



BLACK MOUNTAIN TOWN COUNCIL MINUTES

April 13, 2026 | Regular Session | 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, April 13, 2026, at 6:00 p.m. 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, Town Council Member Ryan Stone.

The following staff members were present: Richard Hicks, Interim Town Manager; Scott Buffkin, Interim Assistant Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Chad Goins, Interim Project Manager; Jennifer Tipton, Senior Admin., Matt Begley, Budget Analyst.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS- *None.*

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Brief Remarks by Dr. Shantelle Simpson, President and CEO of Appalachian Mountain Health

Dr. Shantelle Simpson, President and CEO of Appalachian Mountain Health (AMH) provided remarks. Dr. Simpson offered a brief update on the AMH Black Mountain clinic that will open later this year.

3.B. Presentation and Update on Temporary Facilities for Police & Fire Departments

The Council at the last meeting requested a presentation from the Police Chief and Fire Chief on their temporary facilities and the effects on their current operations. Police Chief Steve Parker and Fire Chief John Coffey made a presentation on temporary facilities for the Public Safety staff stating there is some forward movement as public safety staff will be relocating from Ridgecrest on April 20th and 21st to a temporary location at Givens Highland Farms. This will improve workspace conditions and help centralize operations, which is a step in the right direction. Firefighters will remain at the Black Mountain Presbyterian Church parsonage; however, this was not an ideal solution, it was the only viable option to maintain response capability. We have kept our apparatus secured in the station bays, which is critical. There are thousands of dollars in equipment, and maintaining security and preventing tampering is non-negotiable. But the displacement is creating real operational impacts. There is a measurable delay in

response times due to the separation between living quarters and apparatus. Despite that, we are doing everything possible to meet ISO standards and state requirements. At the same time, morale has been significantly affected. Our firefighters are operating in conditions that are far from normal, and they are taking a toll. There is an immediate need to move forward with modular units. These units are critical for secure evidence storage, safe ammunition storage, and functional workspace. This is not a long-term enhancement; this is an immediate operational necessity. We have evaluated the triple-wide option in Hendersonville. It remains viable, but transportation costs are significant, which requires a more thorough review before moving forward.

Further, the Chiefs stated the community is facing an urgent public safety challenge driven by a severe staffing shortage within the police department, which currently has seven vacant officer positions and expects two more retirements soon. This is more than a personnel issue—it is affecting response times, daily coverage, officer safety, and the overall level of service provided to residents. Just as concerning is the low morale among officers, who consistently report feeling underpaid, underappreciated, and unsupported, creating a serious risk of losing more experienced staff while making recruitment and retention even harder. At the same time, several essential departments—including Police, Fire, EMS, Parks and Recreation, Planning and Zoning, Water and Sewer, and Public Works—are operating without proper facilities, leading to growing concern that core government responsibilities are not being prioritized. When public safety agencies are displaced, under-resourced, and undervalued, the consequences are real: reduced efficiency, slower emergency response, and declining public trust. Immediate action is needed to provide modular unit solutions, secure safe and functional facilities, improve compensation and morale, and clearly reaffirm that serving and protecting the community remains the highest priority.

4. CITIZEN COMMENTS

- Ben Hill, 15 Knoll Hill, spoke on wife's business located in town and the multiple failed inspections from the Town's building inspector even when the work was completed by a qualified contractor, who does not want to take on more projects in town due to these difficulties.
- Lauren Murray, 396 Avena Rd., spoke on importance of public safety facilities and displacement. She asked who oversees contacting FEMA to help with these funding needs in a quicker fashion.
- David Galloway, 103 Brookhaven Dr., spoke at last month's meeting about Council declining to take over Brookhaven Dr. Spoke on Town of Black Mountain Street Dedication Policy that is on the website. Public Works Director & Fire Marshal had recommended this street to be taken over. Spoke on procedural concerns. Asked the Council to reconsider this street dedication.
- John Richardson, 111 Church St., made comments on Black Mountain Brewing and the recent mediation that occurred. Mr. Richardson asks how much has been paid to outside counsel on this ongoing matter. He also spoke about town

leadership issues.

