



TOWN OF BLACK MOUNTAIN

TOWN COUNCIL

January 12, 2026

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. Recognition of Outgoing Town Manager Josh Harrold

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Project Updates

3.B. Senior Center Update

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. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

7. 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.

7.A. Adoption of Minutes for September 8, October 9, October 13, October 28, November 1, November 6, November 10, December 4, December 8, 2025, Council Meetings. - Wesley Barker, Town Clerk

Motion: Motion to adopt the meeting minutes as presented.

7.B. Monthly Tax Collector Report - Laurel Mabery, Accountant

Motion: Approve the tax collection report as presented.

7.C. Acceptance of Bench Donations for Lake Tomahawk Park - Wesley Barker, Town Clerk

Motion: To approve the resolution accepting the donations of these benches for Lake Tomahawk Park.

7.D. Consideration of Amendment to Agreement for Professional Services for Hilltop Road Repairs (Change Order No. 2) - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve the amended agreement as presented.

7.E. Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Maintenance Facility at the Black Mountain Golf Course. - Jessica Trotman, Assistant Town Manager

Motion: Motion to approve the resolution as presented & recommended.

7.F. Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Combined Restroom & Concession Facility at Veterans Park (Amended) - Jessica Trotman, Assistant Town Manager

Motion: To approve the resolution as presented and recommended.

7.G. Amendment to Loan Agreements for State Cashflow Loans with NC State Treasurer - Josh Harrold, Town Manager

Motion: To approve the amendment to the State Cashflow Loan Agreements as presented and recommended.

8. 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.

9. 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.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11.A. 2026 Green Tee Grill Lease Renewal - Josh Harrold, Town Manager

Motion: Council will discuss the renewal of this lease and make the motion based on the discussion.

11.B. Consideration of pursuing a Traffic Study at the intersection of Sutton Ave. and Black Mountain Ave. to enhance safety. - Josh Harrold, Town Manager

Motion: Council should discuss, and any motion would be to direct staff to pursue traffic study, or other option(s).

11.C. Selection of Firm for the Town Manager Recruitment Process -

Motion: To approve the selection of a firm for the Town Manager recruitment process.

11.D. Discussion of Adjusting Town Park Hours -

Motion: Council will discuss this item. Any motions will be made following the discussion.

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

13. ADJOURNMENT



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Michelle Kennedy, Planning Director
MEETING DATE: January 12, 2026

AGENDA SECTION: Communications from Staff, Councils, Commissions & Agencies
DEPARTMENT: Planning & Development Services

TITLE OF ITEM: Project Updates

SUGGESTED MOTION(S):

No motion needed.

SUMMARY:

Project updates as of December 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. 26_01_12_project_updates

PROJECT UPDATES

EB5547-A

- Plans are at 60%
- Bus stop has been ordered and will be delivered mid- to late January
- Bus stop will have a bike rack
- Staff met with NCDOT to mark off new bus stop location
- This location will be added to the revised plans

EB5547-B

- Plans are at 90%

SRP-SW-ARP-0055 – Stormwater Asset Mapping

- Project is complete
- Final report will be presented at January 8th agenda meeting

SRP-SW-ARP-0026 – Floodbench Project

- Have secured all access agreements except for Ingles (Kimley-Horn is reaching out to them)
- Still waiting to hear back from Norfolk Southern
- Should have all permits back by early June
- Start date pending NSE availability, but currently set for August 7th
- Work estimated to be completed by December
- Plans and specs have been submitted to DEQ

HL-0013 – Ninth Street Bridge

- All easements have been secured
- Duke utility relocation to begin January 20th and last through January 29th and then ATT to follow after
- Revised plans submitted in December
- No issues with Wildlife Commission
- DOT will begin advertising in February for March letting



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, Town Clerk **MEETING DATE:** January 12, 2026
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Town Clerk
TITLE OF ITEM: Adoption of Minutes for September 8, October 9, October 13, October 28, November 1, November 6, November 10, December 4, December 8, 2025, Council Meetings.

SUGGESTED MOTION(S):

Motion to adopt the meeting minutes as presented.

SUMMARY:

Town Council meeting minutes included for adoption are from the following meeting dates:

- September 8, 2025 Regular Meeting
- October 9, 2025 Agenda Meeting
- October 13, 2025 Regular Meeting
- October 28, 2025 Special Meeting
- November 1, 2025 Work Session & Special Meeting
- November 6, 2025 Agenda Meeting
- November 10, 2025 Regular Meeting
- December 4, 2025 Agenda Meeting
- December 8, 2025 Regular Meeting

BUDGET IMPACT:

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

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

ATTACHMENTS:

1. September 8, 2025 Regular Meeting Minutes- Draft

2. October 9, 2025 Agenda Workshop Minutes_draft
3. October 13, 2025 Regular Meeting Minutes- Draft
4. October 28, 2025 Special Called Council Meeting Minutes_re_Lakeview Ctr Repairs- draft
5. November 1, 2025 Work Session-and-Special Meeting Minutes - draft
6. November 6, 2025 Agenda Workshop Minutes- draft
7. November 10, 2025 Regular Meeting Minutes Draft
8. December 4, 2025 Agenda Workshop-and-Special-Mtg-for-Temp Trailers Lease Transfer from USACE-Minutes_draft
9. December 8, 2025 Regular Meeting Minutes-draft



BLACK MOUNTAIN TOWN COUNCIL MINUTES
September 8, 2025 | Regular Session Agenda | Time: 6:00 PM

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

Black Mountain Town Council held their regular session agenda on Monday, September 8, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, , Town Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Tammy Heide, Finance Director; Michelle Kennedy, Planning 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. Proclamation Celebrating 75th Anniversary of First Christian Church (Disciples of Christ) of Black Mountain. Mayor Sobol read a Proclamation Celebrating the 75th Anniversary of First Christian Church (Disciples of Christ) of Black Mountain.

2.B. Resolution Commemorating the One-Year Anniversary of Hurricane Helene. Council Member Alice Berry read aloud the resolution text commemorating the one-year anniversary of Hurricane Helene.

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, RECOGNIZING THE ONE-YEAR

ANNIVERSARY OF HURRICANE HELENE

RESOLUTION #: R-25-50

WHEREAS, on September 27, 2024, Hurricane Helene struck Western North Carolina, including the Town of Black Mountain, bringing historic rainfall, flooding, and destruction across the region; and

WHEREAS, the storm caused the tragic loss of lives, displaced families, damaged homes and businesses, and significantly impacted the natural environment, including the loss of much of the community's tree canopy; and

WHEREAS, the Town of Black Mountain stands in solemn remembrance of those whose lives were lost and whose families and loved ones continue to grieve; and

WHEREAS, in the year since the storm, the residents of Black Mountain and Western North Carolina have demonstrated remarkable resilience, unity, and strength, supporting one another in recovery and rebuilding efforts; and

WHEREAS, federal, state, and local agencies, along with nonprofit organizations, faith communities, and countless volunteers, have partnered with the Town in response and recovery, helping to restore essential services, repair public facilities, and aiding those in need; and

WHEREAS, the Town of Black Mountain recognizes that recovery is ongoing, and that with each step forward comes an opportunity to build a stronger, more prepared, and more resilient community; and

WHEREAS, the Town remains committed to investing in flood mitigation, stormwater management, resilient infrastructure, and environmental restoration, ensuring that Black Mountain is better positioned to withstand future storms; and

WHEREAS, the anniversary of Hurricane Helene serves as both a solemn reminder of our losses and a hopeful marker of the community's enduring spirit and capacity for renewal.

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

1. That the Town Council honors and remembers all lives lost during Hurricane Helene and extends its deepest sympathies to their families and loved ones.
2. That the Town Council recognizes and expresses gratitude to the residents, first responders, all town employees, partner organizations, and volunteers who have contributed to recovery and rebuilding over the past year.
3. That the Town Council reaffirms its commitment to building a safer, stronger, and more resilient Black Mountain for generations to come.
4. That this resolution shall be entered into the official records of the Town of Black

Mountain as a testament to the community's perseverance and dedication to the future.

Adopted this the 8th day of September 2025.

3. CITIZEN COMMENTS

The following citizen comments were provided:

- John Collins, Camp Branch Rd., spoke about continued low water pressure issues on Camp Branch Rd.
- Gary Bartlett, Camp Branch Rd., spoke about continued low water pressure issues on Camp Branch Rd.
- Cydney Joyner- spoke in favor about the S. Ridgeway one-way direction proposal.
- Marilyn Sobanski, 208 Rhododendron Ln., spoke about park hours around Lake Tomahawk.
- Libba Fairleigh- spoke about pickleball courts in Town.
- Sikes Ragan- spoke about the dedication of Rantis and Fay Jones Lanes and acceptance into the Town's street system.
- Kathryn Matthew- spoke about the street dedication of Rantis and Fay Jones Lanes.
- Bob Hardy, 5 Rantis Ln., spoke about the street dedication of Rantis and Fay Jones Lanes.
- Doug Brock, 296 Old Lakey Gap Rd., spoke about issues with the Town Manager.
- Mark White, 787 Lakey Gap. Rd., spoke about the Town's water system and reporting.
- Mike Small, 112 S. Ridgeway Ave., spoke about the S. Ridgeway one-way proposal.
- LC Clemons, 39 Mae View Ln., spoke about town streets.
- Peter Fraser, 304 Genesis Cir., spoke about vehicle noise in his neighborhood.
- Bill Wagner, 310 Genesis Cir., spoke about vehicle noise in his neighborhood.
- Mark Tomezale, 101 S. Ridgeway Ave., spoke about the S. Ridgeway one-way proposal.
- Anna Stearns spoke about the S. Ridgeway one-way proposal.
- Mike Cys, 136 N. Dougherty St., spoke about the S. Ridgeway one-way proposal.
- Mandie Carter, 1018 Montreat Rd., spoke about a tree protection policy for the town tree canopy.
- Eric Manos spoke about the Rantis and Fay Jones Lanes street dedication.
- Jenifer Pickering, 373 Lake Eden Rd., spoke on behalf of the Bush Farmhouse on parking areas.
- Joe Tyson, 309 N. Dougherty St., spoke about not being in favor of the S. Ridgeway one-way proposal.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Town Manager Josh Harrold stated that item 9D under New Business, Resolution to Authorize Lien for Abatement of Violation at 141 S. Richardson Blvd. needed to be removed from the agenda. ***The Council was in consensus to remove this item.***

5. CONSENT AGENDA

- 5.A. Call for Public Hearing for Cheshire Master Plan Revision.** *Town Council Member Ryan Stone made a motion to call for a public hearing for Cheshire Master Plan revision to be held on Monday, October 13, 2025 at 6pm at Black Mountain Town Hall, 160 Midland Ave. A vote of 5-0 in favor.*
- 5.B. Call for Public Hearing for Text Amendment to Chapter 5, Section 5.17, Mobile Retail Vendors.** *Town Council Member Ryan Stone made a motion to call for a public hearing for a text amendment to Ch. 5, Section 5.17, Mobile Retail Vendors, to be held on Monday, October 13, 2025 at 6pm at Black Mountain Town Hall, 160 Midland Ave. A vote of 5-0 in favor.*
- 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.** In June of this year, the Town Manager reached out to the City of Greensboro to ask if they would be willing to donate two vehicles as the Town lost several vehicles due to Tropical Storm Helene. The two vehicles, a 2007 Ford Explorer and a 2015 Ford F-150, were slated to be sold as surplus. The City of Greensboro City Council voted at their August council meeting to approve the donation of the two vehicles with the provision that the vehicles are for public use. The vehicles will be used by the Planning Department as inspections vehicles.

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

**RESOLUTION TO ACCEPT THE DONATION OF ONE (1) 2007 FORD EXPLORER AND ONE (1) 2105 FORD F-150 TRUCK FROM THE CITY OF GREENSBORO TO THE TOWN OF BLACK MOUNTAIN TO BE USED BY THE PLANNING DEPARTMENT
RESOLUTION # R-25-56**

WHEREAS, the City of Greensboro, with an act of liberality and generosity donates two (2) vehicles to the Town of Black Mountain through its City Council, which said vehicles are more particularly described as:

2007 Ford Explorer 4x4 VIN: 1FMEU73E37UB5187
2015 Ford F-150 4x4 Truck VIN: 1FTEW1EF3FFB08013

WHEREAS, North Carolina General Statute 160A-280 authorizes a governmental unit in this state to donate personal property to other governmental units; and

WHEREAS, the North Carolina Supreme Court has further held that these donations

must be used for a public purpose; and

WHEREAS, North Carolina General Statute 160A-12 authorizes the governing board to accept donations of real or personal property; and

WHEREAS, the Town of Black Mountain, by virtue of authority, receives and accepts the donation made by the City of Greensboro, and the former expresses their appreciation and gratefulness to the generosity and civic mindedness of the City of Greensboro.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council accepts the donation of the two (2) vehicles stated above from the City of Greensboro to be used for public purposes by the Planning Department.

This the 8th day of September 2025.

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.

This agenda item is to consider the approval of the Resolution to accept State Cashflow Loan Round 3 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 Insurance Proceeds received for Water Infrastructure repairs to the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Capital Project in the amount of \$657,930.39.
- Insurance Proceeds of \$90,047.66 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 3 in the amount of \$1,233,911.31.

Council Member Ryan Stone made a motion to approve the following ordinance. A vote of 5-0 in favor.

**Town of Black Mountain Tropical Storm Helene
Amended Grant Project Ordinance
Ordinance #: O-25-22**

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 0-24-15, 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. On 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 \$100,000 from the Powell Bill Fund and \$200,000 from the General Fund Street Department.
- Funding transfer from the General Fund to make needed repairs to the Dog Park in

the amount of \$40,000 May 2025 meeting.

- Requested funding transfer from the General Fund to make needed electrical repairs to Lakeview Pavilion in the amount of \$4,500 June 2025 Meeting.

NCLM is the Town's insurance carrier. The Town has received insurance proceeds totaling \$2,451,190.36 to date:

- Funding of \$2,788,696.15 has been received from NCLM for flood damage to Town buildings and Contents.
- Additional Insurance Claims paid to date from NCLM equal \$1,327,368.48.

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 Department of State Treasurer has awarded a loan in the amount of \$705,703.37 to aid with Cashflow due to Hurricane Helene
- NC Department of State Treasurer has awarded a loan in the amount of \$465,661.06 in the 2nd Round of the Cashflow Loan Program.
- NC Department of State Treasurer has awarded a loan in the amount of \$1,233,911.31 in the 3rd Round of the Cashflow Loan Program.

Section 4. Directives.

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

Section 5. Revenues.

The following anticipated revenues are hereby adopted:

<u>Budgeted Revenues</u>	<u>Prior Authorized</u>	<u>Change</u>	<u>Amended Funding</u>
Transfer In From General Fund	2,365,500.00		2,365,500.00
Transfer In From Powell Bill Fund	100,000.00		100,000.00
Grant Revenue Federal - FEMA Emergency Expenditures	860,666.18		860,666.18
NCDEQ- Infrastructure Loan	0.00		0.00
NCDEQ- Infrastructure Tech Assist Grant	0.00		0.00
NCDST - Cashflow Loan	1,171,364.43	1,233,911.31	2,405,275.74
Contributions/Donations	67,000.00		67,000.00
Insurance Proceeds	3,778,558.84		3,778,558.84

Total Funds **\$8,343,089.45** **\$1,233,911.31** **\$9,577,000.76**

Section 6. Expenditures.

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenses</u>	<u>Prior Anticipated</u>	<u>Change</u>	<u>Amended Expense</u>
Salaries and Benefits	\$431,000.00		\$431,000.00
Protective Clothing	\$10,909.80		\$10,909.80
Professional Services - Engineering and Design	\$509,661.06		\$509,661.06
Professional and Technical Service	\$55,100.00	\$1,233,911.31	\$1,289,011.31
Contract Services	\$2,367,213.66		\$2,367,213.66
Technology and Software License	\$1,000.00		\$1,000.00
R&M Buildings	\$1,115,558.43		\$1,115,558.43
R&M Grounds/Parks/Greenways	\$21,477.51		\$21,477.51
R&M Equipment	\$23,899.26		\$23,899.26
R&M Vehicle	\$2,875.96		\$2,875.96
R&M Streets/Sidewalks/Curb	\$27,489.76		\$27,489.76
R&M Utility System	\$150,371.26		\$150,371.26
Office Supplies	\$3,086.54		\$3,086.54
Medical Supplies	\$710.49		\$710.49
Non-Capital Equipment and Furniture	\$350,393.54		\$350,393.54
Lease Rental -Equipment	\$175,150.00		\$175,150.00
Emergency Preparedness	\$117.13		\$117.13
Miscellaneous Expense	\$34,010.03		\$34,010.03
Capital Outlay- Land, Easements, ROW	\$850.00		\$850.00
Capital Outlay - Land Improvements	\$228,000.00		\$228,000.00
Capital Outlay - Vehicles	\$2,251,080.30		\$2,251,080.30
Capital Outlay- Motorized Equipment	\$100,610.64		\$100,610.64
Capital Outlay - Furnishings & Non-Motorized Equip	\$133,374.08		\$133,374.08
Capital Street/Bridge/Sidewalk	\$349,150.00		\$349,150.00
Capital Outlay- Dist Lines and Connections	\$0.00		\$0.00
Capital Outlay- Plants, Pump Stations, Sub Stations	\$0.00		\$0.00
Total Expenses	\$8,343,089.45	\$1,233,911.31	\$9,577,000.76

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 8th day of September 2025.

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

**TOWN OF BLACK MOUNTAIN RESOLUTION ACCEPTANCE OF FUNDING
FROM THE STATE OF NC DEPT OF STATE TREASURER STATE CASH
FLOW LOAN
RESOLUTION #: R-25-49**

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

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

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

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

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

WHEREAS, The Town of Black Mountain has accepted total funding in the amount up to \$1,233,911.31 from the NCDST Cashflow Loan Funds; Hundred Percent of the Loan will be repayable at 0% interest at the following intervals:

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

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

1. That the Town of Black Mountain, the **Applicant**, does hereby accept the NC Department of State Treasurer Cashflow Loan Funding through the NCDST Department in the amount of \$1,233,911.31.
2. That the Cashflow Loan Agreement and Promissory Note provided by the North Carolina Department of the State Treasurer are hereby approved.
3. That Josh Harrold, Town Manager and Jessica Trotman, Assistant Town Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the project described above.
4. 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.
5. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Duly adopted this 8th day of September 2025.

5.E. Resolution to Apply for the Economic Development Administration Disaster Supplemental 2025 Readiness Pathway Program (EDA DS25).

The Town of Black Mountain sustained widespread damage from Tropical Storm Helene. Managing disaster recovery programs, FEMA Public Assistance projects, and long-term resilience efforts require staffing and consulting support beyond the Town's existing capacity. The U.S. Economic Development Administration (EDA) Disaster Supplemental 2025 (DS25) Readiness Pathway Program provides federal funding for staffing and consulting resources to strengthen local capacity for recovery management, coordination of mitigation projects, and compliance with federal requirements. EDA requires a local match for all awarded projects. The Town intends to secure this match through philanthropic sources, including an application to Dogwood Health Foundation. The attached resolution authorizes the Town to apply to the EDA DS25 Readiness

Pathway Program for recovery staffing and consulting support.

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

RESOLUTION TO SUBMIT AN APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) DISASTER SUPPLEMENTAL 2025 – READINESS PATHWAY PROGRAM FOR FUNDING TO SUPPORT RECOVERY STAFFING AND CONSULTING SERVICES
Resolution #: R-25-51

WHEREAS, the Town of Black Mountain (“Town”) sustained significant damages and community impacts from Tropical Storm Helene, requiring long-term recovery and resilience efforts that extend beyond the Town’s current staff capacity; and

WHEREAS, effective disaster recovery requires dedicated staffing and technical consulting support to manage federal and state disaster assistance programs, coordinate mitigation and resiliency projects, ensure compliance with federal requirements, and engage the community in recovery priorities; and

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA) has announced the Disaster Supplemental 2025 (DS25) Readiness Pathway Program to support communities in disaster recovery, capacity building, and resilience planning; and

WHEREAS, the Town seeks to submit an application under the DS25 Readiness Pathway Program to fund recovery staffing and consulting support to strengthen the Town’s ability to navigate complex recovery programs, maximize federal and state investments, and build long-term resilience; and

WHEREAS, the EDA program requires a local match as a condition of funding, which the Town intends to pursue through philanthropic and other non-federal sources; and

WHEREAS, the Town Council recognizes that securing EDA funding for recovery staffing and consulting support is essential to manage ongoing recovery effectively and position the Town for future resilience.

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

1. The Town authorizes submission of an application to the U.S. Economic Development Administration (EDA) under the Disaster Supplemental 2025 – Readiness Pathway Program for funding to support recovery staffing and consulting services.
2. The Town Manager, or her designee, is hereby authorized to execute all necessary documents, agreements, and certifications required in connection with the application and, if awarded, the administration of the EDA grant.

3. The Town affirms its commitment to secure the required local match from eligible non-federal sources, including philanthropic partnerships, to maximize the impact of federal funding.
4. This Resolution shall take effect upon its adoption.

Adopted this 8th day of September, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

5.F. Consideration of Grant Application to Dogwood Health Foundation for Matching Funds.

The Town of Black Mountain continues long-term recovery efforts following Tropical Storm Helene. The U.S. Economic Development Administration (EDA) has released the Disaster Supplemental 2025 (DS25) Notice of Funding Opportunity, which includes the Readiness Pathway Program to support disaster-affected communities with recovery staffing and consulting resources. EDA funding requires a non-federal local match. To meet this requirement, the Town seeks to apply to Dogwood Health Foundation for grant funds to serve as the match. Dogwood’s mission includes strengthening the social determinants of health through community capacity, infrastructure, and economic opportunity, aligning with the Town’s recovery and resilience priorities. The resolution authorizes the Town to apply for a grant from Dogwood Health Foundation to provide matching funds for the Town’s EDA DS25 Readiness Pathway Program application.

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

RESOLUTION TO APPLY FOR A DOGWOOD HEALTH FOUNDATION GRANT THAT WOULD PROVIDE MATCHING FUNDS FOR THE TOWN’S ECONOMIC DEVELOPMENT ADMINISTRATION DISASTER SUPPLEMENTAL 2025 (EDA DS25) READINESS PATHWAY PROGRAM

RESOLUTION NO: # R-25-52

WHEREAS, the Town of Black Mountain (“Town”) has sustained significant damages and community impacts from Tropical Storm Helene, creating urgent needs for long-term recovery, capacity building, and resilience planning; and

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA), through its Disaster Supplemental 2025 (DS25) Notice of Funding Opportunity, has established a Readiness Pathway Program to support communities in disaster recovery and long-term resiliency; and

WHEREAS, the Town intends to submit an application under the DS25 Readiness Pathway Program to fund critical recovery staffing and consulting support necessary to manage federal and state disaster programs, advance community recovery priorities, and

build long-term resilience; and

WHEREAS, the EDA program requires a local match as a condition of funding; and

WHEREAS, Dogwood Health Foundation is a regional philanthropic partner dedicated to improving health and wellbeing in Western North Carolina through investments that address the social determinants of health, including community capacity, infrastructure, and economic stability; and

WHEREAS, the Town seeks to apply for a grant from Dogwood Health Foundation to serve as the local matching funds required by EDA, thereby leveraging federal investment to secure professional staffing and consulting support for recovery management and capacity building; and

WHEREAS, the Town Council recognizes that securing Dogwood Health Foundation support is essential to maximize federal recovery resources and accelerate the Town's ability to deliver long-term community benefit.

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

1. The Town authorizes submission of a grant application to Dogwood Health Foundation to request funds that will serve as the required local match for the Town's application to the EDA Disaster Supplemental 2025 – Readiness Pathway Program.
2. The Town Manager, or her designee, is hereby authorized to execute all necessary documents, agreements, and certifications required in connection with the application and, if awarded, the administration of the Dogwood Health Foundation grant.
3. The Town affirms its commitment to use any funds awarded by Dogwood Health Foundation exclusively for eligible costs associated with meeting EDA's local match requirements for recovery staffing and consulting support.
4. This Resolution shall take effect upon its adoption.

Adopted this 8th day of September, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

5.G. Revised Resolution to Apply for NC Department of Commerce Small Business Infrastructure Grant Program for Downtown Stormwater Improvements.

The Town of Black Mountain has applied for funding through the NC Department of Commerce Small Business Infrastructure (SmBiz Infrastructure) grant program to support essential infrastructure upgrades that improve conditions for small businesses and downtown economic development. A proposed project change is recommended: to replace and improve the stormwater system along Sutton Avenue between Cherry Street and Broadway. This corridor is a critical link in the downtown stormwater network, and

upgrading the system will have broader impacts than originally scoped. The project will address frequent flooding issues, protect adjacent businesses and public assets, and significantly advance the Town’s long-term stormwater management goals.

Original Scope: Repair and replace stormwater inlets in downtown area.

Revised Scope: Full replacement and upgrade of the stormwater system along Sutton Avenue between Cherry Street and Broadway. Improvements will include new stormwater inlets, up-sized piping, improved conveyance capacity, and integration with future phases of the downtown stormwater system.

The attached resolution repeals the resolution adopted at the August 11, 2025 Council Meeting (R-25-33) and replaces it with the revised scope of work and intentions to apply for this funding.

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

A REVISED RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR NORTH CAROLINA DEPARTMENT OF COMMERCE SMALL BUSINESS INFRASTRUCTURE PROGRAM FUNDING FOR THE DOWNTOWN STORMWATER IMPROVEMENT PROJECT AND REPEALING ORIGINAL RESOLUTION NO. R-25-33.

RESOLUTION NO. #: R-25-53

WHEREAS, on August 11, 2025, Town Council approved Resolution No. R-25-33, entitled “Resolution of Support for Small Business Infrastructure Grant Application”; and

WHEREAS, it was determined that a revision to the NC Department of Commerce Small Business Infrastructure Program Funding Grant Application and resolution were needed; and

WHEREAS, the Town of Black Mountain has identified the need to replace and improve the stormwater system along Sutton Avenue between Cherry Street and Broadway, an area critical to the long-term viability of downtown businesses; and

WHEREAS, the Town’s Stormwater Master Plan calls for replacement of the downtown stormwater system to reduce flooding risks, support small business resiliency, and protect economic vitality; and

WHEREAS, the North Carolina Department of Commerce administers the Small Business Infrastructure (SmBiz) program to support infrastructure improvements that directly benefit existing small businesses and downtown investment; and

WHEREAS, the Sutton Avenue stormwater improvement project will reduce flooding, protect public and private assets, and provide a significant step toward implementing the

Town's stormwater management and resiliency goals; and

WHEREAS, the Small Business Infrastructure program does not require a local match for this project.

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

1. That Resolution No. R-25-33, adopted August 11, 2025, is hereby **repealed and replaced** by this revised resolution.
2. That the Town Council hereby authorizes the submission of an application to the North Carolina Department of Commerce for Small Business Infrastructure funding for the Sutton Avenue Stormwater Improvement Project.
3. That the Town Manager (or designee) is authorized to execute and file the application, including all assurances and agreements required, on behalf of the Town of Black Mountain.

Adopted this the 8th day of September 2025.

5.H. Resolution to Appoint the Town Manager as Interim Finance Director.

The Town is recruiting for its next Finance Director as the current Finance Director has resigned, effective September 12th, 2025. While the recruitment process for a new finance director is ongoing, the Town needs to have an interim finance director in place, which is referenced in N.C.G.S. §159-24, stating that "each local government shall, at all times, have a finance officer/director." The Town Manager can serve in this interim role until a new finance director is hired and appointed by the Town Manager. Council will need to appoint the Town Manager as the interim Finance Director via the attached resolution.

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

A RESOLUTION APPOINTING THE TOWN MANAGER AS INTERIM FINANCE DIRECTOR FOR THE TOWN OF BLACK MOUNTAIN

RESOLUTION NO. R-25-48

WHEREAS, the Town is in the process of recruiting and hiring a new Finance Director; and

WHEREAS, North Carolina General Statute §159-24 states each local government shall, at all times, have a finance officer/director, appointed by the local government, public authority, or designated official to hold office at the pleasure of the appointing official.

WHEREAS, it is necessary to ensure continuity of financial oversight, administration,

and statutory responsibilities during the period of vacancy.

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

1. Josh Harrold, Town Manager, is hereby appointed to serve as the Interim Finance Director for the Town of Black Mountain, effective immediately.
2. The Town Manager shall serve in this capacity until such time as a new Finance Director is duly hired and appointed by the Town Manager.
3. During this interim period, the Town Manager shall have all powers, duties, and responsibilities vested in the Finance Director pursuant to North Carolina General Statutes, the Town Charter, and Town ordinances.

Adopted this the 8th day of September, 2025.

6. PUBLIC HEARING - NONE

7. CITIZEN COMMENTS

The following citizen comments were provided:

- Sikes Ragan- spoke about the dedication of Rantis and Fay Jones Lanes and acceptance into the Town's street system.
- Jesse Gardner- spoke about the dedication of Rantis and Fay Jones Lanes into the Town's street system.
- Kathryn Matthew- spoke about the street dedication of Rantis and Fay Jones Lanes.
- Bob Hardy, 5 Rantis Ln., spoke about the street dedication of Rantis and Fay Jones Lanes.
- Eric Manos spoke about the Rantis and Fay Jones Lanes street dedication.

8. UNFINISHED BUSINESS

8.A. Petition to Dedicate Fay Jones Lane and Rantis Lane to the Town for Maintenance and Public Use.

The owners of the residences on Fay Jones Lane and Rantis Lane have filed a new 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: 1) Future expense to maintain with no extra funding from the state (Powell Bill funds), and 2) concern that existing funding may be cut due to Helene. The Town Attorney has reviewed the petition and the plat and has found that the road met the fire code requirements and ordinance requirements at the time of construction. Therefore, the width of the road is not a concern. The concern of taking over more roads continues to be the cost of maintenance and staffing. The mileage is approximately .18 miles. Dedication and acceptance of these roads will include accepting all maintenance of both streets to include paving, snow removal, and any general maintenance of said streets within the 20-foot right-of-way. In 2024, it was estimated that it would cost between

\$25,000 to \$30,000 to repave the street, but it did not include snow removal or general maintenance. For historical purposes, it should be noted that this same item came before the Town Council at their May 13, 2024 meeting and, at that meeting, the Council denied the petition to dedicate these two streets. Discussion ensued between Town Council members, the Town Attorney and Town staff.

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

**RESOLUTION TO ACCEPT AND DEDICATE RANTIS LANE AND FAY
JONES LANE TO THE TOWN’S STREET SYSTEM
RESOLUTION # R-25-57**

WHEREAS, North Carolina General Statute 160A-296 grants municipalities general authority and control over all public streets within its corporate limits; and

WHEREAS, including a street on a town map does not provide any evidence of intent to accept the street for public use; and

WHEREAS, the Town Council has been petitioned to accept the following streets for Town maintenance, and as recorded on the Plat “Phase Three-Jacobs Cottages, A Cottage Court Pocket Village” with the Buncombe County Register of Deeds office in Book 217, Page 28, dated April 15, 2021.

Street	Pavement Width	Right-of-Way Width
Rantis Lane	18’	20’
Fay Jones Lane	18’	20’

WHEREAS, a copy of the aforementioned Plat accompanies this resolution as “Attachment A”; and

WHEREAS, a copy of the aforementioned petition accompanies this resolution as “Attachment B”; and

WHEREAS, if accepted and dedicated as Town streets, the Town will be responsible for road maintenance within the designated road right-of-way to include paving and snow removal; and

WHEREAS, in accordance with the Street Dedication Policy, the Public Works Director has reviewed and does not recommend the dedication; and

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council hereby accepts Rantis Lane and Fay Jones Lane and dedicates both to the Town’s Street System.

APPROVED AND ADOPTED by the Black Mountain Town Council this the 8th day of

September 2025.

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.

Planning Director Michelle Kennedy stated the current Land Use Ordinance regarding sidewalk seating is vague and not clear on what can be included with sidewalk seating. The proposed text amendments 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. Exceptions have been added for benches and other typical sidewalk furniture.

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

**AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES
ORDINANCE #O-25-21**

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, exceptions.

- 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 seating 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 5 to 0 this the 8th day of September 2025.

