip Code

Primary Email

pamblackmountain@aol.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 273-7714

Other Phone (if applicable)

(828) 669-5179

Are you seeking reappointment?

⊙ Yes ○ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board

☐ Active Mobility Commission

☐ Historic Preservation Commission

☑ Planning Board

☐ Recreation Commission

☐ Board of Adjustment

☐ MSD (Metropolitan Sewerage District Board)*

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.

Primary Preference

Plannnig Board

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I have served on the Planning Board for four three-year terms with my last term ending on June 30, 2024. I have served as Vice Chair for the last three years. Prior to serving on the Planning Board, I served two terms on the Recreation Commission, one year as Chair and two as vice chair.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I would like to continue to serve on the Planning Board because it is one of the most important recommending commissions that provides information to the Town Council. The board has the ability to look at a wide array of issues that affect how this town does or does not grow by looking at impacts on land use and community development. I would like to serve to continue working on the new UDO and see it through to its completion and implementation. I have experience and knowledge to continue to be a vital member of the Planning Board.

Experience, Education, Certifications

I have a BS (78) and MA (90) in Communication Sciences and Disorders from Appalachian State University. Over the years serving on both the Planning Board and Recreation Commission, I have attended many workshops provided for board volunteers to increase my knowledge of planning, zoning and recreation and parks.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

6/21/2024

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. *If you are being reappointed to another term, you will also need to be sworn in.*
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some

boards, and for purposes of regional memberships.

- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - 1) Code of Ethics
    - 2) Attendance Policy
    - 3) Policies & Procedures for Administering Boards and Commissions.
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.

Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
TDD 800-735-2962
www.townofblackmountain.org

The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: Lauronda Teeple DATE: 05/09/2022

PREFERED NAME: Lauronda Teeple

HOME ADDRESS: 106 Rhododendron Avenue

MAILING ADDRESS (if different): N/A

CITY, STATE and Zip: Black Mountain NC 28711

Do you live inside the town limits of Black Mountain? Yes X No

EMAIL ADDRESS (*this is mainly how we will communicate with you*): L@threesheetsdesign.com

PHONE NUMBER(S): MAIN (828) 712-0861 EMERGENCY (814) 341-9829 - Dave, boyfriend

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board *Are you seeking re-appointment?* Yes X No

Why do you wish to serve the Town (or continue serving) in this capacity?
If additional space is needed please attach a separate sheet.

I have truly enjoyed serving on the Planning Board these past 3 years. It has been such a pleasure to learn about the various ordinances and methods by which our town oversees matters related to land use and community development. I appreciate being "part of the process" with my fellow board members in making recommendations to our Town Council (or Board of Adjustments), as it makes me feel as if I'm partnering with our local government to help - and to learn how - to best serve our community and residents.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Haywood Community College, 1998-1999: Cosmetology

UNCA, 1993-1997: Double major in Computer Science & Fine Arts

Enka High School: 1989-1993, National Honors Society, 7th in Class

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

2019 - 2022: Served tern on Town of Black Mountain's Planning Board

2016 - Current: Ministry of Hope, 2022 Board Chair (501c3 based in Black Mountain, works in collaboration with Western Correctional Center for Women) - pre and post-release transitional services/programs

2020 - Current: Swannanoa Valley Tree Alliance, Volunteer & Graphic Design/Marketing Services

2017 - Current: Green Built Alliance: Event Operations Management, Graphic Design/Marketing Services

2016 - 2019: Served term on Town of Black Mountain's Historic Preservation Commission

2014 - 2019: MountainTrue: Event Operations Management, Graphic Design/Marketing Services

2001 - 2008: Worked for Real Estate Developers, Real Estate Brokerage & Board of Realtors (Asheville)

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Applicant's Signature

05/08/22
Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Michael
First

Churchman
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

1124 BLUEVIEW DR
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City

State

Zip Code

Primary Email

mjchurchman@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(205) 999-5328

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Planning Board
☐ Active Mobility Commission
☐ Recreation Commission
☐ Board of Adjustment
☐ Black Mountain Library Maintenance Board*
☐ Historic Preservation Commission
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Plannnig Board

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Before moving to Black Mountain 3 years ago, I served on the Environmental Commission in Homewood, Alabama. I served on the Commission for 3 years and served as Chair for my last year. I have also been involved in specialty construction for the last 9 years, installing Solar systems. I learned construction trades, electrical trades, and worked on creating plan sets, applying for permits from the local AHJ's, and represented my company at inspections. I have been very interested in planning and zoning in the past and feel that my professional experience and interests will qualify me to serve on the Planning Board for Town of Black Mountain.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I have been civic-minded for at least 16 years and have attended Council and Board meetings over the years. I have spoken at these meetings when it was something I wanted to share and feel a civic obligation to be involved. While on the Environmental Commission in Homewood, AL, I helped update a Tree Ordinance that combined several pre-existing ordinances and combined into one streamlined experience. With my professional experience and understanding of codes and enforcement needs, I believe I will be able to assist the planning board to carry out it's duties.