- John Garcia, who owns a business at 103 S Ridgeway Ave., spoke on easily addressable issues around town. Spoke to the Council on "getting back to the table," by leaning on the citizens who are willing to help and to meet with the citizens to hear concerns.
- Anna Stearns, 419 Kerlee Heights Dr., spoke about the removal of the fence at 141 Richardson Blvd.
- Jennifer Galloway, 103 Brookhaven Dr., spoke on the street dedication policy and the denial of this street dedication at the March 2026 meeting to take this street over asking Council to reconsider.

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- none.

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER- none.

7. CONSENT AGENDA

7.A. Monthly Tax Collector Report – February 2026.

Vice Mayor Archie Pertiller made a motion to Approve the Tax Collector Report as presented. A vote of 5-0 in favor.

- 7.B. Call for Public Hearing on May 11, 2026, at 6:00 p.m. to Amend Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.14, Table of Uses by Zoning District; and Chapter 5, Section 5.19, Data Processing Centers, to add a definition, use, and requirements for data processing centers.**
- Multiple towns and cities across the state are beginning to get applications for data processing centers. There are currently no definitions or requirements for data processing centers in the town's zoning ordinances. The proposed amendments will define a data processing center and will allow for requirements to be put in place. The goal is to have the ordinance in place before an application comes in. A public hearing on the proposed text amendments will be held on Monday, May 11, 2026 at 6:00 pm in the Council Chambers.

Vice Mayor Archie Pertiller made a motion to approve the call for a Public Hearing on Monday, May 11, 2026 at 6:00 p.m. for proposed text amendments to the zoning ordinance related to data centers. A vote of 5-0 in favor.

7.C. Board of Adjustment Alternate Member Removal.

Board of Adjustment alternate member Chloe Brown has not attended a Board of Adjustment meeting, or notified staff that she would not be in attendance since

July 2025. This has caused several meetings to have to be rescheduled due to not being able to get a quorum. The Board of Adjustment Chair and staff are recommending that Ms. Brown be removed from the Board of Adjustment and that an advertisement be placed to recruit a new alternate member to this board. Ms. Brown has been absent from the following meetings, and per the current Advisory Board & Commission Policy, meets the criteria for removal due to being absent for three consecutive meetings: July 17, 2025, August 21, 2025, September 18, 2025, November 20, 2025, December 18, 2025, January 15, 2026, February 19, 2026, and March 19, 2026.

Vice Mayor Archie Pertiller made a motion to approve the removal of Chloe Brown from the Board of Adjustment as recommended. A vote of 5-0 in favor.

7.D. Appointment of Board of Adjustment Alternate Member to Regular Member.

Mary E. Hall currently serves as Alternate #1 on the Board of Adjustment and was first appointed as an Alternate on August 11, 2025. Due to the resignation of Board of Adjustment Member Lauren Dodgin last month, Mary is now next in line to move up from alternate to a regular member on this board, filling the unexpired term seat vacated by Lauren Dodgin. If appointed, Mary would fill this unexpired term through July 2027. At the conclusion of this term expiration, Mary would still be eligible to still serve two full 3-year terms, if she wishes, as according to the current Advisory Board & Commission Handbook, "a person who has served more than two-thirds of a full term after being appointed to complete the term of a previous board member shall be considered to have served a full term for the purposes of determining eligibility under the provisions of this section," which is not the case for this unexpired term having only approximately one-third remaining. If appointed, the Town will begin recruiting interested citizens for this alternate seat vacancy. Staff recommends Mary be appointed as a regular member.

Vice Mayor Archie Pertiller made a motion to appoint Mary E. Hall to Regular Member, from Alternate Member, on the Board of Adjustment to fill the unexpired term as recommended. A vote of 5-0 in favor.

7.E. Acceptance of Grant Funds with NC Department of Environmental Quality (DEQ).

Through the efforts of Rechelle Vilevac, Public Works Sanitation Supervisor, the Town has been offered a grant of \$525,000 from the NC Department of Environmental Quality's (DEQ) Helene Hurricane Recovery Recycling Infrastructure Grant Program. This grant will allow the Town to purchase additional solid waste equipment, such as garbage packers, and to replace the recycling carts that were lost during the storm. The Town Council has been asked to officially accept this grant award, so the Town can notify DEQ that we accept the grant by April 17, 2026.