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

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 5.19, SIDEWALK SEATING, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE

ORDINANCE #O-25-24

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 5.19, 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. Excludes benches and similar furniture that is directly against the wall of a building and removed from the sidewalk area.

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							<u>A</u>			

Chapter 5
Section 5.19 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 only when table service is offered or alcohol service is being served by the establishment. There will be a 60-day grace period for permit applications to be received and barriers to be purchased.

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 5 to 0 this the 8th day of September 2025.

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.

Dominion Energy (Enbridge Gas) has sent over the proposed franchise agreement renewal for natural gas. The original franchise agreement was adopted by the Town Council in 1995 for 30 years, expiring July 2025. When this franchise agreement was first adopted in 1995, a public hearing was held before the franchise ordinance was adopted by the Council. Town Attorney Justus has advised a public hearing be held if any citizen wishes to speak on the item. This hearing was held on Monday, June 9th, 2025 at 6:00 p.m. in the Council Chambers. Following the public hearing on June 9th, the Council extended the existing agreement for seventy-five days to allow time to finalize revisions. Additionally, at the August 11th, 2025 meeting, Town Council extended the current agreement an additional thirty-five days for final reviews by Enbridge's legal team. A final draft, reviewed by all parties, of the franchise agreement to be renewed is attached and is ready for Council action. Some discussion ensued among Council Members and the Town Attorney.

Town Council Member Archie Pertiller then made a motion to approve the 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. A vote of 5-0 in favor.

A copy of this approved ordinance agreement is attached at the end of these minutes as Appendix A.

8.D. Resolution to turn S. Ridgeway Avenue One-Way South to the Intersection of Sutton Avenue and S. Richardson Boulevard.

Planning Director Michelle Kennedy reviewed information on this item. McAdams, formerly Traffic, Planning and Design, Inc., 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 Boulevard into a one-way road. Based on the report, it was recommended that traffic be directed one-way southbound on S. Ridgeway Avenue to the intersection of Sutton Avenue and S. Richardson Boulevard and to re-time the signals at the intersection of S. Richardson Boulevard 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 Boulevard. This will allow for marked pedestrian space along both streets.

The Active Mobility Commission reviewed the study at their August 19th, 2025 meeting and had the following comments:

- Consider a crossing from State Street at S. Ridgeway Avenue to N. Ridgeway

Avenue for cyclists and pedestrians.

- Recommend cyclists not go north.
- More clarity on the cyclist and pedestrian accommodations and the separation of those.
- Suggest crosswalks at Sutton Avenue and S. Richardson Boulevard.
- Would like to see sidewalks be included as part of this project, especially along the north side of Sutton Avenue where no sidewalk currently exists.
- Explore how these changes would fit in with the route of the Fonta Flora Trail through town.

The Planning Department also held a community meeting on September 3rd, 2025 at Black Mountain Library to explain the project to the community. Planning Director Kennedy reviewed highlights from this meeting which included sidewalk needs, school bus routes and post office routes. A lengthy discussion ensued between Council Members and Town staff which included speed control options, and feasibility, for vehicular traffic, Norfolk Southern (NS) Railroad, and sidewalk installation feasibility. For the next meeting, staff were asked to look into the feasibility of sidewalks and the cost. Additionally, town staff will continue discussions with NS Railroad on expanding parking options and easements along their right-of-way on Sutton Ave.

Town Council Member Doug Hay then made a motion to decline the resolution to turn S. Ridgeway Ave. one-way, south to the intersection of Sutton Ave. and S. Richardson Blvd. A vote of 4-1 in favor. Council Member Alice Berry opposing.

9. NEW BUSINESS

9.A. Appointment to Black Mountain Library Maintenance Board.

The Black Mountain Library Maintenance Board is a volunteer board that was established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the facility (Library), as the Town owns the library property and buildings. Former Town Attorney, Ron Sneed, was the key contact for this board, serving as the liaison between this board and the Town, as the Town's attorney. Over the last few months, the Town Clerk has been coordinated with Black Mountain Library Branch Manager, Melisa Pressley, to help re-establish this liaison role and ensure that membership appointments are coordinated through the Town Council, based on the charter of this board which was last adopted in April 2022. Currently, the Library Maintenance Board has two vacancies. The Town advertised these vacancies along with the annual advisory board recruitment and received one application from Emily Phillips. Ms. Phillips has been attending the Maintenance Board meetings as a guest and has also been in contact with the Library Branch Manager about her interest in serving and is recommended. Ms. Phillips' application is attached for review. If in agreement, Council will need to formally appoint Ms. Phillips to this board by a vote.

Town Council Member Alice Berry made a motion to appoint Emily Phillips to the Black Mountain Library Maintenance Board as recommended. A vote of 5-0 in favor.

9.B. Engineer Selection for FEMA Public Assistance (PA) Projects.

The Town has solicited qualifications and reviewed proposals for engineering services required to support FEMA Public Assistance (PA) projects, hazard mitigation work, and capital recovery projects resulting from Tropical Storm Helene. Based on the qualifications review process, staff recommend the following firm selections:

- Public Services Building: GMC
- Public Safety Building: McGill Associates
- Lakeview Center: Arete Engineers
- Lake Tomahawk Dam and Watershed Dams: S&ME
- Shooting Range: McGill Associates
- Veteran's Park Bridge, Buildings, and Connection to I-40: Kimley-Horn
- Golf Course Maintenance Building: McGill Engineers

These firms were selected based on expertise, capacity, and alignment with project and town needs. Staff recommends the Town Council approve the above engineering firm selections for the listed projects, 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.

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

**RESOLUTION TO APPROVE SELECTION OF ENGINEERS FOR FEMA PUBLIC ASSISTANCE (PA) PROJECTS AND AUTHORIZING STAFF TO NEGOTIATE CONTRACTS, SCOPE DEVELOPMENT AND SUBMISSION OF REQUIRED DOCUMENTATION
RESOLUTION #: R-25-55**

WHEREAS, the Town of Black Mountain experienced significant impacts from Tropical Storm Helene, requiring extensive recovery, hazard mitigation, and capital improvement efforts; and

WHEREAS, the Town has solicited qualifications and reviewed proposals for engineering services necessary to support FEMA Public Assistance (PA) projects, hazard mitigation work, and capital recovery projects; and

WHEREAS, the qualifications review process considered expertise, capacity, and alignment with project and Town needs; and

WHEREAS, based on this review, Town staff recommends the following firm selections for each project location:

- Public Services Building: GMC
- Public Safety Building: McGill Associates
- Lakeview Center: Arete Engineers

- Lake Tomahawk Dam and Watershed Dams: S&ME
- Shooting Range: McGill Associates
- Veteran’s Park Bridge, Buildings, and Connection to I-40: Kimley-Horn
- Golf Course Maintenance Building: McGill Engineers

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

1. The above engineering firm selections are hereby approved.
2. Town staff are authorized to proceed with contract negotiations, scope development, and the submission of all required documentation to FEMA and NCEM to ensure project eligibility and reimbursement.

Adopted this 8th day of September, 2025.

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

Currently, exempt employees are not eligible for overtime pay under the Town’s personnel policy. However, during emergencies and disasters, salaried employees are often required to work significantly beyond their regular hours and duties to maintain continuity of operations and ensure public safety. This policy update addresses the extraordinary demands placed on salaried staff during emergencies and provides a mechanism for compensating employees fairly for their additional service.

Proposed Policy Additions:

Emergency Overtime Compensation Policy

During officially declared emergencies or disasters, exempt (salaried) employees required to work beyond their standard duties or hours shall receive additional compensation. Compensation will be calculated as overtime pay for hours worked beyond the regular schedule, accrued at 1.5x their salaried rate.

Emergency Overtime Period Definition

The emergency overtime period commences upon the official declaration of an emergency or disaster by the President of the United States, Governor of North Carolina, Mayor of Black Mountain, or Town Manager of Black Mountain.

The period concludes when the emergency declaration is lifted and normal operations resume. Employees will be notified of the start and end of this period through official communication channels, ensuring proper documentation of time for payroll purposes.

Fiscal Impact: Potential increase in payroll expenditures during declared emergencies. Costs will vary depending on the scope and duration of the emergency event, number of exempt employees activated, and hours required. Funding is typically reimbursable through state or federal disaster recovery programs (e.g., FEMA Public Assistance). The overtime payroll expenses for hourly employees, who currently do receive overtime during an emergency, are all submitted to FEMA for reimbursement.

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

**RESOLUTION TO AMEND THE TOWN OF BLACK MOUNTAIN, NORTH
CAROLINA PERSONNEL POLICY, ARTICLE IV, SECTION 9 TO ADD A NEW
SUBSECTION FOR EMERGENCY OVERTIME COMPENSATION POLICY FOR
EXEMPT EMPLOYEES
RESOLUTION #: R-25-54**

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 amendments be made to the Town of Black Mountain Personnel Policy Manual, in Article IV: The Pay Plan, Section 9: Overtime/Compensatory Time, with the addition of new Subsection 9.2: Emergency Overtime Compensation Policy, effective as of the date of this Resolution (additions are underlined in bold and deletions are shown as red struck text):

Section 9.2. Emergency Overtime Compensation Policy for Exempt Employees
During officially declared emergencies or disasters, exempt (salaried) employees required to work beyond their standard duties or hours shall receive additional compensation. This compensation may be in the form of overtime pay for hours worked beyond the regular schedule accrued at 1.5x their salaried rate.

Emergency Overtime Period Definition. The emergency overtime period commences upon the official declaration of an emergency or disaster by the President of the United States, Governor of North Carolina, Mayor of Black Mountain or Town Manager of Black Mountain.

This period concludes when the emergency declaration is lifted, and normal operations resume. Employees will be notified of the start and end of this period through official communication channels in order to document their time for payroll purposes.

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 8th day of September, 2025.

9.D. Resolution to Authorize Lien for Abatement of Violation at 141 S. Richardson Boulevard. *This item was pulled from the agenda. No action taken.*

9.E. Creation of a Town Attorney Review Process.

The Town Council has previously discussed creating a standard annual review process to support the professionalism of the town government and dialog about expectations and performance at a regular interval. Council Member Alice Berry proposes the following format for consideration by the Town Council for the Town Attorney's review process (to be completed annually):

- All Council Members, the Mayor, and the Town Manager complete a pre-selected or designed feedback (review) form that includes a number scale, and open-ended prompts on the Town Attorney's performance.
- The Council Members, the Mayor, and the Town Manager will meet in a closed session (citing personnel matter - NCGS 143-318.11 (A)(3)) to compile and distill the feedback and appoint two Council Members to convey the feedback to the Town Attorney.
- The two appointed Council Members and the Town Manager will meet with the Town Attorney to provide the composite feedback and the opportunity for dialog.
- If following this meeting warrants another meeting with the full Council to discuss Town Attorney review matters, the Council Members, the Mayor, and the Town Manager will again meet in a duly called closed session, per NCGS 143-318.11 (A)(3), to continue discussion.
- Depending on the nature of the warrantied meeting, the Town Attorney may be asked to be part of this continued review meeting.

Town Council members discussed this process. A consensus of the Council was to follow the process and to take examples of reviewed templates and tailor it to the Town. Further, there was consensus to conduct the attorney review in January. A final template will be brought back to the Council.

10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER- None.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- None.

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

The Council would now enter into a Closed Session as permitted via N.C.G.S 143-318.11 (a)(3) to consult with the Town Attorney on attorney-client matters. *Town Council Member Alice Berry made a motion to enter closed session per NCGS 143-318.11(a)(3). A vote of 5-0 in favor. The time was 9:05 p.m.*

The Council returned to open session from closed session at 9:21 p.m.

13. ADJOURNMENT. With no further business to be discussed, Mayor Sobol adjourned the meeting.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

October 9, 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, October 9, 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 5:01 p.m. with the following members in attendance: Mayor C. Michael Sobol, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone. *Vice Mayor Archie Pertiller was absent.*

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Jamey Matthews, Public Works Director.

October 13, 2025 Council Meeting Agenda Review: Town Manager Josh Harrold reviewed the proposed agenda items for the upcoming October 13, 2025 Regular Town Council meeting. Amendments to the agenda include the following:

- Removing the approval of meeting minutes from August 7, August 11, August 13, September 4 and September 8, 2025.
- Moving the sections entitled “Communication from Town Attorney & Town Manager,” and “Communication from Mayor & Town Council” from the end of the agenda to follow after “Communications from Staff, Councils, Commissions & Agencies”, before Consent Agenda.

Council Member Pam King made a motion to adopt the agenda as presented with the amendments. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:22 p.m.

C. Michael Sobol, Mayor

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

October 13, 2025 | Regular Session Agenda | Time: 6:00 PM

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

Black Mountain Town Council held their regular session agenda on Monday, October 13, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King. Council Member Ryan Stone was absent.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Michelle Kennedy, Planning Director; Russell Care, Planner & Zoning Administrator; Stacy Cox, Police Department Accreditation Manager.

It was announced that a Closed Session needed to be added to the agenda before adjournment. This Closed Session is allowed per N.C.G.S. 143-318.11(a)(6) to discuss personnel matters. All Council Members agreed to add this to the agenda.

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. Domestic Violence Prevention & Awareness Month Proclamation. Mayor Sobol read the proclamation aloud recognizing October as Domestic Violence Prevention & Awareness Month.

3. CITIZEN COMMENTS.

- John Collins spoke about water pressure concerns on Camp Branch Rd.
- Kim Latta spoke about concerns with trees from the proposed Wildlife Federation tree planting project near the tennis courts.
- Linda Shafflett spoke about reopening of the Lakeview Senior Center.
- Joyce Miller spoke about the reopening of the Lakeview Senior Center.

- Carl Bartlett spoke about the reopening of the Lakeview Senior Center.
- Gary Bartlett spoke about water pressure issues at his residence.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Presentation of Law Enforcement Risk Review Award from the NC League of Municipalities (NCLM). Thomas A. Anderson, Jr., NCLM Director of Risk Control & Public Safety Risk Management, and Chet Effler, NCLM Public Safety Risk Consultant, presented the Police Department with a Law Enforcement Risk Review Award from the NC League of Municipalities.

4.B. Fire Department Annual Report. Fire Chief John Coffey provided the Council with the Fire Department's Annual Report.

5. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Town Manager Josh Harrold announced Rec & Parks would be hosting a Halloween event at Town Square on Friday, October 31st from 4-6pm. He then invited Police Chief Steve Parker up to provide announcements regarding neighborhood trick-or-treating. Chief Parker stated residences in and around Church and Dougherty Streets would be receiving flyers this week on road closures and other safety plans for Halloween trick-or-treating between the hours of 5-9 pm on Friday, October 31st.

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Doug Hay offered thanks to Stormwater and Floodplain Administrator Anne Phillip and other staff for the successful tree giveaway held on Saturday, September 27th at Town Hall where 266 trees were given away. Council Member Pam King thanked the Police Department.

7. CONSENT AGENDA

7.A. Monthly Tax Collector Reports- July & August 2025. *Town Council Member Doug Hay made a motion to approve as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.*

7.B. Resolution to Apply for Community Development Block Grant - Neighborhood Revitalization (CDBG-NR) Program. The Town would like to apply for funding through the Community Development Block Grant - Neighborhood Revitalization Program. There are waivers for FEMA-declared disaster areas from Hurricane Helene. The grant has no matching fund requirement.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT - NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM

RESOLUTION # R-25-68

WHEREAS, the Community Development Block Grant (CDBG) program was created in 1974; and

WHEREAS, the CDBG-NR Program will offer a non-entitled municipality the opportunity to tailor a project to meet the housing and community development needs specific and most critical to their locality; and

WHEREAS, North Carolina received \$44,784,790.00 in CDBG funds for 2024, and of this amount approximately \$12.28 million will be made available for the 2025 CDBG-NR Program; and

WHEREAS, the CDBG-NR Program will support three livability principles that help guide sustainability and resiliency; and

WHEREAS, CDBG-NR Program projects must incorporate at least one of the following three livability principles as an area of focus:

- Promote equitable, affordable housing;
- Support existing communities;
- Value communities and neighborhoods; and

WHEREAS, all project activities must meet at least one of three national objectives:

- Benefit low-and-moderate income (LMI) persons;
- Prevent or eliminate slums or blight;
- Meet other community development needs that are deemed to be urgent because of existing conditions that pose a serious and immediate threat to the health and welfare of the community; and

WHEREAS, FEMA declared disaster counties from Hurricane Helene are eligible to submit for funding using two waivers: CDBG-New Housing Construction and CDBG-Suspension of Public Services Cap; and

WHEREAS, the maximum grant amount is \$5 million per grantee for FEMA declared Hurricane Helene disaster areas; and

WHEREAS, there are no matching fund requirements; however, leverage is encouraged; and

WHEREAS, the Town of Black Mountain seeks to apply for the 2025 CDBG-NR Program.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council approve staff to apply for the 2025 CDBG-NR Program.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this 13th day of October 2025.

7.C. Resolution to Apply for the Golden LEAF Foundation Open Grants Program.

The Town would like to apply for funding through the Open Grants Program through the Golden LEAF Foundation. The maximum amount awarded is \$500,000. There are no matching funds for the identification phase; however, there may be a 15% match requirement during the due diligence phase.

Town Council Member Doug Hay made a motion to Approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR THE GOLDEN LEAF FOUNDATION OPEN GRANTS PROGRAM

RESOLUTION # R-25-69

WHEREAS, the Golden LEAF Foundation was created in 1999; and

WHEREAS, the Open Grants Program allows governmental entities to apply for Golden LEAF funding throughout the year; and

WHEREAS, the Golden LEAF Foundation is committed to using funds entrusted to it for projects that show the most potential for strengthening North Carolina's economy; and

WHEREAS, awards in the Open Grants Program are \$500,000 or less; and

WHEREAS, the Golden LEAF Foundation has four priority areas:

- Job Creation and Economic Investment;
- Workforce Preparedness;
- Agriculture;
- Community Competitiveness and Capacity; and

WHEREAS, the Golden LEAF Foundation has budgeted \$8 million for the Open Grants Program; and

WHEREAS, there may be a 15% match during the Due Diligence and Development Phase; and

WHEREAS, the Town of Black Mountain seeks to apply for the 2025 CDBG-NR Program.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council approve staff to apply for the 2025 Golden LEAF Foundation Open Grants Program.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this 13th day of October 2025.

7.D. Resolution Declaring Certain Property Surplus and Authorizing Private Sale per N.C.G.S. 160a-266(c).

The Public Works Department is requesting Council approve disposal of a group of items which were recovered from floodwaters caused by Hurricane Helene. The items are unusable and have been deemed as salvage by the town's insurance company. The Department has no use for the items and is requesting to dispose of them as scrap metal. Any proceeds will be returned to the Town's general fund. The Public Works Director contacted local scrapyards and the sale price quoted was \$6.00 per 100 lbs. of scrap.

Town Council Member Doug Hay made a motion to Motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN
DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING PRIVATE SALE
NCGS 160A-266(c)**

RESOLUTION NO: R-25-70

WHEREAS, the Town of Black Mountain Public Works Department was adversely impacted by flooding caused by Hurricane Helene on September 27th, 2024, which resulted in significant equipment losses; and

WHEREAS, the Town of Black Mountain desires to dispose of certain surplus property as authorized in Resolution R-19-15; and

WHEREAS, the Town Public Works Department has recovered the following group of items from floodwaters at their facility; and

WHEREAS, the Town's insurance company has deemed the following items as salvage, and the Town has recovered some insurance proceeds from the following group of items; and

WHEREAS, the Town believes the following group of items have a total scrap/salvage value of less than \$30,000.00; and

WHEREAS, the Public Works Director wishes to privately sale the scrap/salvage items to the highest paying salvage yard. (Current price is approximately \$6.00 per 100 lbs.)

NOW THEREFORE, BE IT RESOLVED THAT

- Section 1. The property described in **Exhibit A** is hereby declared surplus to the needs of the Town.
- Section 2. Said surplus property be approved for sale to a metal salvaging company for scrap metal at fair market value.
- Section 3. The Town Public Works Director is authorized to conduct removal and disposition of the salvaged items.
- Section 4. Upon conclusion of the sale, the Public Works Director shall provide proof of sale (scale tickets) and funds to the Town Finance Department.

READ, APPROVED AND ADOPTED this 13th day of October 2025.

7.E. Memorandum of Agreement with NC League of Municipalities (NCLM) for Disaster Recovery Services.

Due to the amount of work required for recovery becoming unmanageable with our current staffing, the town needs more assistance to work through the numerous funding sources, FEMA requirements, and accounting of monies spent on multiple projects. The NCLM agrees to help the town through a memorandum of agreement for services with ICF for disaster recovery. The total amount is not to exceed \$20,000.

Town Council Member Doug Hay made a motion to approve the MOA with NCLM for Disaster Recovery Services. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this MOA is included at the end of these minutes as Appendix A.

7.F. Debris Removal Cooperative Memorandum of Agreement with NC Division of Emergency Management (NCEM).

To continue cleanup from Tropical Storm Helene, the North Carolina Division of Emergency Management (NCEM) has developed a Cooperative Memorandum of Agreement with local governments affected by Helene (FEMA-DR-4827-NC).

Under this agreement, the Town may delegate authority to NCEM to manage debris removal operations. This includes removal of storm debris from Town property, rights-of-way, and other eligible areas. Execution of this agreement allows NCEM to coordinate and fund debris removal activities on behalf of the Town. The scope of services includes:

- Demolition of storm-damaged buildings on Town property that are deemed

ineligible for FEMA Public Assistance (PA).

- Removal of miscellaneous storm debris not picked up under Direct Federal Assistance (DFA).
- Coordination of debris removal from streams, waterways, and other high-impact areas as identified, particularly from major water courses. There will be no public call for additional debris from private property.
- Ensuring compliance with FEMA and State program requirements for reimbursement and oversight.

Town Council Member Doug Hay made a motion to approve MOA with NCEM for Debris Removal as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this MOA is included at the end of these minutes as Appendix B.

7.G. Resolution to Designate Certain Town Facilities as Critical Facilities for Hazard Mitigation Purposes.

The Town wishes to pursue hazard mitigation funding through the North Carolina Division of Emergency Management to strengthen and protect these vital facilities. As part of this funding, the Town of Black Mountain must designate several key municipal buildings as critical facilities for hazard mitigation and grant purposes. These include **Town Hall, Fire Station 2, the Public Safety Building, the Public Works Facility, the Senior Center, and the Pool House**. Each facility plays an essential role in maintaining government operations, emergency response, public safety, and community resilience during disasters.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION DESIGNATING CERTAIN TOWN FACILITIES AS CRITICAL FACILITIES FOR HAZARD MITIGATION PURPOSES

RESOLUTION #: R-25-58

WHEREAS, the Town of Black Mountain is committed to ensuring the safety, resilience, and continuity of essential services during and after disasters; and

WHEREAS, the grant opportunities requires communities to identify and prioritize critical facilities for the purpose of implementing hazard mitigation measures that reduce future risk; and

WHEREAS, critical facilities are defined as facilities that provide services and functions essential to the health, safety, and well-being of residents, including governmental, emergency, and community support services; and

WHEREAS, the following Town of Black Mountain facilities have been determined to be critical to emergency response, continuity of operations, and community resilience:

1. Town Hall – serves as the seat of municipal government and the center of administrative, financial, and coordination functions.
2. Fire Station 2 – provides essential fire suppression, rescue, and staging functions for disaster response.
3. Public Safety Building (Fire, Police, EMS) – houses multiple first-response agencies that are indispensable to law enforcement, fire protection, and emergency medical response.
4. Public Works Facility – maintains vital infrastructure services, including roads, water, stormwater, and sanitation, necessary for disaster response and recovery.
5. Senior Center – provides services and outreach for vulnerable residents and is designated to serve as a shelter if needed during disaster events.
6. Pool House – served as a Point of Distribution (POD) during Tropical Storm Helene, providing showers, food, water, and sanitation support; it is now formally included in the Town’s emergency response plan as a location for providing information and distributing supplies to residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the above-listed facilities are hereby designated as critical facilities for purposes of hazard mitigation planning and grant applications; and

BE IT FURTHER RESOLVED that the Town Manager, or their designee, is authorized to submit such designations to the North Carolina Division of Emergency Management and to pursue hazard mitigation funding opportunities to reduce risk and increase resilience of these facilities.

Adopted this the 13th day of October 2025.

- 7.H. Resolution Approving a Master Services Agreement between Kimley-Horn & Associates, Inc. and Town for Continuing Professional Services (Veterans Park Ped. Crossings).** This item was tabled until a later date. No action taken.

- 7.I. Resolution to Approve Contract with Anchor QEA for Restoration of N. Oconeechee Ave. Stormwater Management System.** This item was tabled until a later date. No action taken.

- 7.J. Resolution to Amend Resolution R-25-45 Authorizing On-Call Contracts for Grant Writing & Consulting Services in Support of Recovery & Resilience Funding Opportunities.**
 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. 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.

The initial resolution, adopted on August 11, 2025 (R-25-45) by the same name, included the verbiage: "establishing on-call agreements with each firm not to exceed \$20,000 per firm." It was identified after adoption of this resolution that these cost values were included in error. The proposed resolution will amend R-25-45 to reflect the removal of this verbiage.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION TO AMEND RESOLUTION R-25-45 AUTHORIZING ON-CALL CONTRACTS FOR GRANT WRITING AND CONSULTING SERVICES IN SUPPORT OF RECOVERY AND RESILIENCE FUNDING OPPORTUNITIES

Resolution No. #: R-25-59

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, 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; and

WHEREAS, Resolution No. R-25-45 was adopted on August 11, 2025 and included verbiage that stated, “with a not-to-exceed amount of \$20,000 per firm”, which was included in error.

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

1. The foregoing resolution amends Resolution No. R-25-45, adopted August 11, 2025, to correct an oversight of not omitting the “ not-to-exceed amount of \$20,000 per firm” clause, and therefore removes this “not-to-exceed amount” but remainder of resolution remains in effect.
2. 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.
3. This resolution shall become effective upon adoption.

This the 13th day of October 2025.

7.K. Consideration of FY25-26 Budget Amendments.

- Unassigned General Fund Balance transfer of \$54,000 to 100-4020-50100 for Public Information Officer FTE.
- Unassigned General Fund Balance transfer of \$59,250 to 100-4020-50100 for Budget Analyst/Recovery Specialist FTE.

- Transfer from Police Department Drug Forfeiture 230-4511-48900 to 100-4510-57410 in the amount of \$8,505.
- Unassigned General Fund Balance transfer of \$30,000 to 200-4520-52020 for mental health services.

Town Council Member Doug Hay made a motion to Motion to approve the budget amendments as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

7.L. Resolution to Amend the Town Budget to Transfer Funds from Unassigned Stormwater Fund Balance to the Helene Fund for Stormwater & Environmental Projects.

Town staff recommend approval of a budget amendment to fund critical stormwater and environmental improvement projects. These initiatives include engineering assessments, grant-writing services, and environmental restoration efforts that support community resilience and recovery following Hurricane Helene.

Proposed Action: Authorize a budget amendment to transfer \$69,000 from the Unassigned Stormwater Fund Balance (630-0000-10001) to the Helene Fund (425-8806-52012) to support the following:

- \$9,000 – Lake Tomahawk Dam engineering assessment and repair method determination.
- \$25,000 – McAdams grant-writing services for stormwater and culvert improvement funding opportunities.
- \$35,000 – Jennings Environmental Swannanoa River Restoration Task Order
- Authorize the Town Manager and Finance Director to take all necessary actions to implement this budget amendment and ensure proper accounting and reporting of the fund transfer.

Town Council Member Doug Hay made a motion to approve the budget amendments as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO AMEND THE TOWN BUDGET TO TRANSFER FUNDS FROM THE UNASSIGNED STORMWATER FUND BALANCE TO THE HELENE FUND FOR STORMWATER AND ENVIRONMENTAL PROJECTS

Resolution #R-25-63

WHEREAS, the Town Council recognizes the importance of maintaining and restoring its stormwater infrastructure and environmental assets; and

WHEREAS, the Lake Tomahawk dam requires an engineering assessment and a determination of the appropriate method of repair, at an initial estimated cost of \$9,000; and

WHEREAS, the Town intends to engage McAdams for grant writing services to pursue funding opportunities from the NC Department of Commerce for downtown stormwater system improvements, and from NCEM for culvert upsizing, at a cost of \$25,000; and

WHEREAS, Jennings Environmental has proposed initial services for Swannanoa River restoration efforts vital to the community’s environmental health, totaling \$35,000;

NOW, THEREFORE, BE IT RESOLVED the Town Council authorizes a budget amendment to transfer **\$69,000** from the **Unassigned Stormwater Fund Balance** (630-0000-10001) to the **Helene Fund** (425-8806-52012) to support the following initiatives:

- \$9,000 for the Lake Tomahawk dam assessment and repair method determination
- \$25,000 for McAdams grant writing services
- \$35,000 for Jennings Environmental Swannanoa River Restoration Task Order 1

BE IT FURTHER RESOLVED that the Town Manager and Finance Director are hereby authorized to take all necessary actions to implement this budget amendment and ensure proper accounting and reporting of the fund transfer.

APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain by a vote of 4 to 0 on this 13th day of October 2025.

7.M. Resolution Selecting KCI Associates for the Asset Inventory & Assessment (AIA) and Capital Improvement Plan (CIP) Services and Authorizing the Town Manager to Negotiate a Contract.

The Town of Black Mountain received a technical assistance grant from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure, to support post-Helene recovery and resilience planning efforts. A portion of this funding will be used to complete the Town’s first Asset Inventory and Assessment (AIA) for the water system. This project will provide the Town with a comprehensive understanding of its existing infrastructure, system condition, and areas of vulnerability. The AIA will serve as the foundation for developing a Capital Improvement Plan (CIP) that prioritizes projects, integrates resiliency strategies, and identifies potential funding sources.

After reviewing all responses, the selection committee determined that KCI Associates, Inc. is the most qualified firm based on their relevant experience, project approach, and demonstrated understanding of the Town’s goals and water system conditions.

Firm	Experience (30)	Team (30)	Hazard Mitigation (20)	Approach (10)	Schedule & QC (10)	Total (100)	Rank
KCI Associates of NC	29	30	19	9	9	96	1
Civil Design Concepts	27	28	18	9	8	90	2
The Thrasher Group NC	26	27	17	8	8	86	3

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION SELECTING KCI ASSOCIATES FOR THE ASSET INVENTORY AND ASSESSMENT (AIA) AND CAPITAL IMPROVEMENT PLAN (CIP) SERVICES AND AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A CONTRACT

RESOLUTION NO. R-25-66

WHEREAS, the Town of Black Mountain received a grant award from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure, for technical assistance related to recovery from Tropical Storm Helene; and

WHEREAS, the Town intends to utilize a portion of this funding to complete an Asset Inventory and Assessment (AIA) of the Town’s water system, which will serve as the foundation for developing a comprehensive Capital Improvement Plan (CIP) to identify infrastructure needs, resiliency improvements, and long-term funding strategies; and

WHEREAS, the Town issued a Request for Qualifications (RFQ) in accordance with N.C.G.S. §143-64.31 for professional engineering services related to the AIA and CIP project; and

WHEREAS, after review of qualifications submitted by interested firms, the Town’s selection committee determined that KCI Associates is the most qualified firm to perform the required services based on demonstrated experience, technical expertise, and understanding of the Town’s water system and resilience objectives; and

WHEREAS, the Town Council desires to formally select KCI Associates and authorize the Town Manager to negotiate a contract for AIA and CIP professional services in accordance with applicable NCDEQ and state procurement requirements.

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

- 1. Selection of Firm.** KCI Associates is hereby selected as the most qualified firm to perform the Asset Inventory and Assessment (AIA) and Capital Improvement Plan (CIP) professional services for the Town’s water system.

2. **Authorization to Negotiate.** The Town Manager is hereby authorized to negotiate and execute a contract with KCI Associates for professional services related to the AIA and CIP, subject to review and approval by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.
3. **Funding.** The project shall be funded through the Town's NCDEQ Technical Assistance Grant related to Tropical Storm Helene.
4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

This the 13th day of October 2025.

8. PUBLIC HEARING

8.A. Public Hearing for Village of Cheshire Master Plan Amendment.

