



TOWN OF BLACK MOUNTAIN TOWN COUNCIL

September 8, 2025

REGULAR SESSION AGENDA

Time: 6:00 PM

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

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1. CALL TO ORDER

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

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

Members have a duty and obligation to vote.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

2.A. Proclamation Celebrating 75th Anniversary of First Christian Church (Disciples of Christ) of Black Mountain

2.B. Resolution Commemorating the One-Year Anniversary of Hurricane Helene

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a public hearing scheduled for this meeting, please reserve your comment for the applicable public hearing. Note: Council will not respond during the citizen comment period.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

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. Call for Public Hearing for Cheshire Master Plan Revision - Michelle Kennedy, Planning Director

Motion: To call for a public hearing for Cheshire Master Plan revision to be held on Monday, October 13, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

5.B. Call for Public Hearing for Text Amendment to Chapter 5, Section 5.17, Mobile Retail Vendors - Michelle Kennedy, Planning Director

Motion: To call for a public hearing to amend Chapter 5, Section 5.17, Mobile Retail Vendors, to be held on Monday, October 13, 2025, at 6:00 p.m., or as soon thereafter as possible, in the Council Room of Town Hall, 160 Midland Avenue.

5.C. Resolution Accepting Donation of Two Vehicles from the City of Greensboro to the Town of Black Mountain for Public Use by the Planning Department - Michelle Kennedy, Planning Director

Motion: I move we approve the resolution accepting the donation of two vehicles from the City of Greensboro to the Town of Black Mountain for Public Use by the Planning Department.

5.D. Amended Tropical Storm Helene Grant Project Ordinance, Resolution to Accept State Cashflow Loan Round 3 Funding and Budget Amendments as presented

and recommended - Tammy Holland, Finance Director

Motion: Approve the Hurricane Helene Grant Project Ordinance, State Cashflow Loan Round 3 Resolution, and Project Budget Amendments as presented and recommended.

- 5.E. Resolution to Apply for the Economic Development Administration Disaster Supplemental 2025 Readiness Pathway Program (EDA DS25)** - Jessica Trotman, Assistant Town Manager

Motion: Approval of the attached resolution authorizing submission of the Town's application to the U.S. Economic Development Administration (EDA) DS25 Readiness Pathway Program.

- 5.F. Consideration of Grant Application to Dogwood Health Foundation for Matching Funds** - Jessica Trotman, Assistant Town Manager

Motion: Approval of resolution authorizing the Town's application to Dogwood Health Foundation for matching funds.

- 5.G. Revised Resolution to Apply for NC Department of Commerce Small Business Infrastructure Grant Program for Downtown Stormwater Improvements** - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve the resolution as presented.

- 5.H. Resolution to Appoint the Town Manager as Interim Finance Director** - Josh Harrold, Town Manager

Motion: Motion to approve the resolution as presented and appoint the Town Manager as Interim Finance Director.

6. PUBLIC HEARING - NONE

The chair will recognize individuals requesting to address the Council regarding the specific topic of the public hearing. **Public hearing comments by any one speaker shall be limited to ten (10) minutes.** The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each public hearing.

7. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a public hearing scheduled for this meeting, please reserve your comment for the applicable public hearing. Note: Council will not respond during the citizen comment period.

8. UNFINISHED BUSINESS

- 8.A. Petition to Dedicate Fay Jones Lane and Rantis Lane to the Town for Maintenance and Public Use** - Michelle Kennedy, Planning Director

Motion: To deny the petition to dedicate Fay Jones Lane and Rantis Lane to the Town for maintenance and public use because of the future expense to maintain the roads with no additional funding, concern that existing funding may be cut due to TS Helene, the expense to fix the roads that were damaged by TS Helene, and the requirement of more staffing for maintenance such as snow removal.

- 8.B. 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 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 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 of Ordinances, including the Land Use Code.

- 8.C. Ordinance Granting Public Service Company of NC, Inc. (d.b.a. Enbridge) 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: Approval of the 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.

- 8.D. Resolution to turn S. Ridgeway Avenue One-Way South to the Intersection of Sutton Avenue and S. Richardson Boulevard** - Michelle Kennedy, Planning Director

Motion: I move we approve the resolution to turn S. Ridgeway Avenue one-way south to the intersection of Sutton Avenue and S. Richardson Boulevard.

9. NEW BUSINESS

- 9.A. Appointment to Black Mountain Library Maintenance Board** - Wesley Barker, Town Clerk

Motion: Motion to appoint Emily Phillips to the Black Mountain Library Maintenance Board

9.B. Engineer Selection for FEMA Public Assistance (PA) Projects - Jessica Trotman, Assistant Town Manager

Motion: Approval of the engineering firm selections for the listed projects as recommended, authorizing staff to proceed with contract negotiations, scope development, and submission of required documentation to FEMA and NCEM (NC Emergency Management) for eligibility and reimbursement.

9.C. Consideration of Amendment to the Town's Personnel Policy: Article IV, Section 9 to add new subsection entitled Emergency Overtime Compensation Policy - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve resolution amending the Town's Personnel Policy as presented and recommended.

9.D. Resolution to Authorize Lien for Abatement of Violation at 141 S. Richardson Boulevard - Michelle Kennedy, Planning Director

Motion: I move we approve the resolution authorizing a lien to be placed upon 141 S Richardson Boulevard by the Buncombe County Tax Collector for the cost of abatement of code violations.

9.E. Creation of a Town Attorney Review Process - Alice Berry, Town Council Member

Motion: Council Members should review this proposed review process and approve, or revise.

10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION - NCGS 143-318.11 (A)(3) CONSULT WITH ATTORNEY, ATTORNEY-CLIENT PRIVILEGE.

13. ADJOURNMENT