Vice Mayor Archie Pertiller made a motion to accept the grant award for NC DEQ's Helene Recovery Recycling Infrastructure Grant. A vote of 5-0 in favor.

7.F. Approval of Council Order of Corrective Action - 850 Blue Ridge Road Appeal Hearing held on April 9, 2026.

On April 9, 2026, Town Council held a special meeting for an evidentiary hearing to hear an appeal of an order of corrective action issued by the building inspector at 850 Blue Ridge Road. The Order attached to this item is the official findings of fact and corrective actions that were discussed and agreed upon by the Town Council in relation to this property at that hearing. Per the Town Attorney, Town Council should formally approve this Order that will then be sent to the appellant.

Vice Mayor Archie Pertiller made a motion to approve the Order of Corrective Action & Findings of Fact for 850 Blue Ridge Rd. as presented. A vote of 5-0 in favor. A copy of this document is included at the end of these minutes as Appendix A.

8. PUBLIC HEARING

8.A. Public Hearing to Amend Chapter 1, Section 1.7.3, Variances, to remove the requirement that only signs in the historic district may seek a variance from the sign regulations.

Jennifer Tipton, Senior Admin, with the Planning Department gave an overview to the Council on the proposed text amendments. The current text only allows signs within the historic district to seek a variance from the sign regulations. This means that business owners and property owners outside the historic district wanting to make a case to the board of adjustment that there is something uniquely impinging or restrictive about their property that presents an unnecessary hardship related to the strict application of the sign regulations and that is outside the allowances of Section 9.10, Administrative Adjustments of Signage Regulations, cannot do so. Such a prohibition is unreasonably restrictive and outside the spirit and intent of both Section 1.7.3 and Section 9.1. The recommendation from staff is to delete item (D)(5) in its entirety. The Planning Board heard this proposed amendment at their February 23, 2026, regular meeting and voted 4-0 to recommend the amendment as proposed.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:03 p.m. No public comment was provided. Vice Mayor Archie Pertiller made a motion to close the public hearing. A vote of 5-0 in favor.

Town Council Member Doug Hay then made a motion to approve the proposed text amendment to Chapter 1, Section 1.7.3, Variances, and approval that these amendments are consistent with the comprehensive plan, state regulations, good zoning practice & promotes

general welfare. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.7.3, VARIANCES, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO REMOVE VARIANCE REQUIREMENT FOR SIGNS IN THE HISTORIC DISTRICT

ORDINANCE NO. # O-26-07

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 removes ambiguous language and does not limit business in other districts; 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:

- Removes ambiguous language and does not limit business in other districts

WHEREAS, after notice duly given, a public hearing was held on April 13, 2026, 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 1, Section 1.7.3, Variances, 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 1

Section 1.7.3 Variances.

D. In no event shall the board of adjustment grant a variance which would:

1. Allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification or the district boundary of the property in question.

2. Vary from the flood protection provisions within the designated floodway district in any way which would result in any increase in the flood levels during the regulatory flood discharge or threaten the public safety (see flood hazard protection ordinance concerning variances).
3. Conflict with the North Carolina State Building Code, the North Carolina Fire Code, or any other state code unless otherwise authorized by laws and regulations.
- ~~4. Deviate from the sign regulations within the sign ordinance unless the requested variance is within the town's historic district and the variance would further the goals of the town's historic preservation commission.~~

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 13th day of April 2026.

8.B. Public Hearing to Amend Chapter 9, Section 9.10, Administrative Adjustment of Signage Regulations, to add additional administrative adjustments for ground signs, cantilevered ground signs, and development identification signs.

Jennifer Tipton, Senior Admin, from the Planning Dept. gave an overview of this item. The eight sign standards in the Allowable Administrative Adjustments table support the intent statement of Chapter 9, which states that it is the intent of the Town of Black Mountain to allow administrative adjustment of the sign ordinance standards to provide flexibility that is compatible with the town's character; to acknowledge the artistic creativity of sign makers, business owners, and individuals; to create visual harmony between the sign, structure, and site where the sign is located; and to enhance retail areas consistent with Elevate Black Mountain, subsequent small area plans, development agreements, and form-based district codes. The proposed amendment would address the need for the development pattern of the town, as well as evolving marketplace conditions, to be more fully reflected in the standards. The Planning Board heard the amendment at their February 23, 2026 meeting and recommended the amendment be approved as presented by a vote of 4-0.