Russell Cate, Planner & Zoning Administrator, provided the Council with the staff report on this proposed amendment. The Village of Cheshire Master Plan that was approved by Town Council in 1998 has a depiction of the area of proposed subdivision that does not correspond with how the land has been developed. The application is outside the allowance for a "minor amendment at the site plan level for specific land uses or developments" [ref.: Sec. 4.7.11.2 (E) (7)], triggering the requirement for a revised Master Plan. The Planning Board met to discuss this item and unanimously voted in favor of this Master Plan amendment. Town Council is now asked to consider the approval of the proposed amendment to the Village of Cheshire Master Plan.

Town Council Member Alice Berry made a motion to open the public hearing. The time was 7:18 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent. Once the public hearing was opened, Sikes Ragan, Principal, CS Ragan LLC, spoke to the Council about the proposed amendment. Jessie Gardner, with Civil Design Concepts (CDC), also spoke to the Council regarding the proposal. No additional public comment was provided. *Town Council Member Doug Hay made a motion to close the public hearing. The time was 7:24 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent.*

Vice Mayor Archie Pertiller then made a motion to approve the Ordinance to amend the Village of Cheshire Master Plan and find the amendment is consistent with current state regulations and promotes and protects health, safety & welfare, and is in keeping with good zoning practice. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

AN ORDINANCE TO AMEND THE VILLAGE OF CHESHIRE MASTER PLAN ORDINANCE # O-25-25

WHEREAS, when the Town Council adopted the Town of Black Mountain Land Use Code, the Planning Board committed to reviewing these regulations in order to improve their application to our community and context; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-604, the members of the Planning Board find and determine that the adoption of the recommended

amendment is consistent with the comprehensive plan and is reasonable in the public interest because it promotes future land use, a walkable and livable environment and a vibrant economy; and

WHEREAS, the Planning Board recommends, and the Town Council find that the proposed amendment is consistent with current state regulations and find that the recommendation promotes the general welfare and is in keeping with good zoning practices.

NOW, THEREFORE, BE IT RESOLVED that the Village of Cheshire Master Plan be amended to show the proposed subdivision on land addressed as 14 Jane Jacobs Road.

READ, APPROVED AND ADOPTED this 13th day of October 2025, by a vote of 4 to 0 .

8.B. Public Hearing for Text Amendment to Chapter 5, Section 5.17, Mobile Retail Vendors.

Planning Director Michelle Kennedy provided the Council with the staff report on this item. The current ordinance requires mobile retail vendors to meet all required setbacks as a brick and mortar building would have to meet. Given the size and mobility of mobile retail vendors, requiring the setback requirements is a hindrance to allowing them on commercial properties. Therefore, the Planning Board recommended by a vote of 5-0 to remove the requirement of meeting building setbacks, but acknowledged that there still may be fire code requirements that have to be met, including setbacks. Council will now hold a public hearing and then consider the proposed text amendment to Chapter 5, Section 5.17, Mobile Retail Vendors, to remove setback requirements.

Town Council Member Alice Berry made a motion to open the public hearing on this item. The time was 7:28 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent. No public comments were provided during the public hearing. Town Council Member Doug Hay made a motion to close the public hearing. The time was 7:29 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

Council Member Alice Berry then made a motion to approve the text amendment to Ch. 5, Sec. 5.17, Mobile Retail Vendors, to remove setback requirements and find that the change is consistent with current state regulations and find that it promotes health, safety and welfare, and good zoning practice. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.17.1, MOBILE RETAIL VENDORS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO REMOVE SETBACK REQUIREMENTS

ORDINANCE # O-25-26

WHEREAS, The Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community; and

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community.

WHEREAS, after notice duly given, a public hearing was held on October 13, 2025, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 5, Section 5.17.1, Mobile Retail Vendors, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 5
Section 5.17.1 Mobile retail vendors.

B. Operating location and requirements.

1. Mobile retail vendors will operate only on private non-residential property with permission of the owner. No mobile retail vendors will operate on a public street, sidewalk, or right-of-way.
2. Mobile retail vendors will be allowed as a primary use or secondary use.
3. ~~Mobile retail vendors will comply with the setback requirements for the zoning district in which the vendor is operating and, for purposes of setback regulations, will be treated as a building or structure. No mobile retail vendor will be parked closer than ten feet from a structure or other mobile retail vendor.~~
4. Each mobile retail vendor will have sufficient space to maneuver onto the lot and to allow for safe access by pedestrians and emergency response vehicles.

5. Sight triangles must be maintained in order to ensure visibility (see Section 4.4.6).

READ, APPROVED AND ADOPTED, by a vote of 4 to 0 on this the 13th day of October 2025.

9. CITIZEN COMMENTS – none.

10. UNFINISHED BUSINESS – none.

11. NEW BUSINESS

11.A. Eagle Scout Project - Handicap Accessible Fishing Pier at Lake Tomahawk Park.

Eagle Scout candidate Burkley Reece of Scout Troop 17 presented his proposal to construct a handicap-accessible fishing pier at Lake Tomahawk Park as his Eagle Scout project. The 24-by-10-foot pier would accommodate up to four people in wheelchairs, feature level access from the existing paved path, and include modified railings to allow comfortable fishing from wheelchairs. Designed with the assistance of professional civil engineer Steve Landess, the pier would be supported by twelve 6x6 pylons installed to engineering standards, with portions prebuilt off-site for efficiency and safety measures in place during construction. The project is estimated to cost \$4,718.17, with plans to offset expenses through donated materials and fundraising. Burkley shared that the pier would serve veterans, seniors, individuals with disabilities, and families, citing Black Mountain’s large senior population, and spoke personally about his desire to fish longer with his grandfather and honor his late grandfather. He also presented renderings of the pier, and the Town Council thanked him for his presentation and commitment to the project.

Town Council Member Doug Hay made a motion to approve the installation of a proposed handicap-accessible fishing pier at Lake Tomahawk as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

11.B. Bee City USA Asheville Butterfly Trail Station at Veterans Park.

Leonora Stefanile, Community Garden Manager, presented an overview of the project and introduced Phyllis Stiles, Chair of Bee City USA–Asheville, who outlined the history and proposal for a butterfly trail display at Veterans Park. Phyllis explained that Bee City USA–Asheville has an established butterfly trail in Buncombe County featuring educational stations with native butterfly information, artistic human-sized butterfly displays, and host plants, with four stations completed and a fifth scheduled for November 2025. Bee City proposes adding a Black Mountain station on the south side of Veterans Park, integrated with existing pollinator gardens and monarch waystations, highlighting the monarch butterfly due to the Town’s commitment to monarch habitat. The site was selected collaboratively with town staff for accessibility, proximity to the

monarch meadow, avoidance of the disc golf fairway, and clear signage. Each station costs approximately \$15,000, funded through donations, with \$5,000 pledged by Beatrice McQueen in memory of her sister; no Town funding would be required, only approval to host the station. Phyllis thanked town staff and disc golf community leaders for their assistance.

Town Council Member Alice Berry made a motion to approve the Bee City USA-Asheville Butterfly Trail Station at Veterans Park as proposed and the memorandum of agreement. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ASHEVILLE BUTTERFLY TRAIL THROUGH BEE CITY USA – ASHEVILLE

RESOLUTION NO. R-25-65

WHEREAS, Bee City USA – Asheville (BCU-AVL) manages the **Asheville Butterfly Trail**, a regional environmental education initiative designed to raise awareness of the life cycles of native butterflies, the critical relationships between pollinators and native plants, and the importance of butterflies in maintaining healthy ecosystems; and

WHEREAS, the Asheville Butterfly Trail program installs educational art pieces and interpretive signage at designated **Trail Stations** throughout Western North Carolina, providing residents and visitors with opportunities to learn about pollinator species and their habitats; and

WHEREAS, BCU-AVL has invited the **Town of Black Mountain** to serve as a **Trail Station Host**, joining other public and private partners in supporting pollinator conservation and environmental education; and

WHEREAS, as a Trail Station Host, the Town agrees to:

- Identify a mutually agreeable and ADA-accessible location for the butterfly wings and interpretive sign;
- Maintain the surrounding native pollinator plantings and landscape;
- Notify BCU-AVL of any needed maintenance;
- Ensure appropriate insurance coverage; and
- Provide a one-time installation fee and annual stewardship fee, which may be supported through sponsorships or grants; and

WHEREAS, BCU-AVL will, in turn, design, install, and maintain the butterfly wings and signage, maintain the Trail’s website and promotional materials, and include the Town’s site in its public education and outreach programs; and

WHEREAS, participation in the Asheville Butterfly Trail aligns with the Town of Black Mountain’s **Bee City USA designation**, its ongoing **environmental stewardship initiatives**, and community goals to support **pollinator habitats, education, and public art**.

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

1. The Town of Black Mountain hereby approves participation in the **Asheville Butterfly Trail** program through Bee City USA – Asheville and agrees to host a **Butterfly Trail Station** within Town limits.
2. The Town Council authorizes the **Town Manager** to execute the **Memorandum of Agreement** with Bee City USA – Asheville and to take all necessary actions to carry out the intent of this resolution.
3. The Town reaffirms its ongoing commitment to **pollinator conservation, environmental education, and community beautification** as part of its Bee City USA designation.
4. A copy of the Memorandum of Agreement is attached as part of this resolution.

Adopted this the 13th day of October, 2025, by the Town Council of the Town of Black Mountain. *A copy of this MOA is included at the end of these minutes as Appendix C.*

11.C. NC Wildlife Federation Habitat Restoration Proposal.

Luke Bennett, Conservation Coordinator with the North Carolina Wildlife Federation (NCWF), and Sally Cochran presented a proposal for a habitat restoration project at Lake Tomahawk. The project would convert approximately 0.3 acres of turf grass between the pool and tennis courts into native tree habitat to support pollinators, improve biodiversity, and enhance soil and water quality. NCWF will donate up to \$10,000 for trees, shrubs, mulch, compost, and educational signage, with a volunteer planting event planned for November 15, 2025, involving 25–40 volunteers planting 50–90 native trees. The Town will assist with site preparation and watering, while NCWF and its Swannanoa Valley WILD! chapter will coordinate volunteers and maintenance, with shrubs and signage to be added in fall 2026. Discussion followed among Council, presenters, and staff. **Following discussion, no action was taken by the Council to move forward with this proposal at this time.** Council thanked Luke and Sally for their presentation.

11.D. Transfer of Mobile Office Lease from USACE (US Army Corps of Engineers) to Town of Black Mountain.

Jessica Trotman, Assistant Town Manager, provided the Council information on this item. Following Tropical Storm Helene (DR-4827-NC), the Town of Black Mountain received Direct Federal Assistance (DFA) through the U.S. Army Corps of Engineers (USACE) to provide temporary office facilities for the Public Works and Planning & Development departments at 304 Black Mountain Avenue. The lease and associated services have, to date, been managed directly between USACE and the vendor under the federal mission assignment. USACE is now demobilizing from the disaster event and has notified the Town that it must assume the lease agreement to maintain occupancy of the temporary offices. FEMA Public Assistance (PA) has confirmed that funding eligibility will continue for this lease under the Town’s Category B

(Emergency Protective Measures) project. FEMA will reimburse the Town for eligible costs at the approved rate.

The lease amount is \$17,000 per month, and the new agreement between the Town of Black Mountain and the vendor will be consistent with the terms previously managed under the USACE contract. Execution of this contract ensures continued operational space for essential public functions while permanent facility recovery planning and FEMA funding determinations remain underway. The Town Attorney has worked with staff on this new lease agreement.

The action that is requested is to authorize the Town Manager to execute the proposed lease agreement for the temporary Public Works and Planning offices located at 304 Black Mountain Avenue in the amount of \$17,000 per month, with costs reimbursable through FEMA Public Assistance (PA). Some discussion ensued.

Town Council Member Alice Berry made a motion to approve the mobile office lease transfer as presented and authorize Town Manager to execute the updated lease agreement. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this lease document is included at the end of these minutes as Appendix D.

11.E. Resolution To Apply For State Revolving Fund (SRF) Funding For Water System Improvements & Repeal of Resolutions No. R-25-41 and R-25-42. Jessica Trotman, Assistant Town Manager, provided an update to Council on this item. The proposed resolution authorizes the Town of Black Mountain to apply for **State Revolving Loan Funds (SRF) with 100% principal forgiveness** in the amount of **\$5,000,000** to support comprehensive **Water System Resiliency and Watershed Improvements**. The project will include **drilling new municipal wells, relocating water lines within high-risk hazard areas, and implementing watershed improvements** to strengthen the Town’s water infrastructure, reduce flood vulnerability, and enhance long-term system reliability. The resolution further authorizes the **Town Manager and Assistant Town Manager** to execute the application and related documents on behalf of the Town. After speaking with representatives from the State Revolving Fund, it was determined that one resolution in the amount of \$5,000,000 would be permissible to encompass all water system projects outlined above, as well as the inclusion of other needed watershed improvements, which can be incorporated into this SRF application.

Additionally, Resolution No. R-25-41 and R-25-42, adopted August 11, 2025, were for application to SRF funding for drilling of wells, and relocation of water lines within high-risk hazard areas, respectively, at the per-project amount of \$2,500,000 each. It was determined that one resolution in the amount of \$5,000,000 would be permissible to encompass all water system projects outlined

above. As a result, to avoid confusion, **Resolutions R-25-41, and R-25-42, should be repealed and replaced** with this singular resolution attached with combines all permissible projects under this SRF application. A short discussion ensued among Council Members and staff.

Town Council Member Alice Berry made a motion to approve the resolution to apply for SRF funding for water system improvements and repeal of R-25-41 and R-25-42 as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR STATE REVOLVING FUND (SRF) FUNDING FOR WATER SYSTEM IMPROVEMENTS & REPEAL OF RESOLUTIONS NO. R-25-41 AND R-25-42

RESOLUTION NO. #: R-25-64

WHEREAS, the Town of Black Mountain has identified the need to improve the resiliency and reliability of its municipal water system to prevent service interruption and infrastructure damage during floods, natural disasters, and other hazard events; and

WHEREAS, the Town of Black Mountain has need for and intends to plan for and construct a comprehensive program of **Water System Resiliency Improvements**, including **(1) drilling new municipal wells, (2) relocating water lines within high-risk hazard areas, and/or (3) implementing watershed improvements** to strengthen overall system performance and environmental protection; and

WHEREAS, these projects are essential to ensure a safe, reliable, and sustainable water supply for residents, businesses, and critical facilities within the Town's service area; and

WHEREAS, the Town of Black Mountain intends to request State loan and/or grant assistance for the project;

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

1. **Financing Commitment.** That the Town of Black Mountain, as the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. **Operation and Maintenance.** That the Applicant will provide for the efficient operation and maintenance of the project upon completion of construction.
3. **Fee Schedule and Repayment.** 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 for repayment of all principal and interest on any debt incurred.
4. **Loan Agreement Provision.** 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 any State funds that would otherwise be distributed to the local government in an amount sufficient to pay all sums then due and payable to the State as repayment of the loan.

5. **Authorized Representatives.** That **Josh Harrold, Town Manager, and Jessica Trotman, Assistant Town Manager,** and their successors so titled, are hereby authorized to execute and file an application on behalf of the Town of Black Mountain with the State of North Carolina for a loan and/or grant to aid in the study, planning, and construction of the Water System Resiliency Improvements Project.
6. **Execution of Documents.** That the Authorized Representatives, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the application or the project; to make the assurances contained herein; and to execute such other documents as may be required in connection with the application.
7. **Compliance with Applicable Laws.** 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.
8. **Repeal of Previous Resolutions R-25-41 and R-25-42.** Resolution No. R-25-41 and R-25-42 entitled “Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of Wells, and “Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines Within High-Risk Hazard Areas”, respectfully, that were adopted on August 11, 2025, are hereby **REPEALED** and **REPLACED** with this foregoing resolution.

Adopted this the 13th day of October 2025 at Black Mountain, North Carolina.

11.F. Discussion of Emailed Public Comments Procedure.

Council Members and the Town Attorney discussed procedures for citizen comments, specifically whether emailed public comments should be read aloud at Council meetings or if comments must be made in person. Staff reviewed past practices, noting that emailed comments were read aloud during virtual meetings held during COVID, while prior to and after that period, public comments were traditionally limited to in-person participation. Guidance from the UNC School of Government confirmed there is no legal requirement to accept or read written comments outside of declared emergency remote meetings, and that councils may require in-person comments. The discussion also referenced N.C.G.S. §160A-81.1 regarding public comment periods. Town Attorney Craig Justus advised that reading emailed comments is uncommon and raised concerns about lack of content control, as well as issues related to time limits, tone, and delivery, which were further discussed by Council.

After some discussion, the consensus was that any emailed public comments would be made part of the official minutes of a meeting if the citizen specifically requested it be made part of/entered into the record (e.g. minutes), but that emailed comments would not be read aloud by staff or Council Members at a public meeting.

11.G. Town Attorney Performance Evaluation Templates.

After a short discussion among Council Members, a consensus was made to use a combination of both attorney review templates as included in the agenda packet to draft a review form for the Town's attorney. Items to include in the review form would be to use numbering system from 1-3 or N/A, instead of a numbering system of 1-5; and have comment sections for each evaluation subject in addition to the number. Town staff would compile and create this template for final review.

- 12. CLOSED SESSION - NCGS 143-318.11 (A)(6): Personnel-related**
Council Member Alice Berry made a motion to enter into Closed Session per N.C.G.S. 143-318.11(a)(6) to discuss personnel matters. A vote of 4-0 in favor. Council Member Ryan Stone was absent. The time was 8:25 p.m.

The Council returned to Open Session at 8:54 p.m. No additional actions were taken.

- 13. ADJOURNMENT.** *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 8:55 P.M.*

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

October 28, 2025 | Special Meeting Agenda | Time: 8:30 AM

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

Black Mountain Town Council held a special-called meeting on Tuesday, October 28, 2025, at 8:30 AM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711. The purpose of this special-called meeting was to consider a budget amendment for the temporary repair of the Lakeview Center for Active Aging.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 8:30 a.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 was absent.*

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief.

Mayor Sobol read the ethics statement.

2. NEW BUSINESS

2.A. Consideration of a budget amendment for the temporary repair of the Lakeview Center for Active Aging.

The purpose of this item is for Town Council to direct staff to authorize Arete' Engineering, PLLC, who has already been procured by the Town for the Lakeview Center project, to prep sealed engineering documents required to obtain a building permit for a temporary repair. This will allow the upper floor of the Lakeview Center to safely reopen for public use. If Arete' Engineering cannot complete this work within a timeline deemed reasonable, staff will issue a Request for Qualifications (RFQ) for professional engineering services in accordance with NCGS §143-64.31 (Procurement of Architectural and Engineering Services). A budget amendment a minimum of \$15,000 is also included for Council consideration to cover engineering and construction costs associated with this work. These costs are not eligible for reimbursement under FEMA Public Assistance (PA). This temporary repair is not related to damage sustained by Helene and therefore, the budget amendment should be allocated from the General Fund for this project.

Staff recommends that Town Council:

1. Authorize Arete' Engineering, PLLC to prepare permit documentation, and OPC (Opinion of Probable Cost) necessary to obtain a building permit for the temporary repair of the Lakeview Center.
2. Approve a budget amendment of \$15,000 to cover the engineering and construction

costs, to be funded from the General Fund.

3. Direct staff to proceed with procurement of a licensed general contractor in compliance with NCGS §§143-129 and 143-131 once the design is complete and permit is approved.

Some discussion ensued among Council Members and staff. *Town Council Member Doug then made a motion to approve a budget amendment for \$15,000 for temporary repair o Lakeview Center for Active Aging (top floor) as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.*

3. ADJOURNMENT

With no other business, the Mayor adjourned the meeting at 8:50 a.m.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

November 1, 2025 | Work Session & Special Meeting | Time: 10:00 AM

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

Black Mountain Town Council held a work session and special meeting on Saturday, November 1, 2025, at 10:00 AM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. WORK SESSION

Mayor C. Michael Sobol called the work session and special meeting to order at 10:00 a.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, Town Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Matt Begley, Budget Analyst.

The meeting began with Fountainworks facilitating the discussion with Council reviewing principles of recovery to guide decision-making and project evaluation, and the principles for funding strategies to guide recovery and capital project decisions. The adopted principles of recovery are:

- Life safety & risk reduction
- Equity and accessibility
- Fiscal responsibility
- Functionality and continuity of operations
- Environmental stewardship
- Strategic and phased implementation
- Transparency and community engagement
- Partnerships and collaboration
- Long-term resilience and adaptation

The following new guiding principles for funding strategies were reviewed:

- Maximize external funding
- Prioritize eligibility and compliance
- Leverage local match strategically
- Sequence projects for readiness and risk reduction
- Maintain fiscal discipline
- Promote multi-use and co-benefit investments
- Plan for long-term sustainability
- Coordinate and communicate

1.B. Summary of Recovery Projects & Funding Sources. Fountainworks facilitators and Town staff reviewed the recovery projects and funding sources applicable for these projects.

2. SPECIAL MEETING: CONSENT AGENDA

2.A. Resolution Authorizing Staff to Apply for Capital Grant Funding for Engineering and Construction of New Combined Restroom & Concession Stand Facility at Veterans Park.

This resolution authorizes Town staff to apply for \$500,000 in North Carolina Capital Grant Program funding to design and construct a new, flood-compliant combined restroom and concession facility at Veteran’s Park. The new facility will replace structures destroyed by Tropical Storm Helene, restore essential park amenities, and ensure compliance with floodplain and accessibility standards. The Town Manager will be authorized to complete all necessary application and coordination actions, with any grant award to be considered by Council for formal acceptance and budget amendment.

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

RESOLUTION AUTHORIZING STAFF TO APPLY FOR CAPITAL GRANT FUNDING FOR ENGINEERING AND CONSTRUCTION OF A NEW COMBINED RESTROOM AND CONCESSION FACILITY AT VETERAN’S PARK

RESOLUTION NO. R-25-80

WHEREAS, the Town of Black Mountain owns and operates Veteran’s Park, a vital public recreation area that sustained severe flood damage during Tropical Storm Helene (DR-4827-NC); and

WHEREAS, the existing restroom and concession stand structures at Veteran’s Park were substantially damaged by more than five feet of flood inundation, resulting in unsafe and noncompliant conditions; and

WHEREAS, both structures were located within the Special Flood Hazard Area (SFHA) and partially within the floodway, did not meet National Flood Insurance Program (NFIP) standards, and are therefore ineligible for repair or replacement under FEMA Public Assistance (PA) rules; and

WHEREAS, the NC SMART Debris Program has approved demolition and debris removal of the damaged facilities, leaving the Town without restrooms or concessions at its primary community park; and

WHEREAS, the Town seeks to construct a new combined restroom and concession facility within Veteran’s Park that will:

- Be located within the SFHA but fully comply with NFIP and local flood damage prevention ordinance requirements;

- Include elevated utilities, flood vents, and flood-resistant materials; and
- Be covered by flood insurance to ensure long-term resilience and risk reduction; and

WHEREAS, this project is not eligible for FEMA PA reimbursement and is therefore suitable for the North Carolina Capital Grant Program, which supports recovery and resilience projects not funded through other federal sources; and

WHEREAS, the planning-level cost estimate for engineering and construction of the new combined facility is \$500,000, inclusive of site design, structural engineering, utilities, and compliance with accessibility standards; and

WHEREAS, replacement of these critical public facilities will restore essential recreational amenities, support youth sports programming, and promote safe, equitable park access for residents and visitors;

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

1. Town staff are hereby authorized and directed to prepare and submit an application to the appropriate state agency for Capital Grant Program funding in the amount of \$500,000 to support the engineering and construction of a new combined restroom and concession facility at Veteran’s Park.
2. The Town Manager, or their designee, is authorized to execute all necessary documents, certifications, and assurances to complete the application process.
3. The Town Manager is further authorized to coordinate with the Planning Department, Parks and Recreation Department, and Finance Department to prepare detailed design and budget documentation consistent with grant requirements and NFIP compliance.
4. Upon award, the Town Council will consider a budget amendment to appropriate grant funds and any required local match.

Adopted this the 1st day of November 2025.

2.B. Resolution to Apply for the T-Mobile Hometown Grant Application

Requesting up to \$2,000,000 for the Black Mountain Senior Center Project.

The Town of Black Mountain is seeking authorization from the Town Council to apply for the T-Mobile Hometown Grant, a competitive national funding opportunity that supports small towns in developing community-focused projects. The Town intends to submit an application requesting up to \$2,000,000 to support the design and construction of a new Senior Center to replace the Lakeview Center for Aging, which was damaged during Tropical Storm Helene and in need of repairs and improvements to meet current code and standards beyond storm damage. The new facility will serve as a community hub for senior programming, wellness, education, and intergenerational engagement.

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

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR THE T-MOBILE HOMETOWN GRANT PROGRAM FOR THE BLACK MOUNTAIN SENIOR CENTER PROJECT

RESOLUTION #R-25-82

WHEREAS, the Town of Black Mountain recognizes the importance of providing accessible, inclusive, and resilient community facilities that promote the well-being and social connection of residents of all ages; and

WHEREAS, the Town’s existing senior programming facility, the Lakeview Center for Aging, sustained significant storm damage during Tropical Storm Helene, resulting in the loss of vital services for older adults; and

WHEREAS, the T-Mobile Hometown Grant Program provides funding to small towns across the United States for community projects that strengthen social and economic vitality; and

WHEREAS, the Town of Black Mountain seeks to apply for up to \$2,000,000 under the T-Mobile Hometown Grant Program to design and construct a new Senior Center that will serve as a resilient, multi-use community facility designed to meet the long-term needs of the Town’s aging population;

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

1. The Town Council hereby authorizes staff to prepare and submit an application to the T-Mobile Hometown Grant Program for up to \$2,000,000 for the Black Mountain Senior Center project.
2. The Town Manager or their designee is authorized to execute all necessary documents related to the grant application and administration, if awarded.
3. This resolution shall take effect immediately upon its adoption.

Adopted this 1st day of November, 2025.

2.C. Resolution to Apply for the NC Community Foundation (NCCF) Disaster Relief Fund.

Tropical Storm Helene caused significant damage to the Lakeview Center for Aging, resulting in the loss of essential program materials, supplies, and equipment that support senior activities and wellness programs. The Lakeview Center is the home of the Town’s senior programming and provides critical social, educational, and health-related opportunities for older adults. The North Carolina Community Foundation (NCCF) Disaster Relief Fund provides grants to support recovery efforts and community rebuilding in areas affected by disasters. The Town seeks to apply for \$25,000 in funding to replace and restock materials necessary to resume and expand senior programs while long-term facility

restoration is underway.

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

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR THE NORTH CAROLINA COMMUNITY FOUNDATION (NCCF) DISASTER RELIEF FUND TO SUPPORT SENIOR PROGRAMMING RESTOCKING

RESOLUTION NO. R-25-83

WHEREAS, the Town of Black Mountain recognizes the essential role of senior programming in promoting the health, social engagement, and well-being of the community’s older adults; and

WHEREAS, the Lakeview Center for Aging, which housed senior programming activities, sustained significant losses during Tropical Storm Helene, including damage to program supplies, equipment, and materials necessary for continued operations; and

WHEREAS, the North Carolina Community Foundation (NCCF) Disaster Relief Fund provides grant assistance to communities affected by disasters to help replace lost materials, rebuild local capacity, and restore community services; and

WHEREAS, the Town of Black Mountain seeks to apply for up to \$25,000 through the NCCF Disaster Relief Fund to replace and restock essential materials used in senior programming.

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

1. The Town Council hereby authorizes staff to prepare and submit an application to the North Carolina Community Foundation Disaster Relief Fund for up to \$25,000 to replace and restock materials lost from the Lakeview Center for Aging due to Tropical Storm Helene.
2. The Town Manager, or their designee, is authorized to execute all necessary documents and agreements related to the grant application and administration, if awarded.
3. This resolution shall take effect immediately upon its adoption.

Adopted this 1st day of November, 2025.

2.D. A Resolution Authorizing the Town of Black Mountain to Enter Into Agreement with S&ME for Professional Engineering Services.

This resolution authorizes the Town of Black Mountain to enter into a Master Services Agreement with S&ME, Inc. for professional engineering and architectural services related to recovery and mitigation work following Tropical

Storm Helene (DR-4827-NC). The agreement will support assessment, design, permitting, and construction administration for the Lake Tomahawk Dam, spillway, and watershed dam infrastructure. S&ME was selected through a

qualifications-based procurement process in compliance with federal and state requirements, ensuring efficient and timely access to specialized engineering services for critical infrastructure resilience.

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

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO ENTER INTO A MASTER SERVICES AGREEMENT WITH S&ME FOR PROFESSIONAL ENGINEERING SERVICES

RESOLUTION NO: R-25-94

WHEREAS, Tropical Storm Helene (DR-4827-NC) caused extensive damage to Town infrastructure, including the Lake Tomahawk Dam, spillway, and watershed dam infrastructure; and

WHEREAS, the Town requires specialized professional engineering, geotechnical services to complete detailed assessment, design, permitting, bidding support, construction administration, and related services for these facilities; and

WHEREAS, S&ME (S&ME, Inc.) has been selected through a qualifications-based procurement process in accordance with 2 CFR 200 procurement standards and N.C.G.S. §143-64.31, ensuring compliance with federal and state requirements for architectural and engineering services; and

WHEREAS, entering into a Master Services Agreement will provide the Town with efficient, timely, and cost-effective access to professional services necessary to support recovery, mitigation, and long-term resilience related to dam and spillway infrastructure;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Black Mountain hereby authorizes the Town Manager to execute a Master Services Agreement with SM&E to provide professional engineering and architectural services for the Lake Tomahawk Dam, spillway, and watershed dam projects, and to execute any associated contract documents, task orders, or amendments as required.

This the 1st day of November 2025.

2.E. Resolution Authorizing Town to Enter into Agreement with Kimley-Horn for Professional Engineering & Architectural Services.

This resolution authorizes the Town of Black Mountain to enter into a Master Services Agreement with Kimley-Horn for professional engineering and architectural services related to the Veteran's Park bridge and associated structures damaged by Tropical Storm Helene (DR-4827-NC). The agreement will support flood damage assessment, design, permitting, and construction oversight for resilient replacement infrastructure. Kimley-Horn was selected through a

qualifications-based process compliant with federal and state procurement standards, ensuring an efficient and transparent approach to advancing this critical public safety and park restoration project.

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

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO ENTER INTO A MASTER SERVICES AGREEMENT WITH KIMLEY-HORN FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES

RESOLUTION NO. R-25-85

WHEREAS, Tropical Storm Helene (DR-4827-NC) caused substantial damage to the bridge and related structures at Veteran’s Park; and

WHEREAS, the Town requires professional engineering and architectural services to assess flood damage, design resilient replacement structures, secure permits, and oversee construction for the Veteran’s Park bridge and related facilities; and

WHEREAS, Kimley-Horn has been selected in accordance with federal Uniform Guidance procurement standards (2 CFR 200) and N.C.G.S. §143-64.31, ensuring a qualifications-based and fully compliant selection process;

WHEREAS, a Master Services Agreement will provide the Town a streamlined and efficient pathway to secure specialized services for this essential park and public safety infrastructure project;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby authorizes the Town Manager to execute a Master Services Agreement with Kimley-Horn for professional engineering and architectural services related to the Veteran’s Park bridge and structures, including necessary task orders and supporting contract documents.

This the 1st day of November 2025.

2.F. Resolution Authorizing Town to Enter into Agreement with Mills & Cawood ("GMC") for Professional Engineering & Architectural Services.

This resolution authorizes the Town of Black Mountain to enter into a Master Services Agreement with Mills & Cawood (GMC) for professional architectural and engineering services related to the replacement or rehabilitation of the Public Services Building, which sustained catastrophic damage from Tropical Storm Helene (DR-4827-NC). The agreement, established through a qualifications-based selection process compliant with federal and state requirements, will enable the Town to advance recovery, design, permitting, and construction activities

efficiently to restore essential public services and operational continuity.