Experience, Education, Certifications

I have OSHA 10 certification and have served as Safety Officer for my previous company. I also hold a PV Associate Certification from the National Association of Board Certified Energy Professionals. I have a Bachelor of Science degree from an accredited institution. I participated in local civic duties like public hearings, stream cleanups, and tree-inventory and tree-planting activities.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

I am an inquisitive person and interested in planning the future for the Town of Black Mountain that I have come to love since moving here at the beginning of 2022. With so many people moving to the area, I feel it is very important to make sure we have guidance in place to preserve and protect our Town as well as prepare us for the future.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/26/2025



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times

during the year. Submitted applications will remain on file for a period of one (1) year.

- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Anton (First) | DuMars (Last)

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

721 Azalea Ave
Address Line 1

Address Line 2

Black Mountain (City) | North Carolina (State) | 28711 (Zip Code)

Mailing Address (if different than above)

Address Line 1

Address Line 2

City | State | Zip Code

Primary Email

anton_dumars@hotmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(843) 813-2497

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☑ Planning Board
☐ Active Mobility Commission
☐ Recreation Commission
☐ Board of Adjustment
☐ Black Mountain Library Maintenance Board*
☐ Historic Preservation Commission
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Plannnig Board

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Active Mobility Commission

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

City of Folly Beach: Planning Commission, City of Folly Beach: Green Team, City of Folly Beach: Association of BusinessTown of Black Mountain: Volunteer leader of Geology Hikes for Recreation and Parks

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Black Mountain is my home since 2020. I believe in serving my community utilizing skills I have to offer. I am a geologist with knowledge of erosion, surface and groundwater movement. I believe my perspective can inform the Town's decision-making, especially those concerning the built/ natural interface and natural habitat viability.

Experience, Education, Certifications

B.S. Geology- College of Charleston, M.S. Geology- Louisiana State University, Registered Professional Geologist- State of North Carolina, Carolina Geological Society- Life Member, North Carolina Arboretum- Instructor for Blue Ridge Master Naturalist Program

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

Flood awareness, Run-off mitigation practices, Erosion mitigation practices, Riparian right-of-way education/ importance of continued implementation.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

7/9/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
    - ***1) Code of Ethics***
    - ***2) Attendance Policy***

- ***3) Policies & Procedures for Administering Boards and Commissions.***

- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.

TOWN OF BLACK MOUNTAIN

AGENDA ITEM SUMMARY

SUBMITTER:	Wesley Barker, Town Clerk	**MEETING DATE:**	August 11, 2025
AGENDA SECTION:	New Business	**DEPARTMENT:**	Town Clerk

TITLE OF ITEM: Appointment to the Recreation Commission

SUGGESTED MOTION(S):
Appointment of member to the Recreation Commission.

SUMMARY:

The Recreation Commission consists of five (5) members, who serve three-year (3-year) terms. A minimum of two-thirds of the membership will be made up of full-time residents within the corporate limits of Black Mountain. The remaining one-third of the membership may be made up of residents who reside in the East Buncombe Fire District, but not within the corporate limits of any incorporated municipality.

The chart below details each member's terms. Currently, only one seat on the Commission is expiring, William Boyd. This is Mr. Boyd's first full-term and he is eligible for another term, and has indicated he would like to be reappointed for an additional term. A new application was received from Pam Pauly. This application is included within the packet.

For multiple applicants, Town Council will use the ballot-method to vote on the applicant to fill this vacant seat. The Town Clerk will then tally the ballots and report out the applicant with the highest number of votes. Town Council will then need to make appointments by a vote.

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. Recreation Commission Current Member List as of 6-30-2025
2. Recreation_William Boyd_Application for Reappointment
3. Recreation_Pam Pauly_Application_July 2025

Board/Commission	Last Name	First Name	Position	Term Expiration Date	Last Appt Date (if appl)	Original Appt Date
Recreation Commission	Boyd	William	Member	7/1/2025	n/a	7/11/2022
Recreation Commission	Keefer	Richard	Member	7/1/2026	n/a	7/8/2024
Recreation Commission	Galloway	David	Member	7/1/2026	n/a	8/14/2023
Recreation Commission	Scotto	Joseph	Member	7/1/2027	7/1/2024	7/12/2021
Recreation Commission	West	Nathan	Chair	7/1/2027	7/1/2024	11/8/2021

Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
TDD800-735-2962
www.townofblackmountain.org

The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: William Boyd DATE: 3-23-2022

PREFERED NAME: Bill

HOME ADDRESS: 13 Tree Top Place

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes X No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): boyd.miller@me.com

PHONE NUMBER(S): MAIN 828-674-0644 EMERGENCY same

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Parks & Rec *Are you seeking re-appointment?* Yes ____ No X

Why do you wish to serve the Town (or continue serving) in this capacity?
If additional space is needed please attach a separate sheet.

see attached.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

see attached.