Town Council Member Doug Hay made a motion to open the public hearing. . A vote of 5-0 in favor. The time was 7:06 p.m. No public comments were provided. Town Council Member Ryan Stone then made a motion to close the public hearing. A vote of 5-0 in favor.

Vice Mayor Archie Pertiller made a motion that the proposed text amendment to Chapter 9, Section 9.10, Guidelines for Administrative Adjustment of Signage Regulations be approved as recommended and find that the proposed change is consistent with current state regulations, find that the recommendation promotes the general welfare and is in keeping with good zoning practice. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 9, SECTION 9.10, GUIDELINES FOR ADMINISTRATIVE ADJUSTMENT OF SIGNAGE REGULATIONS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD ADDITIONAL ADMINISTRATIVE

**ADJUSTMENTS FOR GROUND SIGNS, CANTILEVERED GROUND SIGNS, AND
DEVELOPMENT IDENTIFICATION SIGNS**

ORDINANCE NO. # O-26-08

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 accommodates the business community and allows more flexibility; 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:

- Accommodates the business community and allows more flexibility

WHEREAS, after notice duly given, a public hearing was held on April 13, 2026, 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 9, Section 9.10, Guidelines for administrative adjustment of signage regulations, 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 9

Section 9.10 Guidelines for administrative adjustment of signage regulations.

Allowable Administrative Adjustments

(Up to the limits set forth in the table for the type of standard). If the modification exceeds these standards, the applicant may seek a variance from the board of adjustment.

	Standard	Standard Sign Type	Allowable Max. Administrative Adjustment (up to)
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A	Distance from building facade	Wall, Projecting, Shingle, Crown	10%
B	Sign, height, display, area or dimensions	All	10%
C	Sign display area for building greater than 4 stories	Wall	10%
D	Height above sidewalk	Wall, Awning, Canopy, Projecting, Shingle	5%
E	Raceway - % of letter height	Wall, Canopy, Crown	5%
F	Sign depth	Awning, Canopy, Projecting, Shingle	10%
G	Distance from façade, entrances	Projecting, Shingle	20%
H	Distance between signs	Projecting, Shingle, Ground	20%
I	<u>Distance from abutting right-of-way</u>	<u>Ground, Cantilevered Ground</u>	<u>30%</u>
J	<u>Distance from a property line</u>	<u>Development Identification, Ground, Cantilevered Ground</u>	<u>30%</u>

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this the 13th day of April 2026.

8.C. Public Hearing on System Development Fees 5-Year Update.

A public hearing has been scheduled to obtain citizen input on the 5-year update of the System Development Fees (SDF). Richard Hicks gave a brief update on this item. No action was being asked at this time by the Council, just to hold the public hearing.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:07 p.m. No public comment was provided. Town Council Member Doug Hay then made a motion to close the public hearing. A vote of 5-0 in favor.

Dale Schepers with McGill Associates gave a quick overview of the SDF 5-year update and answered questions that the Council had. The Mayor spoke about looking forward in the next 10 years to see what the Town would need as far as water capacities. No vote was needed at this time by the Council on this item. Richard Hicks stated these fees would be built into the FY27 budget schedule of fees that the Council would soon review.

9. CITIZEN COMMENTS. *No additional citizen comments were given.*

10. UNFINISHED BUSINESS

10.A. Discussion of Golf Cart Bridges Project Bids Received.

At the March 9, 2026, the item to award a bid for the Golf Cart Bridges Project was discussed and rejected by Town Council due to costs. Following the rejection of these bids, it was re-advertised to solicit new bids which were opened on April 1, 2026. The following bids were received from the re-advertisement:

Vendor Name	Location	Base Bid Amount	Total Bid Amount
DanGrady Company, LLC	Sylva, NC	\$169,000.00	\$169,000.00
AJH Custom Homes	Taylors, SC	\$298,000.00	\$298,000.00
BRC Design Build	Asheville, NC	\$362,000.00	\$362,000.00
BHG Landscapes	Sylva, NC	\$446,420.00	\$446,420.00

Vice Mayor Archie Pertiller made a motion to reject the bids that were received. A vote of 5-0 in favor.