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

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO ENTER INTO A MASTER SERVICES AGREEMENT WITH MILLS & CAWOOD (GMC) FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES

RESOLUTION NO. R-25-84

WHEREAS, Tropical Storm Helene (DR-4827-NC) caused catastrophic damage to Town facilities, including the Public Services Building; and

WHEREAS, professional architectural and engineering services are required to advance damage assessment, design, permitting, bidding, and construction oversight for replacement or rehabilitation of the Public Services Building; and

WHEREAS, Mills & Cawood (GMC) has been selected through a qualifications-based procurement process compliant with federal procurement regulations (2 CFR 200) and North Carolina statutory requirements for professional services (N.C.G.S. §143-64.31); and

WHEREAS, a Master Services Agreement will allow the Town to expeditiously advance recovery projects and ensure continuity of operations and essential public services;

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain Town Council authorizes the Town Manager to execute a Master Services Agreement with Mills & Cawood (GMC) for professional engineering and architectural services for the Public Services Building, and to execute related task orders and contract documents as necessary.

This the 1st day of November 2025.

2.G. Resolution Authorizing Town to Enter into Agreement with Jennings Environmental for Professional Engineering & Architectural Services.

The resolution authorizes the Town Manager to execute a Master Services Agreement with Jennings Environmental PLLC to provide ongoing, task-order-based environmental engineering and related professional services, including permitting, ecological support, regulatory compliance, and hazard mitigation, for the restoration of the Swannanoa River at Veterans Park

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

**RESOLUTION AUTHORIZING EXECUTION OF A MASTER SERVICES AGREEMENT
WITH JENNINGS ENVIRONMENTAL PLLC**

RESOLUTION NO. R-25-88

WHEREAS, the Town requires environmental engineering services on an ongoing and task-order basis; and

WHEREAS, Jennings Environmental PLLC has submitted a Master Services Agreement setting forth terms for environmental and related professional services for task orders issued by the Town for the restoration of the Swannanoa River at Veteran's Park ; and

WHEREAS, engaging Jennings Environmental PLLC will support environmental permitting, ecological services, regulatory compliance, and hazard mitigation work.

NOW, THEREFORE, BE IT RESOLVED that the Town Council authorizes the Town Manager to execute the Master Services Agreement with Jennings Environmental PLLC and to issue task orders as needed, subject to legal review.

Adopted this the 1st day of November, 2025.

- 2.H. Resolution Authorizing Town to Enter into Agreement with McGill Associates, PA for Professional Engineering & Architectural Services**
The Town of Black Mountain requires ongoing professional engineering and consulting services to support recovery and capital improvement efforts for multiple facilities, including the Public Safety Building, Golf Maintenance Building, Police Shooting Range, and the Town's Water System. Following a qualifications-based selection process in accordance with the North Carolina Mini-Brooks Act, **McGill Associates, P.A.** was selected to provide on-demand engineering, financial, planning, permitting, and construction administration services. The **Master Services Agreement**, dated **October 17, 2025**, establishes a task-order framework that allows the Town to efficiently engage McGill Associates for specific projects as needs arise. Council is requested to adopt the resolution authorizing the Town Manager to execute the **Master Services Agreement with McGill Associates, P.A.**, including amendments and task orders as necessary, subject to legal review.

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

**RESOLUTION AUTHORIZING EXECUTION OF A MASTER SERVICES AGREEMENT
WITH MCGILL ASSOCIATES, P.A.**

RESOLUTION #R-25-87

WHEREAS, the Town of Black Mountain (the “Town”) requires on-demand professional engineering and consulting services to support public infrastructure recovery, planning, and capital improvement initiatives for the Public Safety Building, Golf Maintenance Building, Police Shooting Range and Water System; and

WHEREAS, McGill Associates, P.A. was selected through a qualifications-based selection process in accordance with the North Carolina Mini-Brooks Act; and

WHEREAS, McGill Associates, P.A. has presented a Master Services Agreement dated October 17, 2025, authorizing on-demand and task-order based services for each project; and

WHEREAS, Town staff recommends entering into said Master Services Agreement to ensure timely access to engineering, financial, planning, permitting, construction administration, and related support services.

NOW, THEREFORE, BE IT RESOLVED that the Town Council authorizes the Town Manager to execute the Master Services Agreement with McGill Associates, P.A., including amendments and task orders as necessary to carry out the intent of this resolution, subject to legal review.

Adopted this the 1st day of November, 2025.

3. SPECIAL MEETING: NEW BUSINESS

3.A. Adopting Principles of Recovery to Guide Decision-Making and Project Evaluation.

Town Council Member Doug Hay made a motion to approve the resolution adopting the principles of recovery to guide decision-making and project evaluation. A vote of 5-0 in favor.

**TOWN OF BLACK MOUNTAIN RESOLUTION
ADOPTING PRINCIPLES OF RECOVERY TO GUIDE DECISION-MAKING AND
PROJECT EVALUATION**

RESOLUTION NO. R-25-75

WHEREAS, the Town of Black Mountain experienced widespread and unprecedented damage during Tropical Storm Helene (DR-4827-NC), resulting in destruction of critical infrastructure, public facilities, parks, and community assets; and

WHEREAS, the Town’s recovery is a multi-year effort involving federal, state, and local agencies, nonprofit partners, and residents, requiring clear alignment of priorities and a consistent decision-making framework; and

WHEREAS, recovery from a major disaster extends beyond rebuilding physical infrastructure, it includes restoring the Town’s capacity, resilience, and community wellbeing; and

WHEREAS, the Town Council recognizes the need to adopt guiding principles of recovery to ensure all recovery, mitigation, and redevelopment activities are evaluated through a shared lens of safety, equity, resilience, and fiscal responsibility; and

WHEREAS, adopting a set of recovery principles will promote consistency, transparency, and accountability in the evaluation and prioritization of projects, programs, and funding decisions;

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

The following Principles of Recovery shall guide the Town’s decision-making and serve as an evaluation tool for all recovery and resiliency initiatives:

1. Life Safety and Risk Reduction

Projects and policies shall first and foremost protect public safety, reduce flood risk, and enhance emergency preparedness and response capabilities. Actions that mitigate repetitive loss or remove people and assets from harm’s way will receive highest priority.

2. Regulatory Compliance and Resilience Standards

All recovery work shall meet or exceed applicable FEMA, NFIP, NCEM, and local floodplain standards, ensuring that rebuilt infrastructure and facilities are stronger, safer, and more resilient than before the disaster.

3. Equity and Accessibility

Recovery investments shall promote equitable outcomes across neighborhoods and population groups, ensuring that vulnerable and underserved residents have access to safe housing, services, and public spaces.

4. Fiscal Responsibility

Decisions shall balance long-term recovery needs with fiscal stewardship, prioritizing cost-effective solutions, maximizing use of external funding, and minimizing local financial burden.

5. Functionality and Continuity of Operations

Essential Town functions, including public safety, water, and infrastructure, shall be restored or relocated in ways that ensure operational continuity during future emergencies.

6. Environmental Stewardship

Projects shall respect and restore the natural environment, utilizing nature-based solutions such as flood storage, stream restoration, and green infrastructure to improve resilience and ecological health.

7. Strategic and Phased Implementation

Recovery actions will be planned and executed in logical phases—stabilization, restoration, mitigation, and long-term improvement so the Town can remain adaptable and expedient as conditions and funding evolve.

8. Transparency and Community Engagement

Residents, business owners, and partner agencies will be informed and engaged throughout recovery. The Town will maintain open communication channels and provide regular updates on progress, funding, and decision criteria.

9. Partnerships and Collaboration

The Town will collaborate with state and federal agencies, regional councils, nonprofit organizations, and local stakeholders to align resources, share data, and advance shared recovery goals.

10. Long-Term Resilience and Adaptation

Recovery is not a return to the status quo but a transition to a more resilient community. Every decision shall be evaluated for how it strengthens the Town’s ability to adapt to future disasters, climate impacts, and changing community needs.

BE IT FURTHER RESOLVED THAT:

- These Principles of Recovery shall be used by staff and Council as a decision-making and evaluation framework when considering projects, funding requests, and policies related to recovery and resiliency.
- Town staff shall include a Recovery Principles alignment statement in future Council agenda items and project recommendations where applicable.
- These principles will guide the work of the Office of Recovery and Resiliency and be revisited annually to ensure they remain relevant as the Town transitions from response to long-term recovery.

Adopted this the 1st day of November 2025.

3.B. Principles for Funding Strategies to Guide Recovery and Capital Project Decisions.

Town Council Member Ryan Stone made a motion to approve Principles for Funding Strategies to Guide Recovery and Capital Project Decisions. . A vote of 5-0 in favor.

RESOLUTION ADOPTING PRINCIPLES FOR FUNDING STRATEGIES TO GUIDE RECOVERY AND CAPITAL PROJECT DECISIONS

RESOLUTION NO. R-25-71

WHEREAS, the Town of Black Mountain sustained extensive infrastructure, facility, and park damage during Tropical Storm Helene (DR-4827-NC), resulting in the most significant recovery and rebuilding effort in the Town’s modern history; and

WHEREAS, the Town is managing numerous projects simultaneously through FEMA Public Assistance (PA), Hazard Mitigation Grant Program (HMGP), NC Department of Environmental Quality (NCDEQ), NC Department of Commerce, and other state and federal recovery programs; and

WHEREAS, not all community recovery and capital improvement needs are eligible for FEMA or other federal reimbursement, requiring the Town to pursue multiple funding sources such as Capital Grant Programs, State Revolving Funds, and local capital allocations; and

WHEREAS, the Town Council recognizes the need to establish consistent principles and priorities to guide funding strategy decisions, ensure fiscal responsibility, and maintain alignment between departments, staff, and elected officials; and

WHEREAS, adopting shared funding principles will promote transparency, consistency, and accountability in decision-making and enable more efficient coordination with state and federal partners;

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

The following principles shall guide all Town of Black Mountain funding strategies for recovery, resiliency, and capital projects moving forward:

1. **Maximize External Funding** – The Town will seek to utilize available federal and state funding programs before committing local funds, ensuring the highest possible return on public investment.
2. **Prioritize Eligibility and Compliance** – All projects will be developed and documented to meet eligibility requirements under FEMA, NCEM, NCDEQ, and related programs, including adherence to procurement, environmental, and permitting standards.
3. **Leverage Local Match Strategically** – The Town will apply local matching funds where required to unlock higher-value grant opportunities or accelerate recovery timelines, using a balanced approach that preserves long-term financial stability.

4. **Sequence Projects for Readiness and Risk Reduction** – Funding will be prioritized for projects that are shovel-ready, compliance-critical, or address life-safety and repetitive loss concerns, followed by long-term resiliency and facility improvement projects.
5. **Maintain Fiscal Discipline** – The Town will manage recovery and capital funding in accordance with adopted financial policies, maintaining appropriate reserves and debt ratios while ensuring transparent public reporting.
6. **Promote Multi-Use and Co-Benefit Investments** – Whenever feasible, the Town will design projects that provide multiple community benefits, such as combining stormwater management with recreation, or integrating resiliency into public facility design.
7. **Plan for Long-Term Sustainability** – All new facilities and infrastructure will be designed, insured, and maintained in compliance with NFIP and best-practice resiliency standards to minimize future disaster losses and operating costs.
8. **Coordinate and Communicate** – Staff will regularly brief Council on funding sources, project timelines, and program changes to ensure that all decisions are made with shared, up-to-date financial information.

Adopted this the 1st day of November 2025.

3.C. Resolution to Approve Flat Creek Greenway Method of Repair Project.

Town Council Member Alice Berry made a motion to approve resolution authorizing staff to proceed with design & construction to realign Flat Creek Greenway to Higher Ground West of the Existing Alignment (Option 2). A vote of 5-0 in favor.

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH DESIGN AND CONSTRUCTION TO REALIGN THE FLAT CREEK GREENWAY TO HIGHER GROUND WEST OF THE EXISTING ALIGNMENT

RESOLUTION NO. R-25-89

WHEREAS, Tropical Storm Helene caused major damage to the Flat Creek Greenway, including erosion, channel displacement, and loss of trail integrity, making portions of the existing alignment unsafe for reconstruction within the floodway; and

WHEREAS, the Town of Black Mountain is committed to rebuilding public infrastructure in a manner that promotes life safety, resilience, and environmental stewardship; and

WHEREAS, Town Council has reviewed alternatives and determined that realigning the trail to the west, onto higher ground, will remove public assets from the repetitive loss area, improve long-term resilience, and align with FEMA and NFIP standards for risk reduction; and

WHEREAS, the new alignment may require a property easement or parcel acquisition from the adjacent landowner, and design modifications to accommodate topography, drainage, and accessibility;

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

1. Town staff are authorized to proceed with surveying, engineering design, and permitting necessary to realign the Flat Creek Greenway to higher ground west of the current alignment.
2. Town staff are further authorized to negotiate for and, if feasible, secure the necessary easement or parcel for the new alignment, subject to final Council approval.
3. All work shall comply with FEMA Public Assistance eligibility requirements, NFIP regulations, and applicable environmental permitting standards.
4. Final design, budget, and acquisition terms shall be presented to Council for approval prior to bid advertisement or contract execution.

Adopted this 1st day of November, 2025.

3.D. Resolution Authorizing Staff to Proceed with the Design and Construction of a Floodplain-Compliant Facility at Veterans Park.

During Tropical Storm Helene, the restrooms and concession stand facilities at Veteran’s Park were destroyed by flooding. These facilities are vital for supporting youth baseball and softball leagues, community events, and day-to-day recreational activities. Due to the park’s location within the 100-year floodplain, any reconstruction must comply with the National Flood Insurance Program (NFIP) and the Town’s adopted Flood Damage Prevention Ordinance. Staff recommend replacing the damaged structures with a single, elevated, floodplain-compliant building that consolidates both restrooms and concession stand functions. This approach will improve accessibility, reduce maintenance costs, and meet all regulatory requirements.

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

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH THE DESIGN AND CONSTRUCTION OF A FLOODPLAIN-COMPLIANT FACILITY AT VETERAN’S PARK

RESOLUTION NO. R-25-81

WHEREAS, Tropical Storm Helene caused significant damage to public facilities at Veteran’s Park, including the public restrooms and concession stand; and

WHEREAS, these facilities are essential to the operation of youth sports leagues, community events, and recreational activities that serve residents and visitors of all ages; and

WHEREAS, the Town of Black Mountain is committed to restoring public facilities in a manner that promotes resilience, safety, and compliance with the National Flood Insurance Program (NFIP) and local flood damage prevention ordinances; and

WHEREAS, staff have evaluated options for replacement and recommend construction of a single, or combined, floodplain-compliant structure that includes both restrooms and concession stand functions, elevated and otherwise designed in full compliance with NFIP standards and the Town’s adopted floodplain regulations; and

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

1. Town Council hereby authorizes Town staff to proceed with the design and construction of a new floodplain-compliant facility, or facilities, at Veteran’s Park that includes both restrooms and concession stands.
2. Town staff are authorized to initiate design, permitting, and construction activities consistent with all applicable procurement, building, and floodplain regulations.
3. Final design plans and construction budgets shall be presented to Town Council for approval prior to bid award or contract execution.

Adopted this the 1st day of November 2025.

3.E. Resolution Authorizing Demolition of the Veterans Park Concession Stand Under the NC SMART Debris Program.

The Town of Black Mountain owns the concession stand building at Veteran’s Park, which is located within the Special Flood Hazard Area and partially within the floodway of the Swannanoa River. The structure sustained significant damage during Tropical Storm Helene and cannot be repaired or rebuilt in its current location under floodplain regulations. Due to structural instability, mold, and safety concerns, the building poses a public health hazard. The North Carolina Department of Emergency Management has confirmed the structure’s eligibility for demolition and debris removal under the NC SMART Debris Program at no cost to the Town.

Town Council Member Ryan Stone made a motion to approve resolution authorizing demolition of the Veterans Park Concession Stand Under the NC SMART Debris Program. A vote of 5-0 in favor.

**RESOLUTION AUTHORIZING DEMOLITION OF THE VETERAN’S PARK
CONCESSION STAND UNDER THE NC SMART DEBRIS PROGRAM**

RESOLUTION NO. R-25-76

WHEREAS, the Town of Black Mountain owns the concession stand building at Veteran’s Park, located within the Special Flood Hazard Area (SFHA) and partially within the regulated floodway of the Swannanoa River; and

WHEREAS, construction of enclosed or habitable structures within a designated floodway is prohibited under National Flood Insurance Program (NFIP) and Town of Black Mountain Flood Damage Prevention Ordinance requirements; and

WHEREAS, the concession stand was inundated during Tropical Storm Helene (DR-4827-NC), resulting in extensive structural and electrical damage; and

WHEREAS, because of its location within the SFHA and partially within the floodway, the structure cannot be repaired or replaced in its current location under federal and state floodplain management regulations; and

WHEREAS, the structure was originally constructed without appropriate permits, including a No Rise Certificate, and cannot be insured or covered by FEMA funds; and

WHEREAS, the building’s condition presents a public health and safety hazard due to flood damage, mold, and structural instability; and

WHEREAS, the NC SMART Debris Program, administered by the North Carolina Department of Emergency Management, has confirmed that demolition and debris removal for this structure are eligible for assistance under the program at no cost to the Town; and

WHEREAS, removal of the building will eliminate a noncompliant structure, reduce flood risk, and support long-term park restoration and resiliency goals;

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

1. The Town Council hereby authorizes staff to arrange for the demolition of the Veteran’s Park concession stand located within the Special Flood Hazard Area and floodway, utilizing assistance available through the NC SMART Debris Program.
2. The Town Manager, or their designee, is authorized to execute any and all documents necessary to facilitate demolition, debris hauling, and site stabilization in accordance with federal, state, and local requirements.

Adopted this the 1st day of November, 2025.

3.F. Resolution Authorizing Demolition of the Golf Course Maintenance Building Under the NC SMART Debris Program.

The Town of Black Mountain’s Golf Maintenance Building, located within the Special Flood Hazard Area, was severely damaged during Tropical Storm Helene. The structure, built below the Base Flood Elevation, does not meet National

Flood Insurance Program (NFIP) standards and suffered total loss of equipment along with major structural and environmental damage, including mold contamination. The building cannot be repaired or replaced in its current location under federal floodplain regulations. The NC SMART Debris Program, administered by the North Carolina Department of Emergency Management, has approved financial assistance to cover demolition and debris removal at no cost to the Town. Staff requests Town Council approve authorizing demolition of the Golf Maintenance Building using the NC SMART Debris Program, and to empower the Town Manager or designee to execute necessary documents, coordinate interdepartmental compliance efforts, and evaluate future flood-compatible use of the site.

Vice Mayor Archie Pertiller made a motion to approve resolution authorizing demolition of the Golf Course Maintenance Building under the NC SMART Debris Program. A vote of 5-0 in favor.

RESOLUTION AUTHORIZING DEMOLITION OF THE GOLF MAINTENANCE BUILDING UNDER THE NC SMART DEBRIS PROGRAM

RESOLUTION NO. R-25-77

WHEREAS, the Town of Black Mountain owns the Golf Maintenance Building located at 1 Byrd Inman Ln., Parcel ID: 0700901165, within the Special Flood Hazard Area (SFHA); and

WHEREAS, the building was constructed below the Base Flood Elevation (BFE) and does not meet floodplain management or National Flood Insurance Program (NFIP) standards; and

WHEREAS, during Tropical Storm Helene (DR-4827-NC), the building was inundated with floodwaters, resulting in total loss of stored equipment and extensive structural and environmental damage, including mold contamination; and

WHEREAS, per NFIP regulations, substantially damaged structures located below the BFE within the SFHA cannot be repaired or replaced in their current location; and

WHEREAS, the Town has confirmed that the NC SMART Debris Program, administered by the North Carolina Department of Emergency Management, will provide financial assistance to cover the costs of demolition and debris removal for the building; and

WHEREAS, removal of the structure will eliminate an ongoing health and safety hazard, reduce the Town's future flood risk exposure, and bring the property into compliance with applicable floodplain management requirements;

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

1. The Town Council hereby authorizes staff to arrange for the demolition of the Golf Maintenance Building located within the Special Flood Hazard Area, utilizing assistance available through the NC SMART Debris Program.

2. The Town Manager, or their designee, is authorized to execute any and all documents necessary to facilitate the demolition, debris hauling, and site restoration in accordance with federal, state, and local requirements.
3. The Town Manager is further directed to coordinate with the Planning, Public Works, and Finance Departments to ensure proper documentation for FEMA Public Assistance, NFIP compliance, and insurance reconciliation.
4. Upon completion of demolition, staff shall evaluate future use of the site for flood-compatible purposes consistent with the Town's Recovery and Resiliency objectives.

Adopted this the 1st day of November 2025.

3.G. Resolution Authorizing the Demolition of the Veterans Park Restroom Building Under the NC SMART Debris Program.

The restroom building at Veteran's Park, located within the Special Flood Hazard Area, was heavily damaged during Tropical Storm Helene, with approximately five feet of flooding causing substantial structural loss. The building does not meet National Flood Insurance Program (NFIP) standards, lacks required elevation above the Base Flood Elevation and was constructed without proper floodplain or building permits. Due to its location and extent of damage, the structure cannot be repaired or replaced under federal regulations and now presents a public safety and liability concern. The NC SMART Debris Program, administered by the North Carolina Department of Environmental Quality, has confirmed eligibility for demolition and debris removal assistance at no cost to the Town. Staff requests that Town Council authorize demolition of the Veteran's Park restroom building through the NC SMART Debris Program and to empower the Town Manager or designee to execute all required agreements and documentation for demolition, debris removal, and site restoration.

Town Council Member Doug Hay made a motion to approve the Resolution Authorizing Demolition of the Veterans Park Restroom Building Under the NC SMART Debris Program. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN RESOLUTION AUTHORIZING DEMOLITION OF THE VETERAN'S PARK RESTROOM BUILDING UNDER THE NC SMART DEBRIS PROGRAM

RESOLUTION NO. R-25-78

WHEREAS, the Town of Black Mountain owns the restroom building located at Veteran's Park, situated within the Special Flood Hazard Area (SFHA) as identified on the current Flood Insurance Rate Map; and

WHEREAS, the structure was constructed after the adoption of current floodplain management standards, lacks elevation above the Base Flood Elevation (BFE), and does not comply with National Flood Insurance Program (NFIP) requirements; and

WHEREAS, the restroom building was substantially damaged during Tropical Storm Helene (DR-4827-NC), with approximately five feet of floodwater inundation resulting in significant damage; and

WHEREAS, the building was constructed without record of floodplain development or building permits and was not insured at the time of the disaster; and

WHEREAS, per NFIP regulations, substantially damaged structures located below the BFE within the SFHA cannot be repaired or replaced in the same location; and

WHEREAS, the structure now poses a public health and safety hazard, and removal of the building will reduce future flood risk, eliminate liability exposure, and support long-term park resiliency goals; and

WHEREAS, the NC SMART Debris Program, administered by the North Carolina Department of Environmental Quality, has confirmed that demolition and debris removal for the structure are eligible for program assistance at no cost to the Town;

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

1. The Town Council hereby authorizes staff to arrange for the demolition of the Veteran’s Park restroom building located within the Special Flood Hazard Area, utilizing assistance available through the NC SMART Debris Program.
2. The Town Manager, or their designee, is authorized to execute any and all agreements, contracts, or documentation required to facilitate demolition, debris hauling, and site restoration in compliance with federal, state, and local regulations.

Adopted this the 1st day of November 2025.

3.H. Resolution Authorizing Staff to Apply for Capital Grant Funding for Projects Determined to be Ineligible for FEMA Public Assistance (Veterans Park Bldg., Golf Maintenance Bldg., Public Safety Bldg., match for FHWA sites on Cragmont).

Town Council Member Alice Berry made a motion to approve amended resolution authorizing staff to apply for Capital Grant Funding for Projects Determined to be Ineligible for FEMA Public Assistance. A vote of 5-0 in favor.

A RESOLUTION AUTHORIZING TOWN STAFF TO SUBMIT AN APPLICATION FOR STATE CAPITAL GRANT FUNDING FOR PROJECTS DETERMINED TO BE INELIGIBLE FOR FEMA PUBLIC ASSISTANCE

RESOLUTION NO. R-25-79

WHEREAS, Tropical Storm Helene caused extensive damage to public facilities and infrastructure in the Town of Black Mountain; and

WHEREAS, the Town has worked diligently with the Federal Emergency Management Agency (FEMA) to determine eligibility for Public Assistance funding for damaged facilities; and

WHEREAS, FEMA has verbally indicated that several Town facilities are not eligible for reimbursement due to lack of historical NFIP permit documentation and compliant construction, and formal written eligibility determinations are pending; and

WHEREAS, the State of North Carolina has established a capital grant program to assist local governments in addressing public facilities and infrastructure needs that are not eligible for FEMA Public Assistance; and

WHEREAS, the Town of Black Mountain seeks to apply for such State capital grant funding to restore and replace critical public facilities necessary for the continued delivery of municipal and recreational services; and

WHEREAS, the following projects have been identified as eligible for the State capital grant due to FEMA ineligibility or required match for FHWA sites:

Project	Amount
Veteran’s Park Building	\$350,000
Golf Maintenance Building	\$1,000,000
Match for FHWA Sites on Cragmont	\$50,000
Public Safety Building	\$1,072,000

Approved this the 1st day of November 2025.

4. SPECIAL MEETING: CAPITAL PROJECT ORDINANCES & BUDGET AMENDMENTS

4.A. Flat Creek Greenway Capital Project Ordinance.

The Town of Black Mountain proposes to establish a Capital Project Fund Ordinance to finance engineering work for the Flat Creek Greenway

improvements related to damage sustained during Tropical Storm Helene. The project will be funded through the North Carolina State Bridge Loan Program, which provides temporary bridge funding to advance eligible projects prior to FEMA Public Assistance reimbursement. Once FEMA reimbursements are received, they will be used to repay the State Bridge Loan. The ordinance authorizes \$35,000 in revenues and expenditures, designating the funds specifically for engineering costs. It also grants the Town Manager and Finance Director authority to manage project accounts, ensuring total expenditures do not exceed total revenues without Council approval. Town Council is requested to approve the Capital Project Fund Ordinance for the Flat Creek Greenway Project to authorize \$35,000 for engineering services funded through the NC State Bridge Loan Program.

Vice Mayor Archie Pertiller made a motion to approve Flat Creek Greenway Capital Project Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
Flat Creek Greenway Project
Capital Project Fund Ordinance**

ORDINANCE NO. O-25-27

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing the engineering for Flat Creek Greenway improvements related to damage incurred during Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$35,000.00
Total Revenue	\$35,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenditures</u>	
<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Engineering (425-8806-52015)	\$35,000.00
Total Expenditures	\$35,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget

year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.B. Flat Creek Greenway Budget Amendment.

Vice Mayor Archie Pertiller made a motion to approve Flat Creek Greenway Budget Amendment as presented. A vote of 5-0 in favor.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET TO ACCOMPANY THE FLAT CREEK GREENWAY PROJECT CAPITAL PROJECT FUND ORDINANCE, O-25-27

RESOLUTION NO. R-25-95

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for the purpose of financing the engineering for Flat Creek Greenway improvements related to damage incurred during Tropical Storm Helene; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 Budget to recognize and appropriate additional funds in support of the Flat Creek Greenway Project Engineering; and

WHEREAS, the North Carolina State Bridge Loan will provide the funding source for this project.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-48025	Transfer from NC State Bridge Loan	—	\$35,000
425-8806-52012	Engineering	\$35,000	—

Section 1. The purpose of this amendment is to recognize and appropriate \$35,000 in revenue and expenditure for the Flat Creek Greenway Project Engineering, funded by the NC State Bridge Loan.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November, 2025.

4.C. Lakeview Center Capital Project Ordinance.

The Town of Black Mountain proposes to establish a Capital Project Fund Ordinance to finance engineering services for the restoration or rebuilding of the Lakeview Senior Center. This project aims to develop engineering solutions that address damage sustained and ensure compliance with current design and construction standards. Funding for the project totals **\$200,000**, sourced from Fund Balance Appropriation - Helene, with reimbursements anticipated through the North Carolina State Bridge Loan Program and FEMA Public Assistance. The ordinance authorizes the full appropriation of funds for engineering expenses and empowers the Town Manager and Finance Director to manage related accounts, ensuring compliance with fiscal and reporting requirements. Town Council is requested to approve the Capital Project Fund Ordinance for the Lakeview Senior Center, authorizing \$200,000 in funding for engineering services and granting authority to staff to manage project implementation and financial reporting in accordance with state and federal guidelines.

Town Council Member Archie Pertiller made a motion to approve Lakeview Center Capital Project Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
Engineering for Lakeview Center Project
Capital Project Fund Ordinance**

ORDINANCE NO. O-25-28

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing engineering solutions to restore or rebuild the Lakeview Senior Center.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements

related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<i>Budgeted Revenues</i>	
<i>Revenue Type</i>	<i>Anticipated Revenues</i>
Unrestricted Cash (Helene Fund) (XXX-XXXX-XXXX)	\$200,000.00
Total Revenue	\$200,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
<i>Expenditure Type</i>	<i>Anticipated Expenditures</i>
Engineering (425-8806-52015)	\$200,000.00
Total Expenditures	\$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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during

the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.D. Lakeview Center Budget Amendment.

Town Council Member Ryan Stone made a motion to approve Lakeview Center Budget Amendment as presented. A vote of 5-0 in favor.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET TO ACCOMPANY THE ENGINEERING FOR LAKEVIEW CENTER CAPITAL PROJECT ORDINANCE, O-25-28

RESOLUTION NO. R-25-97

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for engineering and design work related to the restoration or reconstruction of the Lakeview Center for Aging; and

WHEREAS, it is necessary to allocate sufficient funding to ensure that the Town can advance engineering for the most costly potential scenario, including the design and permitting of a new, code-compliant structure if required by FEMA, NFIP, or applicable building standards; and

WHEREAS, the project will be funded from available unrestricted cash in the Helene Fund.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-48590	Transfer from Helene Fund (Unrestricted Cash)	—	\$200,000
425-8806-52012	Engineering	\$200,000	—

Section 1. The purpose of this amendment is to recognize and appropriate \$200,000 in revenue and expenditure for the Lakeview Center Engineering Project, funded from available unrestricted cash in the Helene Fund.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November 2025.

4.E. Veterans Park Bridge Capital Project Ordinance

Overview:

The Town of Black Mountain proposes to establish a Capital Project Fund Ordinance to finance engineering services for the Veteran’s Park Bridge project. The project will address design and engineering needs related to bridge restoration and improvements following Tropical Storm Helene.

Funding for the project totals **\$120,000**, provided through the **North Carolina State Bridge Loan Program**, which offers bridge funding to advance eligible projects prior to FEMA Public Assistance reimbursement. Once FEMA reimbursements are received, they will be used to repay the State Bridge Loan.

The ordinance authorizes all necessary appropriations, directs staff to proceed with the project in compliance with all fiscal and regulatory requirements, and grants the Town Manager and Finance Director authority to manage project accounts within the approved budget.

Action Requested:

Town Council approval of the Capital Project Fund Ordinance for the Veteran’s Park Bridge project, authorizing \$120,000 in funding for engineering services through the NC State Bridge Loan Program.

Town Council Member Doug Hay made a motion to approve Veterans Park Bridge Capital Project Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
Engineering for Veteran’s Park Bridge
Capital Project Fund Ordinance**

ORDINANCE NO. O-25-29

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, notes or debt instruments or a project involving the construction or

acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2: Project Authorization

The project authorized is for the purpose of financing the engineering for the Veteran’s Park Bridge.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$120,000.00
Total Revenue	\$120,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenditures</u>	
<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Engineering (425-8806-52015)	\$120,000.00
Total Expenditures	\$120,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.F. Veterans Park Bridge Budget Amendment.

Vice Mayor Archie Pertiller made a motion to approve Veterans Park Bridge budget amendment as presented. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE ENGINEERING FOR VETERAN’S PARK BRIDGE CAPITAL
PROJECT ORDINANCE, O-25-29**

RESOLUTION NO. R-25-96

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for engineering and design services associated with the Veteran’s Park Bridge; and

WHEREAS, the bridge sustained significant damage during Tropical Storm Helene, and engineering work is necessary to design replacement or restoration solutions that comply with FEMA Public Assistance and NCDEQ requirements; and

WHEREAS, the project will be funded through the North Carolina State Bridge Loan Program, which provides bridge funding to advance FEMA-eligible projects prior to reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-48025	NC State Bridge Loan	—	\$120,000
425-8806-52012	Engineering	\$120,000	—

Section 1. The purpose of this amendment is to recognize and appropriate \$120,000 in revenue and expenditure for the Veteran’s Park Bridge Engineering Project, funded by the North Carolina State Bridge Loan.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November, 2025.