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

see attached.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Applicant's Signature

3-23-2022
Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org

Town of Black Mountain

Application for Parks and Recreation Commission

William Boyd
13 tree Top Place, Black Mountain
boyd.miller@me.com

Why:

All that I've accomplished in my career and life is a product of community and working with others. I think my organizational skills and ability of working with others would allow me to add a unique perspective to the Parks and Recreation Commission. I also bring experience with youth and adult sports.

Education:

I attended Menlo College in Menlo Park, CA between 1963 and 1965, where I received an Associate Degree.

I attended The Missouri School of Mines in Rolla, MO between 1965 and 1968, where I earned a degree in civil engineering.

Experience and Civic Involvement:

1. Part of my experience and qualifications to serve as a Parks and Recreation Commissioner is my work career as a civil engineer, project manager and legal consultant/expert witness between 1968 and 2002.
2. I was one of two founding members of the Surf Cup, a youth soccer organization in San Diego, CA, and was an active or

consulting participant in Surf Cup Sports between 1988 and 2008. Please refer to our website surfcupsports.com, and you can read my name listed in an article in the San Diego Union Tribune by googling "Surf Cup Legend Leaves Legacy". Surf Cup Sports started out in 1988 with a budget of less than $100,000. Now it generates annually $120M Economic Impact to the County of San Diego, donates $7M in Charitable Contributions, has 200K Youth Participants, 1,500 College Coaches/Scouts, 490K Attendees, and 155K Hotel Rooms Booked.

3. I helped negotiate Surf Cup's lease of the San Diego Polo Fields from the San Diego Polo Club and helped prepare the successful Surf Sports response to an RFP from the City of San Diego to operate the 60-acre complex formally operated by the San Diego Polo Club.
4. I was president of the Leucadia Youth Soccer Club (north coast San Diego) between 1983 and 1986.
5. I was president of the Surf Soccer Club (north coast San Diego) from 1986 to 1988.
6. I was president of the Alpine Mountain Homeowner's Association in Swannanoa for 8 years before moving to Black Mountain.
7. I'm the current president of the Timber Park Property Owners Association, Black Mountain.
8. I played high school (Long Beach, CA) and college basketball (Missouri School of Mines, MO) and coached youth girls' soccer (San Diego, CA) recreational and travel teams in San Diego for 6 years.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Webpage

Name

Pam
First

Pauly
Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

⊙ Yes ○ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

20 Taft Street
Address Line 1

Address Line 2

Black Mountain
City

North Carolina
State

28711
Zip Code

Mailing Address (if different than above)

20 Taft Street
Address Line 1

Address Line 2

Black Mountain
City

State

28711
Zip Code

Primary Email

pam.pauly2@gmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 214-9146

Other Phone (if applicable)

Are you seeking reappointment?
○ Yes ⦿ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

☐ ABC Board
☐ Active Mobility Commission
☐ Board of Adjustment
☐ Historic Preservation Commission
☐ Planning Board
☑ Recreation Commission
☐ Black Mountain Library Maintenance Board*
☐ MSD (Metropolitan Sewerage District Board)**

For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page

**The Black Mountain Library Maintenance Board is a volunteer board established to assist the Town in fulfilling its responsibilities to support & maintain the physical condition of the Library facility and management of both minor/major maintenance for Library.*

***The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website.*

If you are seeking a new appointment, you may apply for more than one advisory board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats. The Library Board is exempt from this rule.

Primary Preference

Recreation Commission

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Secondary Preference

Plannnig Board

If you selected multiple boards or commissions that you are interested in, please indicate your secondary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I was an after school director for several years and have done art programs for children in the US and Mexico. I was a school social worker for several years and developed many resources through interaction with community members and agencies.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I would like to understand what the opportunities are for seniors and families.I have a lot of experience creating programs and coming up with innovative ideas.

Experience, Education, Certifications

BS Special Education
BSW Social work
Social Worker for DSS and Asheville City Schools 23 years
Master Gardener
Public Health Educator
After School Director

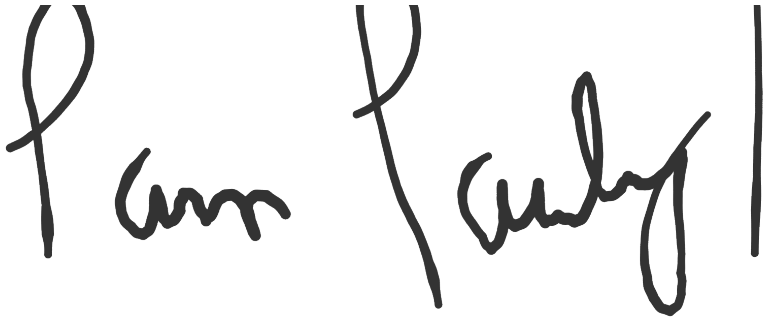
Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Optional- Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member.

I would gather information from community members about activities they would like.

☑ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature



Date

7/8/2025

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. If you are being reappointed to another term, you will also need to be sworn in.
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.

    - ***1) Code of Ethics***
    - ***2) Attendance Policy***
    - ***3) Policies & Procedures for Administering Boards and Commissions.***
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9310.