Richard Hicks stated the next steps were to find a company that can build cheaper or find pre-made golf cart bridges that can simply be installed.

11. NEW BUSINESS

11.A. Presentation of the FY25 Town Audit by Gould Killian CPA Group, P.A. *Council Member Alice Berry asked that this item be moved up on the agenda to item 11 A. under new business. A vote of 5-0 in favor.* Travis Kever, CPA, with Gould Killian CPA Group, P.A. presented the FY25/26 Annual Comprehensive Financial Report for the Town of Black Mountain stating they issued an unmodified ((clean) opinion on the June 30, 2025 financial statements, no material weaknesses were reporting in internal control over financial reporting, and no instances of material noncompliance with laws and regulations.

They also performed a single audit over FEMA funding received as well as the Dept. of State Treasurer Disaster Relief Cashflow loan program, and no findings were noted.

*Vice Mayor Archie Pertiller made a motion to accept and approve the FY25 audit as presented. A vote of 5-0 in favor. **A copy of the audit wrap-up report is included at the end of these minutes as Appendix B, with a full audit report included in the agenda packet.***

11.A. Consideration of Black Mountain Pool Seasonal Pay Rate Adjustments for 2026 Season.

Colin Bugniazet, Recreation Coordinator, and Beth Dalton, Pool Manager, spoke to

the Council on this agenda item stating the Town of Black Mountain operates a seasonal public pool that requires qualified staff, including certified lifeguards and supervisory personnel, to ensure safe and efficient operations. In preparation for the 2026 pool season, staff have evaluated current pay rates in relation to cost-of-living increases and regional market conditions. The proposed pay rate adjustments are intended to improve recruitment and retention of seasonal pool staff while maintaining competitive wages with neighboring jurisdictions. Proposed hourly rate increases are as follows: Pool Manager: \$18.50 to \$22.00, Assistant Manager: \$16.00 to \$17.50, Head Lifeguard: \$15.00 to \$16.50, Lifeguard: \$14.00 to \$15.00, and Concessions Staff: \$8.25 to \$8.75.

Town Council Member Doug Hay made a motion to approve the seasonal pool staff pay rate adjustments as recommended. A vote of 5-0 in favor.

A RESOLUTION APPROVING SEASONAL POOL STAFF PAY RATE ADJUSTMENTS FOR THE 2026 SEASON

RESOLUTION NO. # R-26-36

WHEREAS, the Town of Black Mountain operates a seasonal public pool that requires qualified personnel to ensure safe and effective operations; and

WHEREAS, the Town Council recognizes the importance of offering competitive wages to recruit and retain certified lifeguards and experienced supervisory staff; and

WHEREAS, a review of regional market conditions indicates that neighboring jurisdictions, including McDowell County, offer higher wages for similar positions, contributing to recruitment and retention challenges; and

WHEREAS, adjustments to seasonal pay rates are necessary to address cost-of-living increases, remain competitive in the labor market, and ensure the continued delivery of safe, high-quality recreational services;

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

1. The following hourly pay rates for seasonal pool staff for the 2026 season are hereby approved:

POSITION	RATE
Pool Manager	\$22.00
Assistant Manager	\$17.50
Head Lifeguard	\$16.50
Lifeguard	\$15.00
Concessions Staff	\$8.75

2. The Town Council finds that these adjustments are necessary to support recruitment and retention efforts, promote public safety, and maintain competitive compensation with surrounding jurisdictions.

3. The total estimated increase of approximately \$8,812 for the 2026 season shall be accommodated within the Parks and Recreation budget.
4. This resolution shall be effective upon adoption.

ADOPTED this the 13th day of April, 2026.

11.B. Resolution to Award the Hilltop Rd. Phase II Construction Project to CRW Land Services, LLC.