4.G. Hilltop Road Capital Project Ordinance.

This item establishes a Capital Project Ordinance. The project authorized is for the purpose of financing the acquisition of property, engineering, and construction solutions for the Hilltop Road damage caused by Tropical Storm Helene. Total project cost equals \$900,000, less \$300,000 paid for in FY25. The project is funded in part by revenue provided by the North Carolina State Bridge Loan program (\$541,540.09). This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments. Additional revenues are from Paving and Powell Bill funds.

Town Council Member Doug Hay made a motion to approve the Hilltop Road Capital Project Ordinance as presented. . A vote of 5-0 in favor.

**TOWN OF BLACK MOUNTAIN
HILLTOP ROAD PROJECT
CAPITAL PROJECT FUND ORDINANCE
ORDINANCE NO. O-25-30**

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing the acquisition of property, engineering, and construction solutions for the Hilltop Road damage caused by Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$600,000.00
PW Paving (2024) (XXX-XXXX-XXXXX)	\$200,000.00
Powell Bill (2024) (XXX-XXXX-XXXXX)	\$100,000.00
Total Revenue	\$900,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenditures</u>	
<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Engineering & Permitting (425-8806-52015)	\$220,000.00
Property Acquisition (425-8806-57110)	\$120,000.00
Construction (425-8806-57610)	\$476,000.00
Construction Engineering & Inspection (425-8806-52015)	\$84,000.00
Total Expenditures	\$900,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.H. Hilltop Road Budget Amendments.

Vice Mayor Archie Pertiller made a motion to approve Hilltop Road Budget Amendments as presented. A vote of 5-0 in favor.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET TO ACCOMPANY THE HILLTOP ROAD CAPITAL PROJECT ORDINANCE, O-25-30

RESOLUTION NO. R-25-92

WHEREAS, the Town Council of the Town of Black Mountain adopted a Capital Project Ordinance for the Hilltop Road Project, O-25-30, to fund engineering and design work, property acquisition, and construction related to damages sustained during Tropical Storm Helene; and

WHEREAS, the project is being advanced with bridge funding through the North Carolina State Bridge Loan Program; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate funding to support the Hilltop Road Capital Project.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-52015	Transfer to Capital Project – Hilltop Road Engineering	\$58,459.91	—
1039700-49900	Appropriated Fund Balance (General Fund)	—	\$58,459.91
425-8806-52015	Engineering, Permitting, & Inspections (Bridge Loan)	\$245,540.09	—
425-8806-57110	Property Acquisition	\$120,000.00	—
425-8806-57610	Construction	\$176,000.00	—
425-8806-48025	NC State Bridge Loan	—	\$541,540.09

Section 1. The purpose of this amendment is to recognize and appropriate \$600,000 in revenue and expenditure for the Hilltop Road Capital Project Fund (Fund 425) for engineering services, property acquisition, and construction.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November, 2025.

4.I. Lake Tomahawk Dam Capital Project.

The project authorized is for the purpose of financing the engineering and construction solutions for the damage to Lake Tomahawk Dam because of Tropical Storm Helene. The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

Town Council Member Alice Berry made a motion to approve Lake Tomahawk Dam Capital Project Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
Lake Tomahawk Dam Project
Capital Project Fund Ordinance**

ORDINANCE NO. O-25-31

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing the engineering and construction solutions for the damage to Lake Tomahawk Dam as a result of Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$250,000.00
Total Revenue	\$250,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenditures</u>	
<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Engineering (425-8806-52015)	\$37,500.00
Construction (425-8806-57610)	\$212,500.00
Total Expenditures	\$250,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.J. Lake Tomahawk Dam Budget Amendment.

Town Council Member Alice Berry made a motion to approve Lake Tomahawk Dam Budget Amendment as presented. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE LAKE TOMAHAWK DAM CAPITAL PROJECT ORDINANCE,
O-25-31**

RESOLUTION NO. R-25-98

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for the engineering and construction work required to address damages to the Lake Tomahawk Dam sustained during Tropical Storm Helene; and

WHEREAS, the project will advance using the North Carolina State Bridge Loan Program, which provides bridge funding for FEMA-eligible recovery projects prior to reimbursement; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate the revenue and expenditures associated with the Lake Tomahawk Dam Project.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-48025	NC State Bridge Loan	—	\$250,000
425-8806-52012	Engineering	\$37,500	—
425-8806-57610	Construction	\$212,500	—

Section 1. The purpose of this amendment is to recognize and appropriate \$250,000 in revenue and expenditure for the Lake Tomahawk Dam Project to fund engineering design and construction activities, supported by the North Carolina State Bridge Loan.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November 2025.

- 4.K. Lake Tomahawk Spillway Replacement Capital Project Ordinance.**
 The Town of Black Mountain proposes to establish a Capital Project Fund Ordinance to finance engineering and construction work for the replacement of the Lake Tomahawk Spillway, which was damaged during Tropical Storm Helene. This project will restore the spillway’s structural integrity and ensure compliance with safety and environmental standards. The total project budget is **\$475,032.28**, fully funded through the **North Carolina State Bridge Loan Program**, which provides bridge funding to advance eligible projects prior to FEMA Public Assistance reimbursement. FEMA reimbursements will be applied toward repayment of the loan. The ordinance authorizes all necessary appropriations and directs the Town Manager and Finance Director to manage project accounts, ensuring expenditures do not exceed revenues without Council approval.

Town Council Member Alice Berry made a motion to approve Lake Tomahawk Spillway Replacement Capital Project Ordinance as presented. . A vote of 5-0 in favor.

**Town of Black Mountain
 Lake Tomahawk Spillway Replacement Project
 Capital Project Fund Ordinance**

ORDINANCE NO. O-25-32

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing engineering and construction solutions to the damage to the Lake Tomahawk Spillway as a result of Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$416,572.37
Total Revenue	\$416,572.37

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenditures</u>	
<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Engineering (425-8806-52015)	\$62,485.86
Construction (425-8806-57610)	\$354,086.51
Total Expenditures	\$416,572.37

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.L. Lake Tomahawk Spillway Budget Amendment.

Vice Mayor Archie Pertiller made a motion to approve Lake Tomahawk Spillway Budget Amendment as presented. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE LAKE TOMAHAWK SPILLWAY PROJECT CAPITAL
PROJECT ORDINANCE, O-25-32**

RESOLUTION NO. R-25-99

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for the engineering and construction work required to repair and stabilize the Lake Tomahawk Spillway, which sustained significant damage during Tropical Storm Helene; and

WHEREAS, the project will be advanced using the North Carolina State Bridge Loan Program, which provides bridge funding to support FEMA-eligible recovery projects prior to reimbursement; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate the revenue and expenditures associated with the Lake Tomahawk Spillway Project.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following budget amendment be made to the Fiscal Year 2025–2026 Budget:

Account Number	Account Description	Increase	Decrease
425-8806-48025	NC State Bridge Loan	—	\$475,032.28
425-8806-52012	Engineering	\$71,254.84	—
425-8806-57610	Construction	\$403,777.44	—

Section 1. The purpose of this amendment is to recognize and appropriate \$475,032.28 in revenue and expenditure for the Lake Tomahawk Spillway Project, funded by the North Carolina State Bridge Loan.

Section 2. This resolution shall become effective upon adoption.

Adopted this the 1st day of November, 2025.

4.M. Town Roads 1 & 2 Capital Project Ordinance.

The Town Council of Black Mountain has authorized a capital project to fund engineering and construction repairs for multiple town roads (“Town Roads 1” and “Town Roads 2”) damaged by Tropical Storm Helene. The \$800,000 project is funded by the NC State Bridge Loan program and FEMA Public Assistance reimbursements. The Town Manager and Finance Director are authorized to manage the project within the approved budget and funding requirements.

Council Member Pam King made a motion to approve the following Capital Project Fund Ordinance. A vote of 5-0 in favor.

Town of Black Mountain

Town Roads 1 & 2 Project Capital Project Fund Ordinance

ORDINANCE NO. O-25-33

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing engineering and construction solutions to the damage to several roads, categorized as "Town Roads 1" and "Town Roads 2", which suffered minor damage to Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC State Bridge Loan (425-8806-48025)	\$783,000.00
FEMA PA Reimbursement (XXX-XXXX-XXXXX)	\$17,000.00
Total Revenue	<u><u>\$800,000.00</u></u>

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
<i>Expenditure Type</i>	<i>Anticipated Expenditures</i>
Engineering (425-8806-52015)	\$100,000.00
Construction (425-8806-52320)	\$700,000.00
Total Expenditures	\$800,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.N. Town Roads 1 & 2 Project Budget Amendments.

Town Council Member Pam King made a motion to approve Town Roads 1 & 2 Project Budget Amendments as presented . A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE TOWN ROADS 1 & 2 CAPITAL PROJECT FUND RESOLUTION,
O-25-33**

RESOLUTION NO. R-25-93

BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Purpose

The purpose of this budget amendment is to recognize and appropriate funding to support the Town Roads 1 & 2 Project in accordance with the adopted Capital Project Fund Resolution. This project will address roadway and minor infrastructure damage sustained during Tropical Storm Helene. Funding is provided through the North Carolina State Bridge Loan Program, which advances costs until FEMA Public Assistance reimbursement occurs.

Section 2. Revenues

The following revenues are hereby increased and transferred to the Town Roads 1 & 2 Capital Project Fund:

Account Number	Description	Increase
425-8806-48025	NC State Bridge Loan Proceeds	\$783,000.00
425-8806-43100	FEMA PA Reimbursement	\$17,000.00
	Total Revenue	\$800,000.00

Section 3. Expenditures

The following expenditures are authorized in the Town Roads 1 & 2 Capital Project Fund:

Account Number	Description	Increase
425-8806-52012	Engineering	\$100,000.00
425-8806-57610	Construction	\$700,000.00
	Total Expenditures	\$800,000.00

Section 4. Authorization

The Town Manager and Finance Director are authorized to implement this budget amendment and administer the project in accordance with the adopted Capital Project Fund Resolution, the North Carolina Local Government Budget and Fiscal Control Act, and applicable FEMA and State program regulations.

Section 5. Effective Date

This resolution shall become effective upon adoption.

ADOPTED this 1st day of November, 2025.

4.O. Oconeechee Sinkhole Capital Project Ordinance.

The Town Council of Black Mountain has authorized a capital project to design and construct a permanent solution to the sinkhole near N. Oconeechee Ave. The \$1,125,000 project is funded by the NC DEQ Bridge Loan program, with FEMA reimbursements applied to loan payments. The Town Manager and Finance Director are authorized to manage the project within the approved budget, and the ordinance expires when the project is complete or the grant ends.

Vice Mayor Archie Pertiller made a motion to approve Oconeechee Sinkhole Capital Project Ordinance as presented. . A vote of 5-0 in favor.

Town of Black Mountain Oconeechee Sinkhole Project Capital Project Fund Ordinance

ORDINANCE NO. O-25-34

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of engineering and constructing a permanent system

solution to the sinkhole on or near N Oconeechee Ave.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina Department of Environmental Quality (DEQ) Bridge Loan program. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to NC DEQ Bridge Loan payments.

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:

<i><u>Budgeted Revenues</u></i>	
<i><u>Revenue Type</u></i>	<i><u>Anticipated Revenues</u></i>
NC DEQ Bridge Loan (425-8806-48025)	\$1,125,000.00
Total Revenue	\$1,125,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i><u>Budgeted Expenditures</u></i>	
<i><u>Expenditure Type</u></i>	<i><u>Anticipated Expenditures</u></i>
Engineering (425-8806-52015)	\$168,100.00
Construction (425-8806-57610)	\$956,900.00
Total Expenditure	\$1,125,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.P. Oconeechee Sinkhole Budget Amendment.

Vice Mayor Archie Pertiller made a motion to approve Occoneechee Sinkhole Budget Amendment as presented. A vote of 5-0 in favor.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET TO ACCOMPANY THE OCONEECHEE SINKHOLE CAPITAL PROJECT FUND ORDINANCE, O-25-34

RESOLUTION NO. R-25-100

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for the Oconeechee Sinkhole Project, O-25-34, to address damages sustained during Tropical Storm Helene; and

WHEREAS, funding for the project is made available through the North Carolina Department of Environmental Quality (NC DEQ) Bridge Loan Program, which provides bridge funding for FEMA-eligible recovery projects prior to reimbursement; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate revenues and expenditures associated with this project in accordance with the adopted Capital Project Ordinance and the Town’s financial policies.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2026:

Section 1. Purpose. The purpose of this budget amendment is to recognize and appropriate funding to support the Oconeechee Sinkhole Project in accordance with the adopted Capital Project Fund Ordinance. This amendment provides the budget authority to align current year activities with the multi-year project financing plan.

Section 2. Revenues. The following revenues are hereby increased in the Helene Recovery Fund and transferred to the Oconeechee Sinkhole Capital Project Fund:

Account Number	Account Description	Increase
425-8806-48025	Transfer In – NC DEQ Bridge Loan Proceeds	\$1,125,000.00

Section 3. Expenditures. The following expenditures are authorized for the Oconeechee Sinkhole Capital Project Fund:

Account Number	Account Description	Increase
425-8806-52012	Engineering	\$168,100.00
425-8806-57610	Construction	\$956,900.00
	Total Expenditures	\$1,125,000.00

Section 4. Authorization. The Town Manager and Finance Director are authorized to implement this amendment and manage the project consistent with the adopted Capital Project Ordinance, applicable federal and state guidance, and Town financial policies.

Section 5. Effective Date. This Budget Amendment shall become effective upon adoption.

Adopted this the 1st day of November 2025.

4.Q. Water System Capital Project Ordinance.

The Town Council of Black Mountain has authorized a capital project to repair the town’s water system, including engineering and construction of recovery-related improvements. The \$1,043,290 project is funded by the NC DEQ Bridge Loan program, with FEMA reimbursements applied to loan payments. The Town Manager and Finance Director are authorized to manage the project within the approved budget, and the ordinance expires when the project is complete or the grant funding period ends.

Vice Mayor Archie Pertiller made a motion to approve Water System Capital Project Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
Water System Project
Capital Project Fund Ordinance**

ORDINANCE NO. O-25-35

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of repairing the Town of Black Mountain water system, including engineering and construction of recovery-related improvements for the water system.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina Department of Environmental Quality (DEQ) Bridge Loan program. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to NC DEQ Bridge Loan payments.

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:

<u>Budgeted Revenues</u>	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
NC DEQ Bridge Loan (450-8516-48025)	\$1,043,290.32
Total Revenue	<u><u>\$1,043,290.32</u></u>

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
<i>Expenditure Type</i>	<i>Anticipated Expenditures</i>
Engineering (450-8516-52012)	\$156,493.55
Construction (450-8516-57615)	\$886,796.77
Total Expenditure	\$1,043,290.32

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.R. Water System Project Budget Amendment.

Vice Mayor Archie Pertiller made a motion to approve Water System Project Budget Amendment as presented. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE WATER SYSTEM RECOVERY PROJECT CAPITAL PROJECT
FUND RESOLUTION, O-25-35**

RESOLUTION NO. R-25-101

WHEREAS, the Town Council of the Town of Black Mountain has authorized the creation of a Capital Project Fund for the Water System Recovery Project to address damages sustained by the Town’s water system as a result of Tropical Storm Helene; and

WHEREAS, the project includes engineering, repairs, and construction necessary to restore the Town’s water system to safe and reliable operation; and

WHEREAS, funding for the project is made available through the North Carolina Department of Environmental Quality (NC DEQ) Bridge Loan Program, which provides bridge funding for FEMA-eligible recovery projects prior to reimbursement; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate revenues and expenditures associated with this project in accordance with the adopted Capital Project Fund Resolution and the Town’s financial policies.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Purpose. The purpose of this budget amendment is to recognize and appropriate funding to support the Water System Recovery Project in accordance with the adopted Capital Project Fund Resolution. This project includes engineering, repairs, and construction necessary to restore the Town’s water system following Tropical Storm Helene. Funding is made available through the NC DEQ Bridge Loan Program in anticipation of FEMA Public Assistance reimbursement.

Section 2. Revenues. The following revenues are hereby recognized and transferred to the Water System Capital Project Fund:

Account Number	Description	Increase
450-8516-48025	NC DEQ Bridge Loan Proceeds	\$1,043,290.32
	Total Revenue	\$1,043,290.32

Section 3. Expenditures. The following expenditures are authorized in the Water System Capital Project Fund:

Account Number	Description	Increase
450-8516-52012	Engineering	\$156,493.55
450-8516-57615	Construction	\$886,796.77
	Total Expenditures	\$1,043,290.32

Section 4. Authorization. The Town Manager and Finance Director are authorized to implement this budget amendment and administer the project in accordance with the adopted Capital Project Fund Resolution, the Local Government Budget and Fiscal Control Act, and applicable federal and state program requirements.

Section 5. Effective Date. This Budget Amendment shall become effective upon adoption.

Adopted this the 1st day of November 2025.

- 4.S. Cragmont Road Capital Project Fund Ordinance.**
 The Town Council has authorized a capital project to repair Cragmont Road following damage from Tropical Storm Helene, including engineering and construction work. The \$250,000 project is funded by the NC Unmet Needs Grant and the NC State Bridge Loan, with FEMA reimbursements applied toward the loan. The Town Manager and Finance Director are authorized to manage the project within the approved budget, and the ordinance expires when the project is complete or the grant period ends.

Town Council Member Pam King made a motion to approve Cragmont Road Capital Project Fund Ordinance as presented. A vote of 5-0 in favor.

**Town of Black Mountain
 Cragmont Road Project
 Capital Project Fund Ordinance**

ORDINANCE NO. O-25-36

BE IT ORDAINED by the Town Council 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 created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of financing engineering and construction solutions to the damage to Cragmont Road caused by Tropical Storm Helene.

Section 3: Funding

The project is funded in whole or in part by revenue provided by the North Carolina State Bridge Loan program. This loan provides bridge funding to allow eligible projects to advance prior to FEMA Public Assistance reimbursement. FEMA Public Assistance expenditure reimbursements related to project costs from this capital project will be allocated to State Bridge Loan payments.

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:

<i>Budgeted Revenues</i>	
<i>Revenue Type</i>	<i>Anticipated Revenues</i>
NC Unmet Needs Grant (425-8806-43200)	\$50,000.00
NC State Bridge Loan (425-8806-48025)	\$200,000.00
Total Revenue	\$250,000.00

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
<i>Expenditure Type</i>	<i>Anticipated Expenditures</i>
Engineering (425-8806-52012)	\$37,500.00
Construction (425-8806-57610)	\$212,500.00
Total Expenditures	\$250,000.00

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. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both

expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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 10. Budget Inclusion

Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. 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 comes first.

Duly adopted this 1st day of November 2025.

4.T. Cragmont Road Budget Amendment.

Town Council Member Pam King made a motion to approve Cragmont Road Budget Amendment as presented. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
TO ACCOMPANY THE CRAGMONT ROAD CAPITAL PROJECT FUND RESOLUTION,
O-25-36**

RESOLUTION NO. R-25-102

BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Purpose. The purpose of this budget amendment is to recognize and appropriate funding to support the Cragmont Road Project in accordance with the adopted Capital Project Fund Resolution. This project will address roadway and minor infrastructure damage sustained during Tropical Storm Helene. Funding is provided through the North Carolina State Bridge Loan Program, which advances costs until FEMA Public Assistance reimbursement occurs.

Section 2. Revenues. The following revenues are hereby increased and transferred to the Cragmont Road Capital Project Fund:

Account Number	Description	Increase
425-8806-43200	NC Unmet Needs Grant Proceeds	\$50,000.00
425-8806-48025	NC State Bridge Loan Proceeds	\$200,000.00
	Total Revenue	\$250,000.00

Section 3. Expenditures. The following expenditures are authorized in the Cragmont Road Capital Project Fund:

Account Number	Description	Increase
425-8806-52012	Engineering	\$37,500.00
425-8806-57610	Construction	\$212,500.00
	Total Expenditures	\$250,000.00

Section 4. Authorization. The Town Manager and Finance Director are authorized to implement this budget amendment and administer the project in accordance with the adopted Capital Project Fund Resolution, the North Carolina Local Government Budget and Fiscal Control Act, and applicable FEMA and State program regulations.

Section 5. Effective Date. This resolution shall become effective upon adoption.

Adopted this the 1st day of November 2025.

4.U. Budget Amendment: Golf Course Bridge and Cart Path Repairs from Helene Fund.

The Town’s municipal golf course sustained damage to two bridges and portions of the cart path during Tropical Storm Helene. Both bridges are critical for access to play areas and maintenance routes. Staff recommend replacement using flood-resilient design and materials. Cart path repairs are also necessary to ensure safe and continuous use. These projects are eligible for FEMA PA (Public Assistance) reimbursement. The project has been submitted off of cost estimates. Staff request approval of the budget amendment to appropriate \$100,000 for bridge replacement, and \$8,000 for cart path repairs at the golf course, funded through the Helene Fund.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment for Golf Course Bridge and Cart Path Repairs from Helene Fund as recommended. A vote of 5-0 in favor.

**A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET
FOR GOLF COURSE BRIDGE AND CART PATH REPAIRS**

RESOLUTION NO. R-25-103

WHEREAS, the Town’s municipal golf course sustained damage to two bridges and portions of the cart path during Tropical Storm Helene; and

WHEREAS, both bridges are critical for access to play areas and maintenance routes, and staff recommend replacement using flood-resilient design and materials; and

WHEREAS, cart path repairs are necessary to ensure safe and continuous use; and

WHEREAS, these projects are eligible for FEMA Public Assistance (PA) reimbursement and have been submitted based on cost estimates; and

WHEREAS, it is necessary to amend the Fiscal Year 2025–2026 budget to recognize and appropriate funding for these projects.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Helene Fund Amendments. The Helene Fund is hereby amended as follows:

Account Number	Account Description	Increase	Decrease
425-8806-57610	Capital Outlay – Golf Course Bridges	\$100,000	—
425-8806-52311	Capital Outlay – Cart Path Repairs	\$8,000	—
425-8806-48900	Fund Balance Appropriation	—	\$108,000

Section 2. Effective Date. This resolution shall become effective upon adoption.

Adopted this the 1st day of November 2025.

4.V. Budget Amendment: Insurance Proceeds for Public Services Building Engineering and Construction.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment for Insurance Proceeds for Public Services Building Engineering and Construction as presented. A vote of 5-0 in favor.

**A RESOLUTION BUDGETING INSURANCE PROCEEDS FOR THE PUBLIC SERVICES
BUILDING ENGINEERING AND CONSTRUCTION**

RESOLUTION NO. R-25-72

WHEREAS, the Town of Black Mountain sustained substantial damage to the Public Works Building during Tropical Storm Helene; and

WHEREAS, the facility is essential to the Town’s ability to deliver critical public services and maintain infrastructure; and

WHEREAS, the Town has received \$1,500,000.00 in insurance proceeds related to this loss; and

WHEREAS, these proceeds are to be used to fund engineering, planning, and construction of a replacement Public Services facility; and

WHEREAS, budgeting these proceeds allows the Town to initiate engineering and design work while awaiting FEMA Public Assistance and other state or federal funding determinations;

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

1. The Town budgets \$1,500,000.00 in insurance proceeds to support engineering and construction activities for the Public Works Building.
 - \$150,000.00 – for engineering for the Public Services Building (*to 425-8806-52012 from 425-8806-48010*)
 - \$1,350,000.00 – for construction for the Public Services Building (*to 425-8806-57610 from 425-8806-48010*)
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.
3. The Town shall continue to pursue FEMA Public Assistance reimbursement and other recovery funding sources for eligible project costs.

ADOPTED this 1st day of November, 2025.

5. **CLOSING REMARKS AND NEXT STEPS.** Fountainworks staff reviewed items from the sessions and discussed next steps with staff and the Council.
6. **ADJOURNMENT.** *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 1:25 PM.*

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

November 6, 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, November 6, 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; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Chris Kuhn, Deputy Police Chief.

November 10, 2025 Council Meeting Agenda Review: Town Manager Josh Harrold reviewed the proposed agenda items for the upcoming November 10, 2025 Regular Town Council meeting. There were no amendments offered to the proposed agenda.

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

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:07 p.m.

C. Michael Sobol, Mayor

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

November 10, 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, November 10, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Town Council Member Doug Hay, Town Council Member Pam King, Council Member Ryan Stone. *Council Member Alice Berry was absent.*

The following staff members were present: Josh Harrold, Town Manager; Wesley Barker, Town Clerk; Steve Parker, Police Chief.

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- Indigenous Peoples Heritage Month- November 2025

Mayor Sobol read the proposed resolution. Town Council Member Pam King made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

INDIGENOUS PEOPLES HERITAGE MONTH RESOLUTION # R-25-90.1

WHEREAS, American Indian Heritage Month, also known as Indigenous Peoples Heritage Month, honors and celebrates the important history and heritage of tribal communities within North Carolina's recognized tribes and Indian organizations; and

WHEREAS, North Carolina is home to eight state-recognized tribes: the Eastern Band of Cherokee, Coharie, Lumbee Tribe of North Carolina, Haliwa-Saponi, Sapony, Meherrin, Occaneechi Band of the Saponi Nation, and the Waccamaw-Siouan; and

WHEREAS, Indigenous people of this area lived before forming bands west of the Mississippi

when they were disgracefully forcibly displaced by the Federal Government through the Trail of Tears and Indian Removal Act during the 1800s, a period of Indigenous ethnic cleansing in our nation's history; and

WHEREAS, today, there are more than 130,000 North Carolinians who identify as American Indian, living in all 100 counties, making it the second-largest American Indian population east of the Mississippi River and the seventh-largest American Indian population in the United States; and

WHEREAS, the Town of Black Mountain recognizes Indigenous people have lived upon this land since time immemorial and values the progress our society has accomplished through the contributions of the Indigenous peoples' culture; and

WHEREAS, the Town of Black Mountain recognizes and celebrates Indigenous people and wishes to preserve and promote the history and culture of all Indigenous people.

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council that the month of November 2025 be proclaimed Indigenous Peoples' Heritage Month in the Town of Black Mountain and commend its observance to all citizens.

This the 10th day of November 2025.

- 2.B. Recognition of Josh Harrold, Town Manager, for being named a Top 10 Town Manager by Government Business Review.** Vice Mayor Archie Pertiller read a statement recognizing Town Manager Josh Harrold as being named a Top 10 Town Manager by Government Business Review.

3. CITIZEN COMMENTS

- David Galloway, 103 Brookhaven Rd., spoke on the disc golf course maintenance needs.
- Jen Galloway, 103 Brookhaven Rd., spoke on the maintenance of the Veterans Park disc golf course.
- A resident at 2 Bowers Rd., spoke on Veterans Park and suggested the installation of a left turn only sign onto Montreat Rd. from State St.
- Shawn Slope, 344 Flat Creek Rd., spoke about the back 9 of the disc golf course and needed maintenance.

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

5. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER- none.

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- none.

7. CONSENT AGENDA

7.A. Approval of Council Meeting Minutes from August 7, August 11, August 13, September 4, 2025. *Vice Mayor Archie Pertiller made a motion to approve meeting minutes as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.*

7.B. Monthly Tax Collector Report. *Vice Mayor Archie Pertiller made a motion to approve the monthly tax collector report. A vote of 4-0 in favor. Council Member Alice Berry was absent.*

7.C. Resolution Repealing R-25-80 (Resolution Auth Staff to Apply for Capital Grant Funding for Engineering & Construction of New Combined Restroom & Concession Stand at Veterans Park) from November 1, 2025 due to duplication.

Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

**A RESOLUTION REPEALING RESOLUTION NO. R-25-80 ENTITLED
“RESOLUTION AUTHORIZING STAFF TO APPLY FOR CAPITAL GRANT
FUNDING FOR ENGINEERING AND CONSTRUCTION OF NEW COMBINED
RESTROOM & CONCESSION STAND FACILITY AT VETERANS PARK”**

RESOLUTION NO. #: R-25-90

WHEREAS, on November 1, 2025, at a special called Town Council work session meeting, Town Council approved Resolution No. R-25-80, entitled “Resolution Authorizing Staff To Apply For Capital Grant Funding For Engineering And Construction Of New Combined Restroom & Concession Stand Facility At Veterans Park”; and

WHEREAS, it was determined following the meeting that another parallel resolution was also adopted at this meeting including the same information, thus creating the need to repeal Resolution R-25-80, to avoid duplication.

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

1. That Resolution No. R-25-80, adopted November 1, 2025, is hereby repealed.

Adopted this the 8th day of September 2025.

7.D. Appointment to the Board of Adjustment Alternate Seat.

The Board of Adjustment consists of 5 members each serving a 3-year term, and 3 alternate members without expiring terms. Currently, the Board of Adjustment has one (1) alternate seat with a vacancy. The Town has received an application from Ted Rausch who is interested in serving on the Board of Adjustment. Mr. Rausch's is eligible to serve as he lives in the city limits. Council should review this application and consider appointing Mr. Rausch to serve as an alternate member to the Board of Adjustment.

Vice Mayor Archie Pertiller made a motion to approve the appointment of Ted Rausch to the Board of Adjustment Alternate Seat. A vote of 4-0 in favor. Council Member Alice Berry was absent.

7.E. A Resolution Budgeting Kimley Horn Design Services for Veteran's Park Concessions and Restrooms.

This resolution budgets \$7,500 for Kimley Horn to begin their initial designs of a combined restroom and concessions facility at Veteran's Park that will meet current building codes and National Flood Insurance Program (NFIP) standards.

Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION BUDGETING KIMLEY HORN DESIGN SERVICES FOR VETERANS PARK CONCESSIONS AND RESTROOMS

Resolution No. R-25-90.2

WHEREAS, the Town of Black Mountain sustained substantial damage to the Veteran's Park Restrooms and Concession Stands during Tropical Storm Helene; and

WHEREAS, the facilities do not meet National Flood Insurance Program regulations; and

WHEREAS, the Town has obtained a service agreement with Kimley Horn and Associates, Inc. to provide design services for options providing a combined concessions stand and restrooms facility at Veteran's Park; and

WHEREAS, the costs associated with the initial design and generation of facility options for the Town are estimated to be \$7,500; and

WHEREAS, budgeting these proceeds allows the Town to initiate the site design work for the concessions and restroom project at Veteran's Park;

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

1. The Town budgets \$7,500.00 to support site design activities for the Veteran's Park Restrooms and Concessions Stand.
 - \$7,500.00 – for site design for the Veteran's Park Restrooms and Concessions Stand (to 425-8806-52012 from 425-8806-48900)

2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 10th day of November, 2025.

7.F. A Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering and Construction of a New Combined Restroom and Concession Facility at Veteran's Park.