This resolution authorizes the award of the Hilltop Road Phase II Construction Project to CRW Land Services, LLC, following an informal bidding process that closed on March 24, 2026. The project addresses significant damage to Hilltop Road caused by Tropical Storm Helene and was designed with assistance from McAdams, the Town's engineering consultant. The Town previously budgeted \$600,000 for construction and engineering costs associated with this phase. After review, CRW Land Services, LLC, was identified as the lowest responsive, responsible bidder with a base bid of \$323,022.53. Interim Manager Richard Hicks stated that FEMA should pay 100% of the cost as a reimbursement for this project.

Town Council Member Doug Hay made a motion to award the Hilltop Rd. Phase II construction project to CRW Land Services, LLC as recommended. A vote of 5-0 in favor.

A RESOLUTION TO AWARD THE HILLTOP ROAD PHASE II CONSTRUCTION PROJECT TO CRW LAND SERVICES, LLC

RESOLUTION NO. R-26-37

WHEREAS, the Town intends to rebuild Hilltop Road, which was substantially damaged during Tropical Storm Helene; and

WHEREAS, the Town engaged McAdams, an engineering and design firm, to assist the Town in designing, engineering, and reviewing bid submissions for the project; and

WHEREAS, the Town Council of the Town of Black Mountain budgeted \$600,000 in a capital project (R-25-92 & O-25-30) for construction and engineering costs associated with phase two of the project; and

WHEREAS, the Town has bid the project through an informal bidding process which closed on March 24, 2026; and

WHEREAS, Town of Black Mountain staff has received bids for the project and McAdams has determined CRW Land Services, LLC was the lowest responsive, responsible bidder, with a total base bid of \$323,022.53; and

WHEREAS, the Town of Black Mountain is ready to proceed with awarding the project to CRW Land Services, LLC;

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

- 1. The Interim Town Manager, and/or a designee(s) thereof, is authorized to execute any necessary budget amendments, contracts, or related documents required to enter into an agreement with CRW Land Services, LLC and oversee the construction outlined in the bid documents.

ADOPTED this 13th day of April 2026.

11.C. Consideration of Capital Project Ordinance for Fairway Dr. / Tomahawk Ave. Stormwater Project

This ordinance establishes a Capital Project Fund for the Fairway Drive and Tomahawk Avenue Stormwater Project, which will improve stormwater infrastructure, increase system capacity, and enhance flood resilience in the area draining to Tomahawk Branch. The project is funded through a combination of a \$75,000 Buncombe County grant received in FY25 and additional funds from the Stormwater Utility Fund, totaling \$143,892.50 in both revenues and expenditures. The ordinance authorizes all necessary appropriations for the project across multiple fiscal years and designates the Town Manager and Finance Director to oversee implementation, maintain financial records, and manage fund transfers in accordance with project requirements.

Town Council Member Doug Hay made a motion to approve the Capital Project Ordinance for Fairway Dr. and Tomahawk Ave. Stormwater Project as recommended. A vote of 5-0 in favor.

**Town of Black Mountain
Fairway Dr. & Tomahawk Ave. Stormwater Project
Capital Project Fund Ordinance
ORDINANCE NO: O-26-10**

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 improving stormwater infrastructure and stormwater capacity along Fairway Dr. and Tomahawk Ave. and increase flood resilience for the area feeding into Tomahawk Branch.

Section 3: Funding

The project is funded in part by grant funding received from a \$75,000 grant received from Buncombe County for this project in FY25 and the remainder will be sourced from the Stormwater Utility Fund.

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>
Allocation Stormwater Utility Fund Unassigned Fund Balance	\$143,892.50
Total Revenue	\$143,892.50

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
<i>Expenditure Type</i>	<i>Anticipated Expenditures</i>
Construction	\$143,892.50
Total Expenditure	\$143,892.50

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 13th day of April 2026.