This resolution authorizes staff to pursue \$500,000 of grant funding from the Helene Recovery Fund for PARTF, intending to use the anticipated NC Unmet Needs grant and Golden Leaf grant funding for the requisite local matching funds for the project. *Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.*

RESOLUTION AUTHORIZING STAFF TO APPLY FOR HELENE RECOVERY FUND FOR PARTF 2025-2026 FUNDING FOR ENGINEERING AND CONSTRUCTION OF A NEW COMBINED RESTROOM AND CONCESSION FACILITY AT VETERAN'S PARK

RESOLUTION NO. R-25-90.3

WHEREAS, the Town of Black Mountain owns and operates Veteran's Park, a vital public recreation area that sustained severe flood damage during Tropical Storm Helene (DR-4827-NC); and

WHEREAS, the existing restroom and concession stand structures at Veteran's Park were substantially damaged by more than five feet of flood inundation, resulting in unsafe and noncompliant conditions; and

WHEREAS, both structures were located within the Special Flood Hazard Area (SFHA) and one is partially within the floodway, do not meet National Flood Insurance Program (NFIP) standards, and are therefore ineligible for repair or replacement under FEMA Public Assistance (PA) rules; and

WHEREAS, replacement of these critical public facilities will restore essential recreational amenities, support youth sports programming, and promote safe, equitable park access for residents and visitors; and

WHEREAS, the Town seeks to construct a new combined restroom and concession facility within Veteran's Park that will:

- Be located within the 100YFP but fully comply with NFIP and local flood damage prevention ordinance requirements;
- Be covered by flood insurance to ensure long-term resilience and risk reduction; and

WHEREAS, the Town is applying for \$350,000 of funding from the NC Helene Local Government Capital Grant Program and \$100,000 of funding from the Golden Leaf Foundation to build an NFIP compliant restrooms and concession facility at Veteran’s Park; and

WHEREAS, the Town plans to contribute an additional \$50,000 toward the project from the Town’s own Helene Recovery Fund; and

WHEREAS, this project is also eligible for additional funding through the Helene Recovery Fund for PARTF (Parks and Recreation Trust Fund), which supports North Carolina local governments improving the quality of life for their communities through providing a 50% match in funding for approved parks and recreation infrastructure projects; and

WHEREAS, the planning-level cost estimate for engineering and construction of the new combined facility is \$1,000,000, inclusive of site design, structural engineering, utilities, and compliance with accessibility standards; and

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

1. Town staff are hereby authorized and directed to prepare and submit an application to the appropriate state agency for Helene Recovery Fund for PARTF funding in the amount of \$500,000.00 to support the engineering and construction of a new combined restroom and concession facility at Veteran’s Park.
2. The Town Manager, or their designee, is authorized to execute all necessary documents, certifications, and assurances to complete the application process.
3. The Town Manager is further authorized to coordinate with the Planning Department, Parks and Recreation Department, and Finance Department to prepare detailed design and budget documentation consistent with grant requirements and NFIP compliance.
4. Upon award, the Town Council will consider a budget amendment to appropriate grant funds and any required local match.

Adopted this the 10th day of November 2025.

7.G. A Resolution to Loan Funds for Grant Writing Services Related to Water System Projects from the Stormwater Utility Fund to the Water Fund.

This resolution, if approved, will approve loaning \$91,000 from the Stormwater Utility Fund to pay for grant writing services for Water System projects. These funds are intended to be made whole through FEMA HMGP reimbursements.

This loan is at 0% interest and repayments will begin no later than June 30, 2027.

Town Council Member Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION TO LOAN FUNDS FOR GRANTWRITING SERVICES RELATED TO WATER SYSTEM PROJECTS FROM THE STORMWATER UTILITY FUND TO THE WATER FUND

Resolution No. R-25-90.4

WHEREAS, the Town of Black Mountain seeks to make its water system more resilient in the wake of Tropical Storm Helene; and

WHEREAS, the Town has procured contracted grant writing services to assist in creating applications for the FEMA Hazard Mitigation Grant Program (HMGP) to fund projects; and

WHEREAS, the current costs for professional grant writing services for water system HMGP projects exceed what is currently appropriated for professional services within the water fund; and

WHEREAS, the costs associated with these grant writing services are included in the grant budget if awarded; and

WHEREAS, the Town is enabled to loan funds from an enterprise fund to any other fund, as long as sufficient monies remain in the enterprise fund to cover expenses for the fiscal year, in accordance with NCGS 159-13(b)(14);

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

1. The Town loans \$91,000.00 from the stormwater utility fund to the water fund (*to 600-5000-52020 from 630-0000-33000*) with the following terms:
 - Loan payments to restore the balance of the stormwater utility fund are to begin no later than June 30, 2027, and payments are to be made at 0% interest.
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 10th day of November, 2025.

7.H. Resolution Authorizing Town to Enter into Agreement with Areté Engineers, PLLC for Professional Engineering & Architectural Services.
The proposed Master Services Agreement (MSA) between the Town of Black Mountain and Areté Engineers, PLLC establishes a framework for providing on-demand professional engineering and consulting services to support Town infrastructure projects. The agreement allows the Town to issue individual Task Orders defining specific project scopes, budgets, and timelines under consistent contract terms.

Areté will assist the Town with services such as planning, design, permitting, construction management, cost estimation, and related engineering support. Compensation will be based

on either a negotiated Task Order amount or hourly rates per the Standard Rate and Fee Schedule. The agreement also includes federally required terms and conditions to ensure compliance with FEMA and other federal funding requirements related to Hurricane Helene recovery.

Key provisions outline responsibilities for both parties, standards of care, payment procedures, insurance requirements, termination clauses, and adherence to applicable state and federal regulations. ***Town Council Member Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

**RESOLUTION AUTHORIZING TOWN TO ENTER INTO AGREEMENT WITH
ARETE ENGINEERS, PLLC FOR PROFESSIONAL ENGINEERING &
ARCHITECTURAL SERVICES**

RESOLUTION NO. R-25-91

WHEREAS, the Town of Black Mountain (the “Town”) requires on-demand professional engineering and consulting services to support public infrastructure recovery, planning, and capital improvement initiatives; and

WHEREAS, Areté Engineers, PLLC, a professional engineering firm located in Blowing Rock, North Carolina, was selected through a qualifications-based selection process in accordance with the North Carolina Mini-Brooks Act (G.S. 143-64.31); and

WHEREAS, the Town and Areté Engineers, PLLC desire to enter into a Master Services Agreement to establish terms and conditions under which the Engineer will provide professional services on an as-needed basis, through individually authorized Task Orders; and

WHEREAS, the Master Services Agreement includes federally required terms and conditions applicable to projects funded through FEMA or other disaster recovery programs related to Tropical Storm Helene (DR-4827-NC); and

WHEREAS, Town staff recommends approval of the Agreement to allow timely engagement of professional services necessary to advance infrastructure repair and capital projects.

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

1. The Town Council hereby authorizes the Town Manager to execute the Master Services Agreement between the Town of Black Mountain and Areté Engineers, PLLC, as presented.
2. The Town Manager is further authorized to execute individual Task Orders under the Agreement, subject to availability of funds and compliance with applicable procurement requirements.

Adopted this 10th day of November, 2025.

- 8. PUBLIC HEARING – none.
- 9. UNFINISHED BUSINESS – none.
- 10. CITIZEN COMMENTS- none.
- 11. NEW BUSINESS

11.A. Recommendation to Lower Speed Limit on S Ridgeway Avenue and Sutton Avenue from 25 MPH to 20 MPH.

The Active Mobility Commission discussed alternatives to help improve safety on S Ridgeway Avenue and Sutton Avenue. One of the ideas was to reduce the speed limit. The Commission felt that lowering the speed limit on both streets would be a low-cost modification to start improving safety concerns through this corridor. Some Council discussion ensued with staff.

Town Council Member Ryan Stone made a motion to approve the recommendation to lower the speed limit on S. Ridgeway Ave. and Sutton Ave. from 25 MPH to 20 MPH as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

11.B. Consideration of Ordinance to Amend the Town Code of Ordinances Ch. 47-Traffic & Vehicles; Article V, to add new Sect. 47-165: Wheeled vehicles other than bicycles and skates.

As Black Mountain continues to grow in residents and tourists alike, the need to prohibit certain wheeled and toy vehicles on sidewalks in the CB zoning district (downtown) has grown. The town currently prohibits bicycles on sidewalks and skates in the CB zoning district. This amendment would prohibit other toy and wheeled vehicles such as scooters, hoverboards, skateboards, motorized vehicles, unicycles, one-wheels, etc. Discussion ensued and Council was in consensus to **table** this item until the next meeting to allow additional research from other communities that have similar ordinances. **No action taken.**

- 12. **CLOSED SESSION – pursuant to N.C.G.S. 143-318.11(A)(6)- Personnel-related.** The Town Council then prepared to enter closed session pursuant to NC General Statute 143-318.11(A)(6): to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Town Council Member Archie Pertiller made a motion to enter closed session per NCGS 143-

318.11(a)(6) to discuss personnel. A vote of 4-0 in favor. Council Member Alice Berry was absent.

Town Council returned from Closed Session at 7:20 p.m. ***Vice Mayor Archie Pertiller made a motion to exit closed session now that the purpose pursuant to NC General Statute 143-318.11 (a)(6): to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer, has been accomplished and to without a general account of such closed session so long as releasing the same would frustrate the purpose thereof. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

It was announced an additional closed session would be held at the end of the December 8, 2025 regular meeting.

13. ADJOURNMENT. *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 7:21 pm.*

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

December 4, 2025 | Agenda Work Session & Special Meeting | Time: 5:00 P.M.

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

The Black Mountain Town Council held a special meeting on Thursday, December 4, 2025, at 5:00 p.m. at Black Mountain Town Hall, 160 Midland Ave., Black Mountain, NC 28711. The purpose of this meeting was for the regular agenda review work session for the upcoming monthly Council meeting and to consider approval of the transfer of agreement for the temporary structures at 304 Black Mountain Ave.

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; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Selena Coffey, Public Information Officer.

December 8, 2025 Council Meeting Agenda Review. Town Manager Josh Harrold reviewed the proposed agenda items for the upcoming December 8, 2025 Regular Town Council meeting.

The Council requested updates on the recovery projects and updates on Ridgeway Ave. speed control measures. These items would be added under the “Communications from Staff” agenda line as items 4.B. and 4.C., respectively.

Vice Mayor Archie Pertiller made a motion to adopt the December 8, 2025 meeting agenda as amended. A vote of 5-0 in favor.

Consideration of Resolution to Assume the Amended Lease for the Public Works & Planning Department Temporary Offices Facility from the United States Army Corps of Engineers (USACE).

This resolution authorizes the Town of Black Mountain to assume an amended lease for temporary office facilities for the Public Works and Planning & Development departments at 304 Black Mountain Avenue following Tropical Storm Helene. With the U.S. Army Corps of Engineers demobilizing from the disaster response, the Town must take over the \$17,000-per-month lease to maintain occupancy, with eligible costs reimbursable by FEMA under Category B Emergency Protective Measures. The amended agreement reflects additional details provided by USACE after the original lease assumption was approved on October 13, 2025, and requires Town Council approval to ensure continued operations while long-term recovery planning remains underway.

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

**A RESOLUTION TO ASSUME THE AMENDED LEASE FOR THE PUBLIC WORKS AND PLANNING DEPARTMENT TEMPORARY OFFICES FACILITY FROM THE UNITED STATES ARMY CORP OF ENGINEERS
Resolution No. R-25-111**

WHEREAS, following Tropical Storm Helene (DR-4827-NC), the Town of Black Mountain received Direct Federal Assistance (DFA) through the U.S. Army Corps of Engineers (USACE) to provide temporary office facilities for the Public Works and Planning & Development departments at 304 Black Mountain Avenue; and

WHEREAS, the lease and associated services have, to date, been managed directly between USACE and the vendor under the federal mission assignment; and

WHEREAS, USACE is now demobilizing from the disaster event and has notified the Town that it must assume the lease agreement to maintain occupancy of the temporary offices; and

WHEREAS, FEMA Public Assistance (PA) has confirmed that funding eligibility will continue for this lease under the Town's Category B (Emergency Protective Measures) project; and

WHEREAS, FEMA will reimburse the Town for eligible costs at the approved rate; and

WHEREAS, the lease amount is \$17,000 per month, and the new agreement between the Town of Black Mountain and the vendor will be consistent with the terms previously managed under the USACE contract; and

WHEREAS, the execution of this contract ensures continued operational space for essential public functions while permanent facility recovery planning and FEMA funding determinations remain underway; and

WHEREAS, a contract was approved by Town Council to assume this lease on October 13, 2025; and

WHEREAS, subsequently, additional details were provided by the USACE which were necessary to include in the contract; and

WHEREAS, the changes made to the contract require Town Council approval to proceed.

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

1. The Town Manager is authorized to execute the revised lease agreement for the temporary Public Works and Planning offices located at 304 Black Mountain Avenue in

the amount of \$17,000 per month, with costs reimbursable through FEMA Public Assistance (PA).

2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this agreement.

Adopted this the 4th day of December 2025.

This signed agreement is attached at the end of these minutes as Appendix A.

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

C. Michael Sobol, Mayor

Wesley M. Barker, Town Clerk

Attachments: Appendix A; Copy of Transfer Agreement.



BLACK MOUNTAIN TOWN COUNCIL MINUTES

December 8, 2025 | Regular Session Agenda | Time: 6:00 PM

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

Black Mountain Town Council held their regular session agenda on Monday, December 8, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER.

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, Town Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Michelle Kennedy, Planning Director; Doug Morrow, Fire Marshal; Chris Kuhn, Deputy Police Chief; Rick Burton, Building Inspector.

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.

Town Manager Josh Harrold recognized Assistant Town Manager Jessica Trotman for being awarded the Robert E. Shepherd Excellence in Local Government Award by the Land of Sky Regional Council. This award is presented by Land of Sky to a local government professional who has shown great leadership in improving governance and service delivery, especially in the areas of regional cooperation and collaboration.

3. CITIZEN COMMENTS.

- Blake Martin, 3 Shakespeare Cir., commented on the Planning and Stormwater staff's expertise and good customer service.
- Linda Shifflett, 319 Circle Ln., spoke about the Senior Center renovations requesting an update on the status after Council approved monies at a special-called meeting to move forward with reopening.

- Carl Bartlett, 277 North Fork Rd., spoke about the Senior Center and current Town financials. Mr. Bartlett also suggested a recall referendum of the current Council members.
- Cheryl Milton, 202 Mountain St., spoke about Black Mountain Brewing's recent issues with the Town, and spoke about the Town Manager's performance.
- Richard Hudson spoke about the Senior Center reopening and the ongoing repairs to town facilities since Helene.
- Nicole Stallings, 267 Fern Way, spoke about the "704 Cell Towers" legislation, which would eliminate barriers to wireless tower deployment and encouraged reaching out to Senators in opposition.
- Lisa Milton, 25 Maney Ln., spoke about Black Mountain Brewery and permitting.
- John Richardson, 111 Church St., spoke on Black Mountain Brewery, and requested accountability, transparency and corrective action by the Town.
- Richard King, 1104 North Fork Rd., is the owner of Pure & Proper Restaurant and spoke about inspections that took place at his business, and about the current town inspector.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- 4.A. **Buncombe County 2026 Tax Reappraisal Presentation, Eric Cregger, Buncombe County Tax Assessor.** Buncombe County Tax Assessor Eric Cregger provided a presentation on the 2026 County Reappraisal process that is currently underway. This presentation included information about the reappraisal timeline, process, and its impact. *A copy of this presentation is included at the end of these minutes as Appendix A.*
- 4.B. **Updates on Recovery Capital Projects.** Assistant Town Manager provided an update to the Council regarding recovery capital projects that were approved at the November 1, 2025 special work session.
- 4.C. **Updates on S. Ridgeway Ave. Speed Control Measures.** Public Works Director Jamey Matthews provided an update on this item stating that Public Works would get quotes for sidewalks for the east side of the roadway and bring these quotes back to the Council once received.

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL – none.

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER – none.

7. CONSENT AGENDA

- 7.A. **Adoption of the 2026 Town Council Meeting Schedule.** N.C. General Statute 143-318.12, Public Notice of Official Meetings, states that public bodies must publish and keep on file a copy of a schedule of regular meetings

that also shows the time and place of its regular meetings. The Clerk's office also publishes the Town Council meeting schedule in the newspaper once approved, and if revised. This agenda item is the proposed meeting schedule of the Town Council's agenda review and regular meetings for calendar year 2026. Note: Special called meetings of the Council occur throughout the year, including budget meetings, and are duly advertised following N.C. General Statutes.

2026 TOWN COUNCIL MEETING SCHEDULE

<u>Agenda Work Session – 5:00 P.M.</u>	<u>Regular Monthly Meetings- 6:00 P.M.</u>
January 8	January 12
February 5	February 9
March 5	March 9
April 9	April 13
May 7	May 11
June 4	June 8
July 9	July 13
August 6	August 10
September 10	September 14
October 8	October 12
November 5	November 9
December 10	December 14

**All meetings will be held at Black Mountain Town Hall
160 Midland Ave., Black Mountain, NC, 28711 (unless otherwise noted).**

Town Council Member Ryan Stone made a motion to approve the 2026 Town Council meeting schedule as presented. A vote of 5-0 in favor.

7.B. Consideration of 2026 Town Holiday Schedule. The 2026 Town Holiday Schedule follows the same observances as 2025. This aligns with Buncombe County's holiday schedule for 2026, as well as the State of North Carolina's holiday observances. Further, this holiday schedule follows the current Town Personnel Policy Manual for Holidays.

- *January 1, 2026 (Thursday) New Year's Day*
- *January 19, 2026 (Monday) Martin Luther King Day*
- *April 3, 2026 (Friday) Good Friday/Easter*
- *May 25, 2026 (Monday) Memorial Day*
- *June 19, 2025 (Friday) Juneteenth*
- *July 3, 2026 (Friday) Independence Day*
- *September 7, 2026 (Monday) Labor Day*
- *November 11, 2026 (Wednesday) Veterans Day*
- *November 26, 2026 (Thursday) Thanksgiving*
- *November 27, 2026 (Friday) Thanksgiving*
- *December 24, 2026 (Thursday) Christmas Eve*
- *December 25, 2026 (Friday) Christmas Day*

Town Council Member Ryan Stone made a motion to approve the 2026 Town Holiday Schedule. A vote of 5-0 in favor.

7.C. Monthly Tax Collector Report. *Town Council Member Ryan Stone made a motion to approve the monthly tax collector report as presented. A vote of 5-0 in favor.*

7.D. Resolution to Adopt the Buncombe County Long-Term Recovery Plan. The purpose of this agenda item is to request Town Council's consideration of a resolution adopting the Buncombe County Long-Term Recovery Plan. The plan has already been formally adopted by Buncombe County and includes a dedicated section outlining Black Mountain's priorities, impacts, and strategic needs following Tropical Storm Helene. This regional plan was developed collaboratively by Buncombe County staff, Town of Black Mountain staff, FEMA Community Planning and Capacity Building (CPCB) personnel, and other recovery partners. It is grounded in previously identified needs and project concepts that directly relate to the Town's ongoing recovery operations. Adopting the plan allows the Town to formally align its recovery work with the county-wide framework, reinforces local priorities at the regional and state level, and establishes the foundation for developing a future hyper-local Recovery and Resiliency Plan for Black Mountain.

Town Council Member Ryan Stone made a motion to approve the Buncombe County Long-Term Recovery Plan as presented. A vote of 5-0 in favor.

**A RESOLUTION TO ADOPT THE BUNCOMBE COUNTY LONG-TERM RECOVERY PLAN
RESOLUTION NO. R-25-104**

WHEREAS, Tropical Storm Helene caused widespread and severe impacts across Buncombe County and the Town of Black Mountain, resulting in extensive damage to public infrastructure, private property, natural systems, housing, and essential community services; and

WHEREAS, Buncombe County, with support from FEMA’s staff, municipal partners, and regional stakeholders, developed the Buncombe County Long-Term Recovery Plan to guide strategic recovery, mitigation, and capacity-building efforts over the coming years; and

WHEREAS, the Town of Black Mountain actively participated in the development of the Long-Term Recovery Plan, contributing data, project needs, and community-specific priorities to ensure that the plan accurately reflects local impacts and proposes actionable strategies tailored to the Town; and

WHEREAS, on November 18, 2025, the Buncombe County Board of Commissioners formally adopted the Helene Long-Term Recovery Plan, establishing it as the regional framework to guide coordinated long-term recovery actions across Buncombe County; and

WHEREAS, adopting the Buncombe County Long-Term Recovery Plan will reinforce regional alignment, strengthen the Town’s ability to leverage partnerships and funding opportunities, and serve as the foundation for the development of a future hyper-local Recovery and Resiliency Plan for the Town of Black Mountain; and

WHEREAS, the Town of Black Mountain recognizes the importance of comprehensive, coordinated, and forward-looking recovery planning to restore and improve community systems, enhance resilience, and support residents, businesses, and institutions affected by Tropical Storm Helene.

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

1. The **Buncombe County Long-Term Recovery Plan** is hereby formally **adopted** as a guiding framework for long-term recovery and resilience efforts in the Town of Black Mountain.
2. Town staff are directed to use the principles, strategies, and recommendations contained within the plan to support ongoing recovery operations; inform local project development; and align future planning documents, including the forthcoming hyper-local Recovery and Resiliency Plan.

3. The Town expresses its appreciation to Buncombe County, FEMA personnel, and all partners involved in the development of the plan for their collaborative work and regional leadership.

Adopted this 8th day of December 2025.

A copy of this plan is included at the end of these minutes as Appendix B.

7.E. Resolution Authorizing the Town of Black Mountain to Apply for North Carolina Department of Commerce Small Business Infrastructure Program Funding for the Stormwater Capacity Improvement Project.

This resolution authorizes staff to pursue funding for downtown stormwater infrastructure improvements along Sutton Ave. on the Eastern side of NC Hwy 9 to where the Swannanoa River passes under the railroad tracks. These improvements align with the Stormwater Master Plan and would reduce flooding risks, support resiliency, and protect economic vitality for downtown small businesses. *Town Council Member Ryan Stone made a motion to approve the resolution as presented. A vote of 5-0 in favor.*

A RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR NORTH CAROLINA DEPARTMENT OF COMMERCE SMALL BUSINESS INFRASTRUCTURE PROGRAM FUNDING FOR THE STORMWATER CAPACITY IMPROVEMENT PROJECT.

RESOLUTION NO. R-25-113

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 Town's Stormwater Master Plan calls for replacement of the downtown stormwater system to reduce flooding risks, support small business resiliency, and protect economic vitality; and

WHEREAS, the Council fully supports the proposed project titled Stormwater Capacity Improvement Project, which will improve the stormwater system along Sutton Avenue between NC Hwy 9 and S Ridgeway Ave. and continuing East to where the Swannanoa River passes under the railroad tracks, an area critical to the long-term viability of downtown businesses; and

WHEREAS, the North Carolina Department of Commerce administers the Small Business Infrastructure (SmBiz) program to support infrastructure improvements that directly benefit existing small businesses and downtown investment; 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; and

WHEREAS, the Small Business Infrastructure program does not require a local match for this project.

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

1. 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 Stormwater Capacity Improvement Project.
 2. That the Town Manager (or designee) is authorized to execute and file the application, including all assurances and agreements required, on behalf of the Town of Black Mountain.
- This Resolution shall take effect immediately upon its adoption.

Adopted this the 8th day of December 2025.

7.F. Resolution in Support of North Carolina Department of Transportation Project Planned for Black Mountain.

NCDOT is planning an improvement project to improve the crosswalks on E State at Black Mountain Primary and on Flat Creek Road at Black Mountain Elementary. The Town would like to offer support for this project and the Active Mobility Commission met with representatives of NCDOT who spoke about this project and would also like to offer their support for this project. **Town Council Member Ryan Stone made a motion to approve the resolution in support as presented. A vote of 5-0 in favor.**

**RESOLUTION IN SUPPORT OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT PLANNED FOR BLACK MOUNTAIN
RESOLUTION# R-25-112**

WHEREAS, the North Carolina Department of Transportation (“NCDOT”) is planning an improvement project in Black Mountain; specifically, improving the crosswalk on Flat Creek Road at Black Mountain Elementary School and improving the crosswalk on E State Street at Black Mountain Primary School; and

WHEREAS, the project will improve pedestrian safety in the area; and

WHEREAS, the NCDOT requests the support of the Council for this improvement project; and

WHEREAS, this Council believes that it is in the best interests of the citizens and residents of Black Mountain to see this project completed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council hereby supports the improvements of two crosswalks on Flat Creek Road and E State Street.

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this 8th day of December 2025.

7.G. Appointment to Black Mountain Library Maintenance Board.

The Black Mountain Library Maintenance Board is a volunteer board that was established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the facility (Library), as the Town owns the library property and buildings. Currently, the Library Maintenance Board has one vacancy. The Town Council recently appointed Emily Phillips to the other vacancy at the September 8, 2025 meeting. Resident Kev Hollo expressed interest in serving on this board as indicated in their advisory board application. Library Manager Melisa Pressley reached out to Kev, who attended a meeting and would like to officially join this board.

Town Council Member Ryan Stone made a motion to appoint Kev Hollo to the Black Mountain Library Maintenance Board. A vote of 5-0 in favor.

7.H. Consideration of FY25-26 Budget Ordinance Amendments.

The following FY25-26 budget amendment resolutions are proposed as follows:

- BA26-0057: Police Department 100-4510-52020 transfer of \$28,000 to 425-8806-52012 for Public Safety building engineering services. (R-25-106)
- BA26-0058: Sale of capital assets 100-0000-48020 transfer of \$3,000 to Police Department R&M Vehicle 100-4510-52316. (R-25-107)
- BA26-0059: Powell Bill Unassigned Fund Balance 220-0000-32000 of \$120,000 to Powell Bill Capital Outlay 220-4625-57610. (R-25-108)

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0.

A RESOLUTION BUDGETING FOR PUBLIC SAFETY BUILDING ENGINEERING SERVICES

RESOLUTION NO. R-25-106

WHEREAS, the Town of Black Mountain Public Safety Building project requires engineering services for planning improvements to the facility to provide public safety services; and

WHEREAS, the Police Department has funds budgeted for a building needs study; and

WHEREAS, the engineering services for the public safety building are required to determine the improvements necessary for the provision of the Town’s public safety services.

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

1. The Town budgets \$28,000.00 to perform Public Safety Building engineering services.
 - \$28,000.00 – to the Capital Projects – Emergency Management Grant fund Professional Services - Engineering and Design account from the General Fund Contract Services account (*transfer to 425-8806-52012 from 100-4510-52020*).
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0.

A RESOLUTION BUDGETING THE SALE OF CAPITAL ASSETS TO THE POLICE DEPARTMENT REPAIR AND MAINTENANCE BUDGET

Resolution No. R-25-107

WHEREAS, the Town of Black Mountain has completed the sale of a Police Department vehicle; and

WHEREAS, the proceeds for the sale are intended to be directed toward repair and maintenance of Police Department vehicles; and

WHEREAS, these two accounts are not located within a single departmental budget.

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

1. The Town budgets \$3,000.00 to the Police Department Vehicle Repair & Maintenance account.
 - \$3,000.00 – to the General Fund R&M Vehicle account from the General Fund Sale of Capital Assets account (*transfer to 100-4510-52316 from 100-0000-48020*)
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

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

A RESOLUTION BUDGETING FUNDS FOR POWELL BILL CAPITAL OUTLAY

Resolution No. R-25-108

WHEREAS, the Town of Black Mountain has resources dedicated to the Powell Bill fund for the performance of work eligible under the Powell Bill; and

WHEREAS, the Powell Bill program provides state aid to local governments for building, resurfacing, and maintaining streets and street infrastructure; and

WHEREAS, the Town desires to allocate a portion of this funding to an account set up for capital outlay expenses on Powell Bill eligible projects.

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

1. The Town allocates \$120,000.00 to the Powell Bill Capital Outlay account.
 - \$120,000.00 – to the Powell Bill Capital Outlay – Street/Bridge/Sidewalk/Greenway account from the Powell Bill Unassigned Fund Balance account (*to 220-4625-57610 from 220-0000-32000*)
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 8th day of December, 2025.

- 7.I. Town Attorney Performance Evaluation Document Approval.** Town Council decided they would like to review the town attorney annually. This will allow an opportunity for the Town Attorney and the Town Council to discuss performance and expectations. Two Town Attorney performance evaluation templates from other municipalities were reviewed by Council at a previous meeting to decide which template to use for the evaluations. After feedback given and edits made to include Town information, a final draft of the evaluation form is ready for review by Council, showing a few additional edits. If in agreement, Council should now vote to approve the document as amended, which will be used for evaluation of the Town Attorney annually. *Town Council Member Ryan Stone made a motion to approve the Town Attorney performance evaluation document as amended. A vote of 5-0 in favor. A copy of this document is included at the end of these minutes as Appendix C.*

- 7.J. Resolution of Acceptance of Dedication of Utility Easements.** The Town of Black Mountain is currently undertaking repairs and improvements to existing stormwater facilities along Tomahawk Avenue. A recorded plat (Plat Book 41, Page 146, Buncombe County Registry) identifies several 10-foot-wide utility easements that were originally offered for dedication by the subdivider. While the Town has previously installed stormwater infrastructure within these easement areas, formal acceptance of the dedication has not yet occurred. This resolution affirms and officially accepts all 10-foot utility easements shown on the referenced plat, ensuring clear authority for ongoing and future maintenance of stormwater facilities within these areas.

Town Council Member Ryan Stone made a motion to approve the resolution of acceptance of dedication of utility easements as presented. A vote of 5-0 in favor.

**RESOLUTION OF ACCEPTANCE OF DEDICATION OF UTILITY EASEMENTS
RESOLUTION #R-25-114**

WHEREAS, the Town of Black Mountain is in the process of repairing and improving existing stormwater facilities on property along Tomahawk Avenue in the Town limits;

WHEREAS, plat recorded in Plat Book 41, Page 146, of the Buncombe County Registry, North Carolina (“Plat”) shows various utility easements of 10 feet in width, which constitute offers of dedication from the subdivider of property to the Town of Black Mountain;

WHEREAS, although the Town has previously used these utility easement areas for installation of stormwater pipes in the past, the Town is desirous of formalizing its acceptance of the utility easement offers of dedication to the Town of Black Mountain,

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain hereby affirms and formally accepts the offers of dedication of utility easements, being all the 10-foot-wide easements shown on the Plat.

ADOPTED this 8th day of December 2025.

8. PUBLIC HEARING - NONE

9. CITIZEN COMMENTS- NONE

10. UNFINISHED BUSINESS

10.A. Consideration of Ordinance to Amend the Town Code of Ordinances Ch. 47-Traffic & Vehicles; Article V, to add new Sect. 47-165: Wheeled vehicles other than bicycles and skates.

As Black Mountain continues to grow in residents and tourists alike, the need to prohibit certain wheeled and toy vehicles on sidewalks in the CB zoning district (downtown) has grown. The town currently prohibits bicycles on sidewalks and skates in the CB zoning district. This item was presented to the Town Council at the November 11, 2025 meeting and a few questions arose that warranted some further research by the Police Department, related to these proposed restrictions and with strollers and disability-related matters. The overall purpose of the proposed ordinance is public safety. While municipalities don't want to restrict people's ability to travel, state law does make clear distinctions. Bicycles, UTVs, mopeds, and cars are all permitted to operate in the roadway. However, skateboards, toy vehicles, and scooters are not permitted to travel in the roadway due to safety risks to both drivers and pedestrians. These items can, as always, be used when crossing the street in designated crosswalk areas — this has long been the standard, though not always strictly enforced. A suggestion was also made to amend the

proposed ordinance clarifying that these restrictions do not apply to infant-carrying devices or mobility devices for individuals with disabilities. The proposed text additions to the ordinance are included, which would be under Section 1. - Sec. 47-165: Restrictions on Use of Bicycles, Toy Vehicles, and Similar Devices:

- This section shall not apply to infant-carrying equipment, strollers, or mobility devices designed and used by persons with disabilities.
- Nothing in this section shall prohibit the lawful operation of bicycles or other permitted vehicles in the roadway as defined and authorized under North Carolina General Statutes.

Police Chief Steve Parker provided a short update on this item to the Council per their request.

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

ORDINANCE TO AMEND TOWN CODE OF ORDINANCES CHAPTER 47- TRAFFIC & VEHICLES; ARTICLE V - BICYCLES AND TOY VEHICLES, TO ADD NEW SECTION SEC. 47-165- WHEELED VEHICLES OTHER THAN BICYCLES AND SKATES.

ORDINANCE # O-25-37

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January 2010; and

WHEREAS, the Town of Black Mountain seeks to promote public safety for pedestrians and motorists within the downtown district; and

WHEREAS, the Town Council finds it necessary to clarify and update existing ordinances governing bicycles, toy vehicles, and other similar devices to address public safety concerns and ensure accessibility for all residents and visitors.

NOW, THEREFORE BE IT ORDAINED that Chapter 47, Article V, Secs. 47-165 - 47-181, of the Town of Black Mountain Code of Ordinances, be amended with the following new section (additions are underlined in bold and deletions are shown in red struck text):

Chapter 47 – Traffic and Vehicles

Article V – Bicycle and Toy Vehicles

Sec. 47-165. – Restrictions on Use of Bicycles, Toy Vehicles, and Similar Devices.

- (a) No person upon roller skates or riding in or by means of any skateboard, coaster, sled, tricycle, velocipede, toy vehicle, hoverboard, electric scooter, motorized play vehicle, or any other similar device shall go upon any roadway, sidewalk, or**

pedestrian walkway within the downtown business district, except while crossing a street at a crosswalk.

- (b) When crossing a street or crosswalk, such person shall be granted all rights and be subject to all duties applicable to pedestrians under the same circumstances.
- (c) This section shall not apply to infant-carrying equipment, strollers, or mobility devices designed and used by persons with disabilities.
- (d) Nothing in this section shall prohibit the lawful operation of bicycles or other permitted vehicles in the roadway as defined and authorized under North Carolina General Statutes.
- (e) It shall be unlawful for any person to use or operate any device in a manner that interferes with or disturbs pedestrian traffic, creates a safety hazard, or obstructs the free passage of persons in the downtown area.

Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Secs. 47-166-47-181. – Reserved.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 8th day of December 2025.

11. NEW BUSINESS

11.A. Approval of the Revised MOU between the Town and the Black Mountain Beautification Committee (BMBC).

The Black Mountain Beautification Committee (BMBC) has revised its Memorandum of Understanding (MOU) with the Town of Black Mountain regarding collaboration on the Downtown Tree Revitalization Plan. The updated MOU outlines shared responsibilities between the Town and BMBC for tree care, revitalization, planting, maintenance, and ongoing coordination. The MOU formalizes the following primary responsibilities:

Town of Black Mountain

1. Allocate annual budget funds for ongoing maintenance of all downtown trees, including watering, pruning, fertilizing, and general care.
2. Provide weekly watering of downtown trees and planters and maintain rain barrels.
3. Collaborate with BMBC on maintenance planning and respond to reported needs.
4. Clean out and brick over identified empty tree wells.
5. Partner with BMBC to secure a certified arborist for annual maintenance.

Black Mountain Beautification Committee

1. Fund initial 2025 pruning, fertilization, air spading, and planting of approximately 15 new trees.
2. Use a donation from Circle K to purchase replacement trees and coordinate with a local arborist on appropriate species.
3. Organize volunteers for weeding and assist with monitoring tree conditions.
4. Report maintenance needs, arborist recommendations, and cost estimates to the Town.
5. Hire arborist Andrew Wagner for the initial revitalization work.
6. Upon completion of the initial 2025 project, ongoing maintenance and replacement responsibilities will rest solely with the Town of Black Mountain.

Discussion of this item ensued among Council members. Town staff was asked reach out to the Beautification Committee requesting them attend a future Council meeting for more discussion on this MOU. *The item was tabled by Council.*

11.B. Trout Unlimited Tree Giveaway & Planting at Veterans Park.

Recreation & Parks staff have been in communication with Jeff Yates, Senior Director of Engagement with Trout Unlimited (TU) regarding a time-sensitive opportunity to partner on a tree planting and free tree giveaway event in December. Trout Unlimited must spend down State Farm grant funds by December 15, 2025, with a reporting deadline of December 31, 2025, and intends to plant and distribute a total of 550 trees through this funding in the region. Veterans Park has been identified as a suitable site for part of this project. This collaboration supports the Town goals related to environmental stewardship, community engagement, and enhancement of public green spaces. Upon approval by the Town Council, a date in December 2025 will be scheduled via coordination with Recreation & Parks and Trout Unlimited.

Trout Unlimited has confirmed they can:

- Plant 15 trees at Veterans Park, specifically to replace dead or damaged trees near the parking lot and along the riverside walking path.
- Give away 150–175 trees onsite the same day (or coordinated with the planting event).
- Provide all trees, stakes, tools, equipment, and volunteer management for both the planting and distribution activities.

The Town would provide:

- Formal permission to plant at Veterans Park.
- A preferred list of native species appropriate for the site.
- Staff coordination and planning support.

Staff recommends approval to partner with Trout Unlimited for:

- The December tree planting and giveaway at Veterans Park, including planting of 15 replacement trees and onsite distribution of 150–175 trees; and
- Continued coordination for a larger-scale community tree event in March 2026.

Town Council Member Alice Berry made a motion to approve the Trout Unlimited tree giveaway and planting at Veterans Park as presented. A vote of 5-0 in favor.

11.C. Resolution Updating Code of Ethics & Decorum Policies.

The Town Council is requested to consider a resolution updating the Town of Black Mountain’s Code of Ethics and associated policies on civility, decorum, conduct of meetings, and enforcement. These updates are made in accordance with the authority granted to municipal governing boards under N.C.G.S. §160A-12, §160A-71(c), and §160A-86, which empower the Town to adopt rules of procedure and mandate the adoption of a Code of Ethics for elected officials. Town Attorney Craig Justus has prepared the attached document revisions. The existing Code of Ethics and Rules of Procedure were adopted by Resolution R-10-17 on December 20, 2010. This update seeks to reaffirm and strengthen the Council's commitment to ethical governance, civil discourse, and respectful conduct in all official meetings and interactions.

The updated Code of Ethics:

- Reinforces the Town Council’s commitment to transparency, integrity, and responsible public service.
- Emphasizes the importance of robust, open debate while upholding civility, mutual respect, and decorum.
- Recognizes the central role of the First Amendment and the value of diverse viewpoints in democratic governance.
- Highlights the responsibility of elected officials to model respectful behavior and foster a positive environment for public participation.
- Clarifies expectations for meeting conduct and provides additional enforcement mechanisms for violations of ethical or decorum standards.
- Applies not only to the Mayor and Town Council, but also to all committees, advisory boards, commissions, and task groups appointed by the Town Council.

It was requested by the Town Attorney that this item be tabled and discussed at a later meeting. Council agreed to table this item.

11.D. Resolution of Rules of Procedure for Comments During Public Hearings and Public Comment Periods.

The Town Council will consider a resolution adopting formal Rules of Procedure for comments during public hearings and public comment periods. These rules are intended to promote civility, orderly participation, and efficient meeting management, consistent with

the Town's commitment to respectful and constructive civic engagement. Authority for adopting such rules is granted by N.C.G.S. §160A-12, §160A-71(c), §160A-81, and §160A-81.1, which together empower the Town Council to establish meeting procedures and regulate public comments during regular meetings and public hearings.

The proposed rules of procedure:

- Affirm the Town's commitment to civil engagement and respectful exchange of viewpoints during all public meetings.
- Establish clear guidelines for Citizen (Public) Comment, including sign-up procedures, order of speakers, and time limits.
- Public comment: 3 minutes per person or group.
- Public hearings: 10 minutes per person or group.
- Time limits may be adjusted by the Mayor or Town Council at the start of a hearing.
- Outline requirements for supplemental printed materials, including providing a minimum of 9 copies and noting that such materials become public records under NCGS §132-1.
- Provide standards for conduct during public comment, prohibiting:
 - Personnel-related disclosures protected under NCGS §160A-168.
 - Rude behavior, harassment, derogatory statements, name-calling.
 - Disruptions such as applause, heckling, or verbal outbursts.
- Authorize the Mayor to rule comments out of order if they are unruly, repetitive, inappropriate, or harassing, and to take reasonable actions to ensure compliance.
- Note that the Town Council may also act under its adopted Code of Ethics regarding conduct concerns.

It was requested by the Town Attorney that this item be tabled and discussed at a later meeting. Council agreed to table this item.

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

Council would enter Closed Session pursuant to N.C.G.S. 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. ***Vice Mayor Archie Pertiller made a motion to enter into Closed Session pursuant to N.C.G.S. 143-318.11 (a)(6). A vote of 5-0 in favor. The time was 7:40 p.m.***

Town Council returned from Closed Session at 8:54 p.m. ***Town Council Member Ryan Stone made a motion to award Town Manager Josh Harrold a one-time bonus of \$8,000 in recognition of his additional work as Interim Finance Director. A vote of 5-0 in favor.***

13. **ADJOURNMENT.** With nothing further, Mayor Sobol adjourned the meeting at 8:55 p.m.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk

DRAFT



TOWN OF BLACK MOUNTAIN
AGENDA ITEM SUMMARY

SUBMITTER: Laurel Mabery, Accountant **MEETING DATE:** January 12, 2026
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Finance
TITLE OF ITEM: Monthly Tax Collector Report

SUGGESTED MOTION(S):

Approve the tax collection report as presented.

SUMMARY:

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. Monthly Council Report - November 2025



TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners
FROM: Laurel Mabery, Municipal Tax Collector
DATE: Monday, January 12, 2025
SUBJECT: November 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	\$ 5,448,018.88
Collected	\$ 2,442,770.06
Adjustments and Releases	\$ 6,321.03
Outstanding real and personal property taxes	<u><u>\$ 3,011,569.85</u></u>

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR 44.79%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	\$ 969.17
Adjustments and Releases	\$ -

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

Ad Valorem	\$ 3,873.68
Motor Vehicle	\$ 55.02



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, Town Clerk **MEETING DATE:** January 12, 2026
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Recreation & Parks
TITLE OF ITEM: Acceptance of Bench Donations for Lake Tomahawk Park

SUGGESTED MOTION(S):

To approve the resolution accepting the donations of these benches for Lake Tomahawk Park.

SUMMARY:

Two benches have been donated by community members, with the donations totaling \$500 per bench. These benches will be used to replace and phase out the older wooden benches around the path at Lake Tomahawk Park. The two new metal benches have been donated by the following: 1) Lorre Diamond, the Hopey family and Hopey & Company staff in memory of Jane Ann Hopey, and 2) Mary Lavoie in memory of her brother Louis Guialdo. An image of the new benches is included below. A plaque will also be placed on the benches donated with the names of the person being memorialized. The cost of the plaques is paid for by the donating person(s). A resolution is attached for Council to formally accept these donations. We thank the people who offered these memorial bench donations.



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-26-01_Resolution to Accept Donations of Benches for Lake Tomahawk Park_2026.01.12

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

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

RESOLUTION NO. # R-26-01

WHEREAS, new metal benches have been donated by the following:

- Lorre Diamond, the Hopey Family and Hopey & Company staff in memory of Jane Hopey
- Mary Lavoie in memory of Louis Guialdo; and

WHEREAS, these metal benches will be installed at Lake Tomahawk Park, with a commemorate plaque attached to each with the name of the honoree, and will begin phasing out the existing older wooden benches; and

WHEREAS, the total value of the donated benches is approximately \$500 each.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by these citizens for these new benches in memory of their loved ones.

This the 12th day of January 2026.

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:** January 12, 2026

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

TITLE OF ITEM: Consideration of Amendment to Agreement for Professional Services for Hilltop Road Repairs (Change Order No. 2)

SUGGESTED MOTION(S):

Motion to approve the amended agreement as presented.

SUMMARY:

The Town Council is asked to approve Change Order No. 2 to the professional services agreement with McAdams for the Hilltop Road Emergency Repairs project under the approved master service agreement which was adopted on June 14th, 2025. This amendment authorizes additional engineering, permitting, bidding, and construction administration services necessary to complete final roadway, drainage, erosion control design, FEMA documentation, bidding support, and construction administration for Phase II repairs. The total not-to-exceed amount of this change order is \$124,079, billed on an hourly basis per the contract rate schedule, and is required to advance the project to construction and support FEMA Public Assistance reimbursement. This will be reimbursed by FEMA and obligation of funds may occur before services are needed.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? No. This will be reimbursed by FEMA and obligation of funds may occur before services are needed.

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

ATTACHMENTS:

1. Fee Estimate Hilltop Phase II
2. Amended Agreement- TOB25003 CO 2 Full Design Scope



80 Charlotte Street
 Suite 40
 Asheville, NC 28801
 919. 361. 5000

TOB25003

Amendment to Agreement for Professional Services:

BETWEEN Town of Black Mountain, North Carolina (Client) AND McAdams

Original Agreement Dated	<u>August 19, 2025</u>	Date	<u>December 23, 2025</u>
Project Name	<u>Hilltop Road Emergency Repairs</u>	Project Location	<u>Black Mountain, North Carolina</u>
Project Number	<u>TOB25003</u>	Change Order Number	<u>#2</u>
Client Contact	<u>Jessica Trotman</u>		

We hereby amend the Agreement for the above-referenced project, as follows:

Assumptions

This proposal is based on the following assumptions:

- | All Plans and Specifications shall be in accordance with the references listed below:
 - American Association of State Highway Transportation Officials (AASHTO) *Roadside Design Guide 4th Edition and Errata*;
 - AASHTO *A Policy on Geometric Design of Highways and Streets 7th Edition and Errata*;
 - North Carolina Department of Transportation (NCDOT) *Roadway Design Manual*;
 - NCDOT *Roadway Standard Drawings*;
 - NCDOT *Subdivision Manual*;
 - NCDOT *Standard Specifications for Roads and Structures*;
 - NCDOT *Erosion and Sediment Control Design and Construction Manual*;
 - NCDOT *Stormwater Best Management Practices Toolbox*;
 - NCDOT *Guidelines for Drainage Studies and Hydraulic Design*;
 - NCDOT *Contract Standards and Development Procedures Manual*; and
 - Federal Highway Administration (FHWA) *Manual on Uniform Traffic Control Devices*;
- | The drainage improvements will be considered within the limits of the projects, not to exceed 600 LF. Additional drainage improvements exceeding 600 LF will require an additional scope of work.
- | A single submittal will be prepared for the Town’s review. This submittal will contain the Final Roadway Plan Set, Engineer’s Estimate, and Bid Proposal. Comments from the review will be addressed and returned to the Town to be used in the advertisement and bidding process for the construction of Hilltop Road.
- | Base mapping and storm drainage design will be provided by McAdams’ internal team.
- | Additional subsurface utility engineering (SUE) and survey updates, if required, will be handled under separate authorization.
- | Design efforts required in relation to the relocation of third party utilities will be performed by their respective owners.
- | Utility coordination efforts during construction are not included.

Client authorizes McAdams to perform the following additional services:

Engineering Services

A4.10 UTILITY COORDINATION AND COMMUNICATION:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$6,450

This will include establishing and maintaining contact with MSD, City of Asheville, and Duke Energy. The Town will be invited to participate in all coordination meetings and will be included on electronic communications throughout this effort. The coordination effort will initially begin with the following:

- | Identify utility conflicts and relocation needs; and
- | Confirm ownership and jurisdiction of each utility segment.

A4.20 MEETINGS AND FIELD INVESTIGATIONS:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$3,490

Participate in the following coordination activities:

- | Up to three (3) in-person meetings with utility owners and Town staff;
- | One (1) site visit to observe existing conditions and potential relocation options;
- | Two (2) virtual follow-up meetings to review relocation options;
- | One (1) virtual design review meeting with Town, Utilities, and McAdams personnel; and
- | One (1) optional / additional in-person meeting if field conditions or agency feedback warrant.

Prepare written correspondence and meeting notes summarizing discussions, decisions, and next steps. All correspondence will be logged, and following the completion of this effort, a digital copy of the log and correspondence will be submitted to the Town.

B2.10 SUPPLEMENTAL EASEMENT EXHIBITS:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$1,655

Provide up to two easement exhibits for parcel pin numbers 0609-88-1703 and 0609-88-0501 in Black Mountain on Hilltop Road for purposes of permanent drainage easements and temporary construction easements in accordance with the Minimum Requirements for Easements in the State of North Carolina.

D14.06 FEMA ASSISTANCE:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$5,970

McAdams will prepare a Damage Description and Dimensions Report and Sealed Engineer’s Estimate for the Town’s use in acquiring FEMA Public Assistance funding.

The Damage Description and Dimensions Report will include the following:

- | General Facility Information;

- | General Damage Information;
- | Dimensions of Road Damage;
- | Description of the Proposed Repairs;
- | Engineer’s Estimate of the Construction Cost; and
- | Preliminary Engineering Details.

Deliverables:

- | Draft Damage Description and Dimensions Report;
- | Final Damage Description and Dimensions Report; and
- | Sealed Engineer’s Estimate.

D14.11 FINAL ROADWAY DESIGN:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$30,870

McAdams will progress the roadway design completed in task D14.01 to fully repair Hilltop Road to its pre-storm condition while meeting minimum AASHTO standards. McAdams will prepare the Final Roadway Plan Set and Engineer’s Estimate for the Town’s review. McAdams will respond to review comments and revise plans as may be required for two (2) reviews from the Town. Once approved, McAdams will sign and issue the Sealed Contract Roadway Design Plans to be used for construction.

The Final Roadway Plan Set will include the following:

- | Title Sheet;
- | Index of Sheets, General Notes, and Standard Drawings;
- | Conventional Symbols (legend);
- | Pavement Schedule and Typical Sections;
- | Details (as needed for roadway, drainage, and geotechnical);
- | Roadway Summaries;
- | Drainage Summaries (prepared in separate task);
- | Plan and Profile Sheets (including drainage prepared in separate task);
- | Erosion Control Plans (prepared in separate task); and
- | Cross Sections.

Deliverables:

- | Final Roadway Plan Set for review;
- | Engineer’s Estimate of Construction Cost for review; and
- | Sealed Contract Roadway Design Plans.

Meetings:

- | General – This task includes up to four (4) design team meetings and additional meetings with project stakeholders.

D14.22 FINAL HYDRAULIC DESIGN:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$8,880

The Design Team will perform hydraulic analysis for open and closed system drainage, including pipe crossings, storm drainage systems, and ditches along Hilltop Road for incorporation into the roadway plans. This analysis will be based upon the topographical information included in the survey and basemaps. Survey data will be supplemented with GIS contour information, USGS Quad maps, FEMA information, and County-provided flown topography mapping. The anticipated tasks associated with the hydraulic analysis and drainage design include:

- | A field visit completed by hydraulic design staff to verify existing drainage patterns, condition of existing drainage structures, and collect site data to be utilized in design;
- | Size all cross pipes (if required) along Hilltop Road;
- | Size all closed system drainage along Hilltop Road;
- | Evaluate ditch section capacities, depths, velocities, and shear stress;
- | Evaluate proposed drainage outfalls; and
- | Evaluate and design necessary revisions to hydraulic structures (culverts, cross pipes, headwalls, drainage structures) that may have been installed during previous Hilltop Road emergency repairs.

Deliverables:

- | Hydraulic Technical Memo supporting design considerations for FEMA review;
- | Necessary supporting calculations;
- | Pipe and storm drain size / type shown on plans;
- | Ditch locations and any applicable ditch details shown on plans;
- | Project-specific Hydraulic Special Provisions or Drainage Special Details; and
- | Stormwater Management Plan (SMP).

Meetings:

- | General – This task includes up to four (4) design team meetings and additional meetings with project stakeholders.

D14.55 FINAL EROSION CONTROL DESIGN:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$5,950

The Design Team will prepare the erosion and sediment control plans by specifying erosion control measures, which minimize erosion and limit off-site sedimentation during construction of the project. The design will be in accordance with the requirements of the North Carolina Department of Transportation (NCDOT), the North Carolina Department of Environmental Quality (NCDEQ), and the Division of Energy, Mineral, and Land Resources (DEMLR). Erosion and Sediment Control quantities will be summarized and included as a table or appendix to the plans.

The Design Team will analyze flow rates and determine stabilization requirements for channels with erosive velocities and slopes with potential for erosive failure throughout the project. The Design Team will show erosion

control measures and special details not shown in the Erosion Control Manuals as part of the construction plan set.

The ES&C designer will complete the E&SC plans by incorporating appropriate plan and/or title sheet information, required details, and notes on the E&SC plan sheets for project-specific environmental information into the plan. Project-specific vegetation management plans (e.g., reforestation, streambank reforestation, wetland grass or reforestation, etc.) or landscaping as required through project commitments will be included as part of the plans.

Deliverables:

- | E&SC Plans included as a separate series of drawings within the Roadway plan set;
- | E&SC Quantities;
- | Incorporate details and notes on E&SC plan sheets as needed; and
- | Include E&SC Special Provisions as necessary.

Meetings:

- | General – This task includes up to two (2) design team meetings and additional meetings with project stakeholders.

E14.10 SUPPLEMENTAL EROSION CONTROL PERMITTING:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$2,530 + Applicable Review / Application Fees (TBD)

Following an initial review by the Town of Black Mountain, McAdams will submit erosion control plans and supporting documentation to the Regional Office of NCDEQ for review and approval *if required*. Upon approval of the erosion control plans, the Design Team will apply for the NCG01 permit. Based on NCDEQ current review standards, a land disturbance permit will not be issued until documentation of permit approvals and easement acquisition can be provided. The Town of Black Mountain will be responsible for signing and notarizing the NCDEQ Financial Responsibility Form and reimbursing the required review and application fees for the project.

D14.60 CONTRACT STANDARDS AND DEVELOPMENT:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$9,890

McAdams will generate a Bid Proposal for the construction of the project utilizing the North Carolina Department of Transportation (NCDOT) Standard Specifications and Special Provisions. McAdams will respond to review comments and revise the Bid Proposal as may be required for two (2) reviews from the Town. Once approved, McAdams will sign and issue the Bid Proposal to be used in the Town’s advertisement and bidding process for the construction of Hilltop Road.

Deliverables:

- | Draft Bid Proposal for review; and
- | Bid Proposal.

Bidding Services

H5.40 CONSTRUCTION CONTRACTING ASSISTANCE:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$6,480

As outlined in North Carolina General Statute §143-129 “Procedure for Letting of Public Contracts,” this task entails assistance with construction contract bid process. Specific items included within this task are as follows:

- | Publish Bid Package + Addenda via McAdams Online Plan Room;
- | Maintain Plan Holder’s / Bidder’s List;
- | Assist with Pre-Bid meeting;
- | Receipt / Distribution and answering of RFIs;
- | Assist with Public Bid opening; and
- | Evaluation of received bids, preparation of the Certified Bid Tabulation, and recommendation of lowest responsive bidder.

Construction Period Services

H5.90 CONSTRUCTION ADMINISTRATION TASKS:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$37,460

Provide assistance after award of the Contract for the site construction work (3-Months assumed). Scope for this task includes:

- | Attending one (1) preconstruction meeting;
- | Monthly construction progress meetings (3 Meetings);
- | Weekly site visits during construction to observe the quality of construction and preparation of associated field observation reports (7 Visits);
- | RFIs and reviewing / approving shop drawings;
- | Review of contractor change order requests and schedule of values;
- | Bulletin Drawings;
- | Certifications of Contractor’s payment requests;
- | Substantial Completion Review;
- | Development of punch lists and pre / final inspections in support of project close-out (2 Visits);
- | Warranty Site Visits and follow up (2 Visits); and
- | Project close out documentation.

Project Close-Out Services

15.10 RECORD DRAWINGS:

FEE: By hourly charges in accordance with the attached Rate Schedule, estimate \$2,510

Provide record drawings and certifications of installation as required by the Town of Black Mountain. Please note this fee assumes field-survey work and a signed / sealed as-built survey shall be provided by Others (the Contractor) for use by McAdams in preparing the record drawings and submittal package.

K. REIMBURSABLE EXPENSES:

FEE:	\$1,944 budgetary estimate
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Applicable items will be billed in accordance with the attached Rate Schedule.

Exclusions

The following services are not included in this Agreement:

- | Work Zone Traffic Control Design;
- | Structural design of retaining walls, headwalls or stormwater facilities or structures;
- | Stormwater Control Measures (SCMs);
- | Bridge Survey Report (BSR) or Culvert Survey Report (CSR);
- | Scour analysis;
- | Traffic Impact Analysis;
- | Preparation of plats for right-of-way acquisition;
- | Right-of-way acquisition services;
- | Bid period services;
- | Legal advertisements for construction contracts; and
- | Environmental investigations, wetlands permitting, or wetlands surveying.

The Fee for these additional services shall be billed at Standard Hourly Rates using the attached rate schedule, following the attached staff time estimates and shall be: \$124,079

The Terms and Conditions of the original Agreement shall apply to this amendment.

Town of Black Mountain, North Carolina

McAdams

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

By: S. Colin Kinton
 Printed Name: S. Colin Kinton, PE, IMSA II
 Title: Practice Lead, Traffic
 Date: December 23, 2025



MCADAMS

Hourly Rate Schedule / 2025

1. SPECIFICATIONS FOR CONTRACT BY HOURLY CHARGE, THE FOLLOWING RATES APPLY

Role	Rate
Chairman / President / Vice President	\$290 - 400 /hour
Advisor	\$250 - 325 /hour
Director / Group Manager / Practice Lead	\$165 - 320 /hour
Technical Manager	\$140 - 250 /hour
Project Manager	\$150 - 250 /hour
Assistant Project Manager	\$120 - 200 /hour
Landscape Architect	\$140 - 230 /hour
Planner	\$110 - 205 /hour
Project Engineer	\$145 - 240 /hour
Graphics + Visualization	\$125 - 140 /hour
Designer / Analyst / Design Tech	\$110 - 180 /hour
Intern	\$55 - 100 /hour
Administrative Services	\$80 - 120 /hour
Construction Administrator / Observer	\$115 - 225 /hour
Survey Technician	\$95 - 125 /hour
2 Man Survey Crew	\$165 - 185 /hour
3 Man Survey Crew	\$200 - 225 /hour
UAS LiDAR Crew	\$285 /hour
SUE Crew Member	\$95 - 135 /hour

Hourly services are recorded and rounded to the nearest 1/4 hour.

2. THE FOLLOWING CHARGES APPLY ON ALL CONTRACTS, FOR COPIES OF PLANS AND SPECIFICATIONS SENT OUT OF THE ENGINEER'S OFFICE (TO CLIENT, CITY REGULATORY AGENCIES, BIDDERS, CONTRACTOR, OTHER CONSULTANTS, ETC.):

Item	Fee	Item	Fee
Oversize + Color Rep.	\$3.60 /each	Oversize Mylar Sepia	\$24.00 /each
Paper Reproductions	\$2.40 /each	Mylar Sepia	\$18.00 /each
Specifications	\$0.12 /each	Paper Sepia	\$6.00 /each

3. THE FOLLOWING RATES ARE CHARGED IN ADDITION TO THE ABOVE FEES:

Item	Fee
Fees Paid for Permits and Applications	Cost Plus 10%
Outside Photocopying, Travel, Overnight Delivery, Postage for Mass Mailings	Cost Plus 10%
Subcontractor Invoices	Cost Plus 12.5%

4. FEES ARE SUBJECT TO ADJUSTMENT AT THE BEGINNING OF EACH CALENDAR YEAR.

5. PROJECTS ARE BILLED ON A MONTHLY BASIS AND INVOICES ARE DUE UPON RECEIPT. INVOICES WHICH HAVE BEEN NOT BEEN PAID WITHIN 30 DAYS ARE PAST DUE AND SUBJECT TO FINANCE CHARGES OF 1.5% PER MONTH.

Client's Initials _____ Date _____



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, Assistant Town Manager **MEETING DATE:** January 12, 2026

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

TITLE OF ITEM: Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Maintenance Facility at the Black Mountain Golf Course.

SUGGESTED MOTION(S):

Motion to approve the resolution as presented & recommended.

SUMMARY:

During Tropical Storm Helene (DR-4827-NC), the golf course and its maintenance facility sustained significant flood damage, with the existing maintenance building inundated by more than five feet of floodwaters. As a result, the structure is unsafe, does not meet National Flood Insurance Program (NFIP) or local floodplain requirements, and cannot be insured, limiting the Town's ability to maintain and operate the golf course effectively.

This agenda item seeks authorization for Town staff to prepare and submit a grant application to the State of North Carolina for funding through the Helene Recovery Fund for the Parks and Recreation Trust Fund (PARTF) program. The proposed project involves engineering and construction of a new golf maintenance facility that will be located within the 100-year floodplain but fully compliant with National Flood Insurance Program (NFIP) standards and the Town's flood damage prevention ordinance, allowing the facility to be insured and improving long-term resilience.

The total planning-level cost estimate for the project is approximately \$2.5 million, which includes site design, structural engineering, utilities, and accessibility compliance. The Town has already been approved for \$1 million through the NC Helene Local Government Capital Grant Program, and the PARTF Helene Recovery Fund grant would provide up to a 50% match, not to exceed \$1.25 million, subject to grant approval. Upon award, Town Council will consider a budget amendment to appropriate grant funds and any required local match. The Town Manager, or designee, is authorized to execute all necessary application documents and coordinate with Planning, Parks and Recreation, and Finance staff to ensure the project meets all grant and floodplain compliance requirements.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A. Upon award, a budget amendment will be considered to appropriate grand funds & any required local match.

If no, describe how it will be funded. See above.

ATTACHMENTS:

1. R-26-02_Golf Course Maintenance_PARTF Application_2026.01.12

_____ *made a motion to approve the following resolution. A vote of _ _ in favor.*

TOWN OF BLACK MOUNTAIN RESOLUTION

**AUTHORIZING STAFF TO APPLY FOR HELENE RECOVERY FUND FOR PART F
2025-2026 FUNDING FOR ENGINEERING AND CONSTRUCTION OF A NEW
MAINTENANCE FACILITY AT THE BLACK MOUNTAIN GOLF COURSE**

RESOLUTION NO. R-26-02

WHEREAS, the Town of Black Mountain owns and operates a public golf course, a vital public recreation area that sustained severe flood damage during Tropical Storm Helene (DR-4827-NC); and

WHEREAS, the existing golf maintenance building was substantially damaged by more than five feet of flood inundation, resulting in unsafe and noncompliant conditions; and

WHEREAS, the structure is located within the Special Flood Hazard Area (SFHA) and does not meet National Flood Insurance Program (NFIP) standards, and therefore cannot be insured; and

WHEREAS, replacement of this facility will restore essential support services for the maintenance of the golf course for residents and visitors; and

WHEREAS, the Town seeks to construct a new golf maintenance facility that will meet the following criterion:

- Be located within the 100YFP but fully comply with NFIP and local flood damage prevention ordinance requirements;
- Be covered by flood insurance to ensure long-term resilience and risk reduction; and

WHEREAS, the Town has been approved for \$1,000,000 of funding from the NC Helene Local Government Capital Grant Program; and

WHEREAS, this project is eligible for additional funding through the Helene Recovery Fund for PART F (Parks and Recreation Trust Fund), which supports North Carolina local governments improving the quality of life for their communities through providing a 50% match in funding for approved parks and recreation infrastructure projects; and

WHEREAS, the planning-level cost estimate for engineering and construction of the new maintenance facility is \$2,500,000, inclusive of site design, structural engineering, utilities, and compliance with accessibility standards;

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

1. Town staff are hereby authorized and directed to prepare and submit an application to the appropriate state agency for Helene Recovery Fund for PARTF funding in the amount of up to \$1,250,000.00 to support the engineering and construction of a new maintenance building for the Town's golf course pending the outcome of anticipated local match eligible grant applications.
2. The Town Manager, or their designee, is authorized to execute all necessary documents, certifications, and assurances to complete the application process.
3. The Town Manager is further authorized to coordinate with the Planning Department, Parks and Recreation Department, and Finance Department to prepare detailed design and budget documentation consistent with grant requirements and NFIP compliance.
4. Upon award, the Town Council will consider a budget amendment to appropriate grant funds and any required local match.

Adopted this the 12th day of January 2026.

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:** January 12, 2026

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

TITLE OF ITEM: Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Combined Restroom & Concession Facility at Veterans Park (Amended)

SUGGESTED MOTION(S):

To approve the resolution as presented and recommended.

SUMMARY:

This resolution authorizes Town staff to apply for Helene Recovery Fund–PARTF funding to support the engineering and construction of a new, NFIP-compliant combined restroom and concession facility at Veteran’s Park. The amended action reflects increased project cost estimates and builds on previously approved funding, including \$350,000 from the NC Helene Local Government Capital Grant Program, a pending \$100,000 Golden LEAF Foundation request, and a \$50,000 Town contribution. Approval allows staff to seek up to \$1,063,455 in additional PARTF funding, complete required application materials, and coordinate design and budgeting efforts, with any necessary budget amendments to be considered by Town Council upon award.

Note: The initial resolution (R-25-90.3) was adopted on November 10, 2025 by Town Council that authorized staff to apply for PARTF funding for the restrooms & concession stand facility at Veterans Park.