11.D. Resolution of Budget Amendment Budgeting Funds to the Fairway Dr. / Tomahawk Ave. Stormwater Capital Project

This resolution authorizes budgeting and allocation of funds for the Fairway Drive and Tomahawk Avenue Stormwater Capital Project, which aims to improve stormwater infrastructure and increase system capacity in the area. The project is supported by a \$75,000 grant from Buncombe County, previously received and held in the Stormwater Utility Fund Balance, with additional funding to be supplemented from the Stormwater Utility Fund. The total estimated project cost is \$143,892.50, and the project may extend beyond fiscal year 2026. Approval of this resolution also authorizes the reallocation of funds from the golf course cart bridge capital project and permits the Interim Town Manager, or designee, to execute all necessary budget amendments, contracts, and related documents to implement the project.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment to the Fairway Dr. and Tomahawk Ave. Stormwater Capital Project as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS TO THE FAIRWAY DR. TOMAHAWK AVE. STORMWATER CAPITAL PROJECT

RESOLUTION NO. R-26-38

WHEREAS, the Town intends to improve stormwater infrastructure and increase stormwater capacity along Fairway Dr. and Tomahawk Ave.; and

WHEREAS, the Town of Black Mountain received grant funding in the amount of \$75,000 from Buncombe County for this project; and

WHEREAS, these funds were received by the Town in a prior fiscal year and have rolled into the Stormwater Utility Fund Balance; and

WHEREAS, the Town anticipates supplementing Buncombe County funds with funding from the Stormwater Utility Fund; and

WHEREAS, the total estimated cost of the project is \$143,892.50; and

WHEREAS, the Town anticipates this project, and its associated reporting obligations, may extend past the end of fiscal year 2026; and

WHEREAS, the Town of Black Mountain has passed O-26-XX, a Capital Project Ordinance for the project, on April 13, 2026;

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

1. The Town makes the following budget amendments to move funds allocated to the construction of land improvements for the Fairway Dr. Tomahawk Ave. Stormwater Capital Project to the associated capital project.

Account Number	Account Description	Increase	Decrease
630-0000-33000	Unassigned Fund Balance (Stormwater Utility Fund)		\$143,892.50
630-5500-57210	Capital Outlay – Land Improvements (Fairway Dr. Tomahawk Ave. Stormwater Capital Project)	\$143,892.50	

2. The Interim Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 13th day of April 2026.

11.E. Consideration of Capital Project Ordinance for Two Golf Cart Bridges Project.

This project ordinance establishes a Capital Project Fund for the construction of two replacement golf cart bridges at the Black Mountain Golf Course, which were damaged and require rebuilding. The project is funded through \$110,196.48 in reimbursements from the Golf Course Irrigation System project, allocated from the Helene Fund unassigned fund balance. The ordinance authorizes all necessary appropriations for the completion of the project across multiple fiscal years and does not require re-adoption in future budgets. It also designates the Town Manager and Finance Director to oversee project execution, maintain proper financial records, and manage fund transfers within the project, ensuring expenditures do not exceed the approved budget.

Vice Mayor Archie Pertiller made a motion to approve the Capital Project Ordinance for the Two Golf Cart Bridges Project as recommended. A vote of 5-0 in favor.

**Town of Black Mountain
Two Golf Cart Bridges Project
Capital Project Fund Ordinance
Ordinance No: O-26-09**

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 constructing two replacement golf cart bridges on the Black Mountain Golf Course.

Section 3: Funding

The project is funded in whole or in part by reimbursements from the Golf Course Irrigation System project, which have been directed to the Unassigned Fund Balance within the Helene Fund.

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>
Allocation of Helene Fund Unassigned Fund Balance	\$110,196.48
Total Revenue	\$110,196.48

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

<i>Budgeted Expenditures</i>	
-------------------------------------	--

<u>Expenditure Type</u>	<u>Anticipated Expenditures</u>
Construction	\$110,196.48
Total Expenditure	\$110,196.48

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 13th day of April 2026.

11.F. Consideration of Budget Amendment Resolution for the Two Golf Cart Bridges Capital Project.

This resolution authorizes the budgeting and allocation of funds for the Golf Cart Bridges Capital Project to rebuild bridges damaged during Tropical Storm Helene. The Town previously budgeted \$108,000 for bridge and cart path construction, with the intent to cash flow recovery projects using anticipated FEMA reimbursements. The Town has received \$110,196.48 in FEMA Public Assistance funding for the Golf Course Irrigation System project, which is now

being reallocated to support this project. The project may extend beyond fiscal year 2026 and is supported by the adoption of a Capital Project Ordinance on April 13, 2026. Approval of this resolution authorizes the necessary budget amendments and allows the Interim Town Manager, or designee, to execute all required contracts and documents to implement the project.