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-26-03_Vet Park Restroom and Concession Stand Combined_PARTF Application Amended

_____ *made a motion to approve the following resolution. A vote of _ _ in favor.*

TOWN OF BLACK MOUNTAIN RESOLUTION

**AUTHORIZING STAFF TO APPLY FOR HELENE RECOVERY FUND FOR PART F
2025-2026 FUNDING FOR ENGINEERING AND CONSTRUCTION OF A NEW
COMBINED RESTROOM AND CONCESSION FACILITY AT VETERAN’S PARK
AMENDED**

RESOLUTION NO. R-26-03

WHEREAS, the Town of Black Mountain passed Resolution R-25-90.3 on November 10, 2025 authorizing staff to apply for PART-F funding for the restrooms and concessions stand facility at Veteran’s Park; and

WHEREAS, the initial opinions of probable cost received by the Town substantially exceeded the initial planning level estimates (\$1,000,000); and

WHEREAS, the Town has been approved for \$350,000 of funding from the NC Helene Local Government Capital Grant Program and is applying for \$100,000 of funding from the Goldenleaf Foundation to build an NFIP compliant restrooms and concession facility at Veteran’s Park; and

WHEREAS, the Town has planned to contribute an additional \$50,000 toward the project from the Town’s own Helene Recovery Fund; and

WHEREAS, this project is eligible for additional funding through the Helene Recovery Fund for PARTF (Parks and Recreation Trust Fund), which supports North Carolina local governments improving the quality of life for their communities through providing a 50% match in funding for approved parks and recreation infrastructure projects;

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

1. Town staff are hereby authorized and directed to prepare and submit an application to the appropriate state agency for Helene Recovery Fund for PARTF funding in the amount of up to \$ 1,063,455.00 to support the engineering and construction of a new combined restroom and concession facility at Veteran’s Park.
2. The Town Manager, or their designee, is authorized to execute all necessary documents, certifications, and assurances to complete the application process.
3. The Town Manager is further authorized to coordinate with the Planning Department, Parks and Recreation Department, and Finance Department to prepare detailed design and budget documentation consistent with grant requirements and NFIP compliance.

4. Upon award, the Town Council will consider a budget amendment to appropriate grant funds and any required local match.

Adopted this the 12th day of January 2026.

C. Michael Sobol, Mayor

Attest:

Wesley M. Barker, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, Town Manager **MEETING DATE:** January 12, 2026
AGENDA SECTION: Consent Agenda **DEPARTMENT:** Administration
TITLE OF ITEM: Amendment to Loan Agreements for State Cashflow Loans with NC State Treasurer

SUGGESTED MOTION(S):

To approve the amendment to the State Cashflow Loan Agreements as presented and recommended.

SUMMARY:

This agenda item considers approval of an amendment to the Town of Black Mountain's existing State of North Carolina Cashflow Loan Agreements and related promissory notes for disaster response activities associated with Hurricane Helene. The amendment, authorized under Session Law 2025-97, modifies repayment terms for three previously issued, interest-free cashflow loans totaling approximately \$2.4 million and extends the repayment deadline until the later of June 30, 2030, final FEMA reimbursement determination, or receipt of FEMA funds. The amendment also confirms the Town's eligibility under the updated statute, maintains program requirements administered by the North Carolina Department of State Treasurer, and authorizes designated Town officials to execute the amended agreements and take all necessary actions to administer the disaster recovery loan funding.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? n/a- agreement amendment
If no, describe how it will be funded. n/a

ATTACHMENTS:

1. State Cashflow Loans_Black_Mountain_Amendment

**AMENDMENT TO LOAN AGREEMENT(S)
STATE CASHFLOW LOANS FOR DISASTER RESPONSE ACTIVITIES TO LOCAL
GOVERNMENTS
BETWEEN
THE STATE OF NORTH CAROLINA (BY AND THROUGH THE DEPARTMENT OF STATE
TREASURER)
AND
THE ~~{Unit Type} OF {UNIT}~~, TOWN OF BLACK MOUNTAIN, NORTH CAROLINA**

This Amendment (“Amendment”) is entered into by and between the State of North Carolina, by and through the North Carolina Department of State Treasurer (“NCDST”), and the Town of Black Mountain~~{Unit Type} of {UNIT}~~, North Carolina (“RECIPIENT”), collectively referred to as the “Parties.”

1. Purpose

This Amendment modifies one or more existing loan agreements between the Parties under the State’s Cashflow Loan Program for disaster response activities authorized by Section 4E.5 of Session Law 2024-53, as amended by Section 1F.1 of Session Law 2024-57 and Section 1.3 of Session Law 2025-97 (collectively, the “Authorizing Acts”).

This Amendment applies to the following loan(s), as applicable:

Round 1

Loan Date	<u>March 12, 2025</u>
Original Loan Amount	<u>\$705,703.37</u>

Round 2

Loan Date	<u>July 2, 2025</u>
Original Loan Amount	<u>\$465,661.06</u>

Round 3

Loan Date	<u>September 22, 2025</u>
Original Loan Amount	<u>\$1,233,911.31</u>

If a loan is listed above, this Amendment modifies the corresponding agreement.

2. Certification of Eligibility

Prior to the modification of repayment terms, the RECIPIENT certifies that it qualifies as an “eligible community” under Section 1.3(b) of Session Law 2025-97. Specifically, the RECIPIENT affirms that it meets one or more of the following criteria:

- It is an affected city with a population of 10,000 or fewer and a preliminary damage estimate exceeding 100% of its FY 2024–2025 budget;
- It is an affected county with a population of 25,000 or fewer based on the 2023 Certified County Population Estimates from the State Demographer and a preliminary damage estimate exceeding 50% of its FY 2024–2025 budget;
- It is an affected county with an unincorporated area that suffered catastrophic damage qualifying for FEMA Public Assistance Categories C through G.

The RECIPIENT further certifies that all loan funds will be used in accordance with the requirements of Section 1.3(e) of Session Law 2025-97 and that it will comply with all applicable reporting obligations under Section 4.1(g) of Session Law 2025-2.

32. Modified Repayment Terms

The repayment schedule for each applicable loan is amended as follows:

The RECIPIENT shall repay the full loan amount in accordance with the terms of this Agreement. However, no repayment shall be due until the latest of the following events has occurred:

- June 30, 2030;
- the final declination of FEMA coverage or reimbursement; or
- the receipt of FEMA reimbursement funds.

Once the latest of these events has occurred, the full outstanding balance of the loan shall be repaid in accordance with a schedule to be determined by NCDST, unless otherwise amended in writing.

This provision supersedes any prior repayment schedule or final repayment deadline in the original agreement(s).

43. Program Modifications

In accordance with the Authorizing Acts:

- All loans covered by this Amendment shall remain interest-free.
- Loans are administered by NCDST and are not subject to approval by the Local Government Commission.
- If a county applies for a loan for an unincorporated area, funds must be used exclusively within that area.

- RECIPIENT shall comply with the allocation reporting requirements set forth in Section 4.1(g) of Session Law 2025-2.

54. Effectiveness

This Amendment shall become effective upon execution by both Parties and shall be deemed incorporated into each applicable loan agreement. All other terms of the original agreement(s) remain in full force and effect unless expressly modified herein.

65. Authorized Signature Warranty

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Agreement.

In Witness Whereof, RECIPIENT and the State of North Carolina, acting by and through the NCDST have executed this Agreement in duplicate originals, with one original being retained by each party.

«UNIT_TYPE» OF «UNIT» TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

Finance Officer Signature

Date

Authorizing Official

Date

Printed Name

Job Title

STATE OF NORTH CAROLINA, by:

NORTH CAROLINA DEPARTMENT OF STATE TREASURER

Authorizing Official

Date

Printed Name

Job Title

ATTACHMENT A

RESOLUTION TO APPROVE NORTH CAROLINA CASHFLOW LOAN AGREEMENT(S) AND PROMISSORY NOTE(S)

WITNESSETH:

WHEREAS, in connection with the State of North Carolina Cashflow Loan Program (the “Loan Program”) authorized by the Disaster Recovery Act of 2024, Session Law 2024-53, as amended by Session Law 2024-57 and Session Law 2025-97, the North Carolina Department of State Treasurer has worked in coordination with the North Carolina Department of Public Safety–Division of Emergency Management (NCEM), the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM) to administer cashflow loans to assist local governments affected by Hurricane Helene; and

WHEREAS, local governments participating in the Loan Program are required to execute one or more Cashflow Loan Agreements and Promissory Notes with the State of North Carolina, by and through the North Carolina Department of State Treasurer; and

NOW, THEREFORE, BE IT RESOLVED BY THE ~~[UNIT TYPE] OF [UNIT]~~; TOWN OF BLACK MOUNTAIN NORTH CAROLINA:

1. That the Cashflow Loan Agreement(s) and Promissory Note(s) provided by the North Carolina Department of State Treasurer ~~are hereby approved to the~~ Town of Black Mountain ~~Unit~~ are hereby ratified and confirmed.

1.2. ~~The amendment to such, including any Cashflow Loan Agreement(s) and Promissory Note(s) amendments thereto provided to the Town of Black Mountain~~ Unit that implements the repayment terms and program modifications set forth in Session Law 2025-97.

2.3. That the [Manager/Clerk/Authorized Representative] is authorized to execute the ~~attached agreement~~ proposed amendment(s) and related note(s) (or those substantially equivalent thereto), and to take such other actions as necessary to receive and administer disaster recovery loan funding from the State of North Carolina.

Adopted this the _____ day of _____, 2025

«UNIT_TYPE» OF «UNIT» TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

AUTHORIZED BY

ATTEST

Signature

Signature

Name

Name

Title (Mayor/ Commissioner/ Authorized Representative)

Title (Clerk/ Authorized Representative)

ATTACHMENT B

This Promissory Note has been pre-audited as required by the Local Government Budget and Fiscal Control Act

PROMISSORY NOTE

This Promissory Note is issued by the Town of Black Mountain, [Unit Type] of [UNIT], North Carolina (“BORROWER”), in favor of the STATE OF NORTH CAROLINA (by and through the North Carolina Department of State Treasurer) (“State”), in connection with one or more loan agreements under the State Cashflow Loan Program for disaster response activities.

This Note applies to the following loan(s), as applicable:

☑ Round 1

<u>Loan Date</u>	<u>March 12, 2025</u>
<u>Original Loan Amount</u>	<u>\$705,703.37</u>

Round 2

<u>Loan Date</u>	<u>July 2, 2025</u>
<u>Original Loan Amount</u>	<u>\$465,661.06</u>

Round 3

<u>Loan Date</u>	<u>September 22, 2025</u>
<u>Original Loan Amount</u>	<u>\$1,233,911.31</u>

Round 1

<u>Loan Date</u>	
<u>Original Loan Amount</u>	

Round 2

<u>Loan Date</u>	
<u>Original Loan Amount</u>	

Round 3

<u>Loan Date</u>	
<u>Original Loan Amount</u>	

The BORROWER DOES HEREBY unconditionally promise to pay to the State the full outstanding balance of the loan(s) listed above, in accordance with the related loan agreement(s), as amended.

As set forth in the applicable amendment(s), the BORROWER shall repay the full outstanding balance of the loan(s), but no repayment shall be due until the latest of the following events has occurred:

- June 30, 2030;
- The final declination of FEMA coverage or reimbursement; or
- The receipt of FEMA reimbursement funds.

Once the latest of these events has occurred, the full outstanding balance shall be repaid in accordance with a schedule to be determined by the State, unless otherwise amended in writing.

Payment instructions will follow from the State or its agent.

This Promissory Note and the related loan agreement(s) were duly authorized by action of the BORROWER's governing body at a meeting duly held on _____.

This Promissory Note and the Agreement were duly authorized by action of the BORROWER's governing body at a meeting duly held on _____.

~~«UNIT_TYPE» OF «UNIT»~~ TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

Finance Officer Signature

Authorized Official Signature

[Name and Title]

[Seal]

Signature

[Name and Title – Should Be Clerk]



TOWN OF BLACK MOUNTAIN
AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, Town Manager **MEETING DATE:** January 12, 2026

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: 2026 Green Tee Grill Lease Renewal

SUGGESTED MOTION(S):

Council will discuss the renewal of this lease and make the motion based on the discussion.

SUMMARY:

The Green Tee Grille Lease expires January 14, 2026. The tenant, Karen Davis, would like to renew the lease for the golf course snack shop (Green Tee Grille) for an additional year. The 2025 approved lease amount was \$400 per month. A draft revised lease document for 2026 is attached for Council to review and offer any amendments.

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. 2026 Green Tee Grille Lease -Draft

GOLF COURSE SNACK SHOP LEASE AGREEMENT

This Lease Agreement ("Agreement") is made and entered into this 15th day of January, 2026, by and between the Town of Black Mountain, a municipal corporation situated in Buncombe County, North Carolina ("Town" or "Lessor"), and Green Tee Grille, LLC ("Lessee").

The Lessor hereby leases to the Lessee that property known as the golf course snack shop, also commonly referred to as the 19th Hole, upon the terms and conditions set out below.

1. The Lessee has given notice of intent to extend the lease for the 19th Hole for an additional year as allowed by the lease entered into in 2025, and the term of the lease extension shall be twelve (12) months, beginning January 15, 2026, and running from January 15, 2026, until January 15, 2027 (the "extended term").
2. The Lessee shall have the option to renew this lease for another additional one-year term under the same terms and conditions as set out herein. If the Lessee intends to extend the lease she must give written notice to the Town in writing by certified mail or hand delivery no later than the 31st day of October, 2026. If Lessee is in default or breach or the Town deems Lessee's past performance unsatisfactory or unacceptable and has informed the Lessee in writing of past performance which it deems unsatisfactory or unacceptable, the Town may refuse the renewal, or terminate the renewal option, by notice given to the Lessee in writing and by certified mail no later than the 30th day of November, 2026. Town is under no obligation to give such notice of non-renewal unless it receives notice of Lessee's intent to renew as set out herein.
3. The Town and the Lessee may renegotiate any provisions of this Agreement for the renewal term prior to renewal at the request of the Lessee, or at the request of the Town if there are issues of performance by the Lessee during the extended term if the Town determines that renegotiation of terms will resolve the performance issues.
4. The rent for the extended term of the lease shall be \$400.00 per month. The Lessee shall be required to pay the lease payment in monthly installments with each month's payment being payable in advance beginning January 15, 2026. Future monthly payments can be paid in advance for any portion of the lease term.
5. The Lessee understands and agrees that the primary purpose of the Green Tee Grille is to cater to golf course patrons.
6. The Lessee shall be responsible for obtaining all licenses and permits, with the exception of the special occasion permit, necessary to operate said grille.
7. The Lessor shall pay the electric bill for the Green Tee Grille and the rest of that building.
8. The Lessee will retain all receipts from the operation of the Green Tee Grille.

9. In the event of a scheduled outing when the golf course is closed for any portion of the day to non-tournament patrons and food and/or beverage is provided by someone other than Green Tee Grille, LLC, said outing will be responsible for providing \$5 per player or \$300, whichever is greater, to the Lessee. This is not a room rate rental fee. The golf course manager has the right to adjust this amount at any time.
10. The Town of Black Mountain will furnish the equipment and any furniture located on the premises at the time of this agreement. The Lessee shall maintain this equipment as needed for the term of the lease, but any major equipment (freezers, refrigerators, grills, ranges, ovens, and microwaves) requiring replacement will be paid for by the Lessor. All equipment and furniture currently on site will remain property of the Town of Black Mountain. Any equipment acquired to replace equipment furnished by the Town at the beginning of the lease, shall become the property of the Town. Any equipment added by the Lessee shall be the property of the Lessee and may be removed at the end or upon termination of this lease. Lessee may donate such equipment to the Town unless the Town directs that the Lessee remove any such equipment at the end or upon termination of the lease term.
11. The Lessee shall be liable for any and all activities on the leased premises during the business hours of the Green Tee Grille, which includes the porch area, that might arise from the sale of food and drink at said snack shop.
12. The Lessee shall be required to carry a minimum of \$1,000,000 in liability insurance and any required workers' compensation insurance, appropriate to protect the Town of Black Mountain. In addition, the Lessee shall be required to furnish renter's insurance to cover any of her personal property or equipment on the premises.
13. The Town of Black Mountain reserves the right to check the identification of persons of questionable age who are dispensing and/or consuming alcohol.
14. The Town of Black Mountain is obligated to close the Green Tee Grille for any sales immediately upon determination of any ABC (Alcoholic Beverage Control) violation until such time that the violations are corrected.
15. Upon a second ABC violation, the Lessee will be given a two (2) week notice to vacate the premises, beer sales will be suspended, and the Lessee will be required to pay rent for ninety (90) days following the suspension of beer sales and business.
16. The Lessee and his/her employees of Green Tee Grille, LLC, will abide by all Federal, State and Local laws, regulations and ordinances.
17. No political activities shall be conducted on the premises and no materials may be posted or distributed on the premises which are related to politics, public office or political campaigns with the implied or actual consent or encouragement of the Lessee, its employees or agents. This will not impose on the Lessee any obligation to monitor or control the private conversations of patrons.

18. The Lessee will ensure that the Town of Black Mountain will have a key to each entrance of the Green Tee Grille.
19. The minimum days and hours of operations for the Green Tee Grille shall be the same as the days and hours of the Golf Course Pro Shop:
 - a. 9:00 a.m. until 5:00 p.m. during daylight savings time (spring and summer)
 - b. 10:00 a.m. until 4:00 p.m. during standard time (fall and winter) Seven (7) days a week

(*The Green Tee Grille shall not be required to remain open during times of inclement weather or when the pro shop is closed, may close on Mondays to adjust for staffing shortages and/or slow business, and may be closed at any time with the permission of the Golf Course Manager.) *Lessee requests to be closed on Mondays unless there is a special event.

20. The Lessee shall be responsible for maintaining and cleaning the snack shop area, to include the restrooms, in a manner satisfactory to the Golf Course Manager, but Lessor shall provide all materials (paper towels, toilet paper, soap, etc.) for the restrooms.
21. The Lessee shall provide a menu for the Green Tee Grille, that shall be reviewed by the Golf Course Manager.
22. The Lessee will permit any operation assessment team access to the Green Tee Grille for review, observation or evaluation, as the Town of Black Mountain deems necessary.
23. An Annual health inspection will be required by the Town of Black Mountain.
24. If the Lessee chooses to sublet or sell his/her interest in this lease or the Green Tee Grille the Lessee will need the approval of the Town of Black Mountain.
25. If the Lessee wishes to terminate the lease prior to the end of the lease term it may do so by giving the Town ninety (90) days' written notice of its intent to terminate the lease and Lessee will be required to make monthly rental payments to the Town, for the remaining lease term, or until the Town secures a new Lessee for the facility or takes over management of the business on a permanent basis. If the Lessee terminates the lease, it must have all of its goods and equipment removed from the premises by the end of the day upon which it ceases to operate its business under the lease.

THE TOWN OF BLACK MOUNTAIN

GREEN TEE GRILLE, LLC

By: _____
Josh Harrold, Town Manager

By: _____
Karen M. Davis, Managing Member



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, Town Manager **MEETING DATE:** January 12, 2026
AGENDA SECTION: New Business **DEPARTMENT:** Administration
TITLE OF ITEM: Consideration of pursuing a Traffic Study at the intersection of Sutton Ave. and Black Mountain Ave. to enhance safety.

SUGGESTED MOTION(S):

Council should discuss, and any motion would be to direct staff to pursue traffic study, or other option(s).

SUMMARY:

Several citizen comments have been received to the Town and Town Council asking about improved safety at the intersection of Sutton Ave. and Black Mountain Ave. Council will discuss the possibility of directing staff to pursue a traffic study at this intersection and on ways to enhance safety for pedestrians and motorists.

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. Sutton-Ave-BlackMtnAve-Intersection Photos











TOWN OF BLACK MOUNTAIN
AGENDA ITEM SUMMARY

SUBMITTER: **MEETING DATE:** January 12, 2026

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: Selection of Firm for the Town Manager Recruitment Process

SUGGESTED MOTION(S):

To approve the selection of a firm for the Town Manager recruitment process.

SUMMARY:

Town Council will make a selection of the search firm for the Town Manager recruitment. In total, the Council received seven proposals from various firms and have narrowed it down to two. At a special meeting held on January 8, 2026, Town Council viewed videos from these two search firm candidates; Piedmont Triad Regional Council and MGT. Proposals from each firm have been received by Council detailing the scope of services from each.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? n/a- once approved, budget amendments, if needed, will follow.

If no, describe how it will be funded. Same as above.

ATTACHMENTS:

1. MGT Search Firm Proposal
2. Piedmont Triad Proposal



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- Compensation plans with guidelines and related HR policies

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Our Services:

Classification & Compensation Studies

Leverage our classification and compensation expertise and strategic recommendations with the latest market salary and benefits data insights to support workforce decisions and keep your compensation competitive and equitable.

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We assess your structure, workforce allocation, and operational dynamics to identify opportunities for improvement. Our data-driven insights help streamline processes, optimize and forecast staffing levels, and enhance overall productivity. Our experienced consultants also conduct comprehensive HR audits.

Leadership Development Training

Our dynamic training programs, including an 8-week online supervisory course, equip public sector supervisors with the skills and insights needed to lead with confidence, foster innovation, and drive organizational success. We offer additional trainings and assessments tailored to client needs, providing flexible options to strengthen leadership at every level.

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We partner with organizations to strengthen both workforce practices and organizational direction. Our services range from strategic planning and change management to hands-on HR audits, staffing analysis, and policy review and development. This combination of strategic and practical support helps leaders improve compliance, align resources, and build capacity for long-term success.

Employee Engagement Surveys

Gain valuable insights into morale, motivation, and workplace satisfaction to create a more engaged and productive team through our engagement surveys or workplace climate assessments with our partner at the University of North Carolina-Chapel Hill.

Succession Planning

We design succession planning strategies that cultivate leadership potential across your workforce. By aligning competencies with growth opportunities, we help organizations develop talent pipelines that support stability today and adaptability tomorrow.



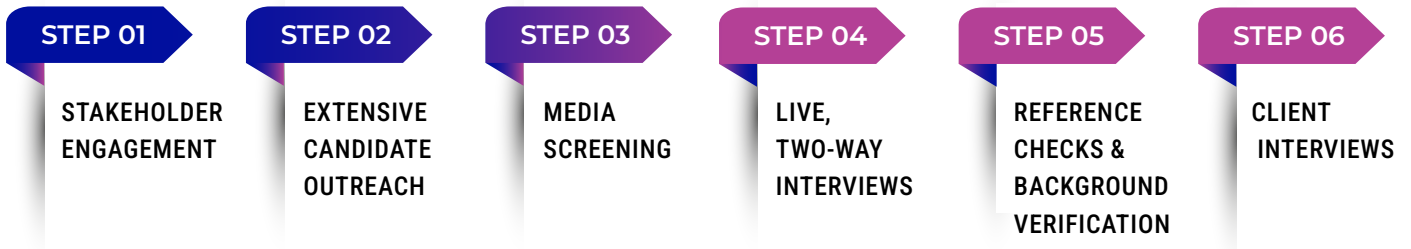
Recruiting Solutions

Comprehensive recruitment for every need.

MGT’s team of professionals offers **full-service** executive recruitment and selection **solutions customized** to meet your organization’s challenges. Through our experience with hundreds of placements over the last decade, we have built a growing pool of highly qualified candidates, supplemented with candidates we reach through our **extensive social media presence** and personal outreach who are ready to meet the challenges and expectations of your organization.

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Our six-step process ensures a streamlined process for quality placements:



Executive Recruitment

Our Executive Recruitment is a premium, 1-year guarantee service that identifies top-tier candidates through a comprehensive six-step process for critical positions. The service includes beginning-to-end support, such as position promotion, candidate evaluations, video interviews, background checks, and negotiation assistance.

Limited Scope Recruitment

Our Limited Scope Recruitment service identifies top-tier candidates through a streamlined four-step process. Our experts extensively promote the position, evaluate applicants, conduct video interviews, and provide a narrowed list of top-tier candidates for your review.

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Our Virtual Recruitment service is designed for organizations seeking a remote-friendly process. We post the position, evaluate candidates, and present top candidates, offering a cost-effective option without compromising quality.

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Our Career Center attracts more than 17,000 monthly visitors and connects you with engaged public sector professionals. Flexible packages include individual postings, annual subscriptions, and enhanced marketing options to broaden your organization’s reach..

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30-Day Individual Job Posting: \$250

- One Standard Job Posting for 30 days
- Promotion across our Social Media Platforms
- Company Logo Featured on Job Board

60-Day Individual Job Posting: \$500

- One Standard Job Posting for 60 days
- Promotion across our Social Media Platforms
- Company Logo Featured on Job Board
- Included in our Weekly Job Newsletter (2 editions)

Job Board Unlimited Subscription: \$1,000

- Unlimited Job Postings for the Year, with Each Post Active for 30 days
- Career Page
- Promotion across our Social Media Platforms
- Included in our Weekly Job Newsletter (4 editions)
- Company Logo Featured on Job Board

30-Day Job Posting & Marketing Package: \$3,000

- One Standard Job Posting for 30 days
- Promotion across our Social Media Platforms
- Included in our Weekly Job Newsletter (4 editions)
- Company Logo Featured on Job Board
- Option to Attach Brochure to Job Listing
- One list of Recommended Ad Sources
- Ad Copy Review and Edits
- Publish Job Posting on LinkedIn Job Slot
- Sparkhire One-Way Video Interview Platform for Up to 5 Candidates

60-Day Job Posting & Market Package: \$5,000

- One Standard Job Posting for 60 days
- Promotion across our Social Media Platforms
- Included in our Weekly Job Newsletter (6 editions)
- Company Logo Featured on Job Board
- Option to Attach Brochure to Job Listing
- One list of Recommended Ad Sources
- Ad Copy Review and Edits
- Publish Job Posting on LinkedIn Job Slot
- Sparkhire One-Way Video Interview Platform for Up to 8 Candidates

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Cristina Cram
Recruitment Manager | ccram@mgt.us

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MGT Staffing Solutions

Municipal & Education Staffing



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Information Technology Staffing



Our IT staffing solutions connect you with a large network of qualified professionals available on a temporary, long-term, or contract-to-hire basis. We place candidates quickly to meet evolving technology needs and provide the expertise required to maintain secure systems, support critical projects, fill specialized roles, and scale teams with confidence.

Key Roles We Successfully Place



MGT has placed top-tier talent in leadership and support positions across public agencies and schools. Our experience includes finance directors, HR leaders, IT specialists, city managers, public safety chiefs, and school superintendents, along with many other essential roles that sustain vital services and strengthen organizational performance across communities.

Direct Placement

Talent on Demand

Staff Transition Services

Temporary Staffing

Long Term Staffing

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Learn more at [MGT.us](https://mgt.us). For information on Staffing Solutions contact Jay Gillis at jgillis@mgt.us or Ambica Kaul at akaul@mgt.us. For all other Human Capital inquiries, contact Senior Vice President Joellen Cademartori at jcademartori@mgt.us.



PIEDMONT TRIAD REGIONAL COUNCIL

1398 CARROLLTON CROSSING DRIVE
KERNERSVILLE, NC 27284
(336) 904-0300
MATTHEW L. DOLGE • EXECUTIVE DIRECTOR

January 7, 2025

Ms. Susan Russo Klein
North Carolina State Bar Board Certified Specialist in Employment Law
Roberts & Stevens, P.A.
City Centre Building
301 College Street, Suite 400,
Asheville, NC 28801

Dear Ms. Klein:

Thank you for calling on the Piedmont Triad Regional Council (PTRC) to assist you with management services. It is my understanding that you are interested in assistance with the recruitment and selection of a Town Manager. Please find enclosed a proposal that details the scope of work we anticipate. We are proposing to do the work for a fee of \$7,500.00. When you are ready for us to begin please return a signed proposal that acknowledges your acceptance and agreement of the scope of work and terms. If you have any questions about the scope of work, terms or desire a different format please contact me.

The PTRC's mission is to serve our local governments and their affiliates by being accessible and providing high quality services. We provide these services from a unique position and familiarity with this region. You can expect the highest degree of expertise and precision from our staff.

I very much appreciate you giving us an opportunity to submit this proposal. I am available to discuss this project with you at your convenience.

Sincerely,

Matt Reece
Assistant Director

Enclosures

**PROFESSIONAL SERVICES OFFERED TO
THE TOWN OF BLACK MOUNTAIN
FOR FACILITATION OF AN EXECUTIVE SEARCH FOR TOWN MANAGER**

I. Work Elements

As part of the facilitation of the executive search process the PTRC agrees to conduct the following work elements:

- A. Meet with the Town Council to discuss the desired candidate profile and search process. (This phase can be accomplished through virtual meetings and online surveys)
- B. Collect information to share with candidates about the Town.
- C. Develop position profile describing the community, organization, and the positions being recruited. This serves as an information and promotional material.
- D. Use PTRC's online application portal to receive applications and to link to professional social media networks such as Indeed. This allows for boosting of recruitment reach and a method to record and process applications.
- E. Screen and filter candidates per the direction of the search committee and/or town representatives applying the selection criteria.
- F. Develop and gain consensus of the methods for the review and assessment of applicants, this process may include criteria based review of applicant pool, "in-box exercises" or task oriented screening, response to written questions, response to mock scenarios, presentations by candidates, structured interviews, and other methods useful to determine candidate selection.
- G. Meet with search committee and/or town representatives to review and discuss the following issues: expectations of the results, areas of assessment, confirmation of job relevancy, and overall gain a mutual understanding of the candidate assessment process.
- H. Facilitate the formal interview and candidate assessment process.
- I. Assist the town regarding the hire decision.
- J. Provide miscellaneous technical assistance with background search, offer, and the transition of the final successful candidate.

II. Staff Qualifications

The staff members that will be working on the project are experienced in local government personnel work. Matt Reece will be the project manager. Matt serves as PTRC's Assistant Director. Matt directs the management services, general administration, IT and HR functions for the Regional Council. He has extensive experience providing technical assistance to local governments throughout the state. He regularly conducts a variety of management studies including group facilitation, executive searches, policy analysis, and personnel classification and compensation analysis. As a past-president of regional and statewide professional organizations, Matt has directed and organized research and discussion on a variety compensation and HR management topics. Matt has also served as adjunct faculty in the Master of Human Resources Management program for Webster University at their Fort Bragg facility. He is a member of ICMA, recognized with 30 years of public service, and upholds the code of ethics. Matt has a Bachelor of Arts in Political Science and a Master of Public Affairs, both from the University of North Carolina at Greensboro.

Management consultants Ray Smith, Terri Rivers, Ronda Tatum and Kim Newsom are also available for consultation. All are retired North Carolina local government professionals. To be concise in the presentation of this proposal their qualifications are available upon request.

III. Fee for Services

A fee, not to exceed, \$7,500 will be billed to the Town of Black Mountain at the conclusion of the process.

IV. References

The PTRC has been involved in technical assistance and management consultation for four decades. The following is a list of local governments for executive searches have been prepared recently:

City of Asheboro	Town of Jamestown
City of Randleman	Town of Lewisville
City of Thomasville	Town of Mocksville
Town of Biscoe	Town of Mount Pleasant
Town of Bermuda Run	Town of Spencer
Town of Denton	Village of Clemmons

Proposal to the Town of Black Mountain for facilitation of an executive search

V. Acceptance and Confirmation of Proposal

If you are in agreement with the terms of this proposal please indicate by signing below and returning a signed original to the offices of the PTRC. PTRC staff will begin work as soon as we are notified of your acceptance. This confirms the Town's intention to accept the scope of work as indicated in the proposal presented by the PTRC, provide assistance and otherwise meet the responsibilities outlined, and confirms the authorization and encumbrance of funds sufficient to pay the fee for service.

Accepted for the Town of Black Mountain

Title

Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer).

Date



**TOWN OF BLACK MOUNTAIN
AGENDA ITEM SUMMARY**

SUBMITTER: _____ **MEETING DATE:** January 12, 2026

AGENDA SECTION: New Business **DEPARTMENT:** Administration

TITLE OF ITEM: Discussion of Adjusting Town Park Hours

SUGGESTED MOTION(S):

Council will discuss this item. Any motions will be made following the discussion.

SUMMARY:

Town Council has requested they would like to discuss park hours at Town Parks including Lake Tomahawk Park, Veterans Park and Town Square, and the possible adjustment of these hours. This will be a discussion item among Council & staff.

BUDGET IMPACT:

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

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

ATTACHMENTS:

None