Town Council Member Ryan Stone made a motion to approve the budget amendment resolution for the Two Golf Cart Bridges Capital Project as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS TO THE GOLF CART BRIDGES CAPITAL PROJECT

RESOLUTION NO. R-26-39

WHEREAS, the Town intends to rebuild golf cart bridges damaged beyond repair during Tropical Storm Helene; and

WHEREAS, the Town Council of the Town of Black Mountain budgeted \$100,000 for construction of Golf Cart Bridges and \$8,000 for cart paths, on November 1, 2025; and

WHEREAS, the original intention of Town Council was to cash flow Golf Course recovery projects with reimbursements from other Golf Course recovery projects; and

WHEREAS, the Town anticipated these budgeted amounts to be roughly equivalent to the FEMA reimbursement for the Golf Course Irrigation System project; and

WHEREAS, the Town anticipates this project, and its associated obligations, may extend past the end of fiscal year 2026; and

WHEREAS, the Town Council of the Town of Black Mountain has, since November 1, 2025, received a reimbursement from FEMA Public Assistance for the Golf Course Irrigation System project for \$110,196.48 (90% from FEMA & 10% from NCEM); and

WHEREAS, the Town of Black Mountain has passed O-26-XX, a Capital Project Ordinance for the project, on April 13, 2026;

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

1. The Town makes the following budget amendments to move funds allocated to the construction of golf course cart bridges to the associated capital project.

Account Number	Account Description	Increase	Decrease
425-8806-43100	Grant Revenue – Federal (Golf Course)		\$99,176.84

	Irrigation System)		
425-8806-43200	Grant Revenue – State (Golf Course Irrigation System)		\$11,019.64
425-8806-32000	Unassigned Fund Balance (Helene Fund)	\$110,196.48	
425-8806-32000	Unassigned Fund Balance (Helene Fund)		\$110,196.48
425-8806-57610	Capital Outlay – Golf Course Bridges (Capital Project)	\$110,196.48	

- The Interim Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 13th day of April 2026.

Council then took a five-minute recess at 8:05 p.m. Council returned from the recess at 8:10 p.m.

11.G. Consideration of Budget Amendment for Replacement of Waterline on Old US 70,

At the February 9, 2026 Town Council meeting, Council authorized the replacement of a waterline along Old US Highway 70 on the way to Ridgecrest. When the Town went to make the water tap for the new subdivision under construction, it was discovered that the existing waterline was directly above the sewer line. The Council approved the replacement and agreed to fund the cost of the project using System Development Fees. The proposed budget amendment would cover those costs.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment for the replacement of the waterline on Old US 70 as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS FOR RELOCATION OF A WATERLINE ON OLD US 70 & USING SYSTEM DEVELOPMENT FEES

RESOLUTION NO. R-26-40

WHEREAS, the Town intends to relocate a waterline along Old US Highway 70; and

WHEREAS, this existing waterline was determined to be directly above a sewer line and must be relocated; and

WHEREAS, at the February 9, 2026 Town Council meeting, Council authorized the relocation of this waterline and agreed to fund the cost of the project using System Development Fees (SDF); and

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

- The Town makes the following budget amendments to move funds allocated to this waterline relocation project:

Account Number	Account Description	Increase	Decrease
600-0000-44130	System Development Fees	\$65,000	
600-5000-52015	Professional and Technical Services	\$65,000	

2. The Interim Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 13th day of April 2026.

11.H. Proposal for Task Order # 5 – Lakeview Center Active Aging Floodplain Improvement Modeling.

At the last special meeting of the Town Council, there was a presentation from the Architect that had reviewed the potential future uses of the Lakeview Center. The Architect suggested that the next step would be to develop floodplain improvement models to support the renovation and floodproofing of the Lakeview Center. The project will consist of 3 phases. Phase 1 will develop a corrected effective model that will include the existing terrain survey captured by KCI after the effects of Hurricane Helene. Phase 2 will be incorporating the proposed design by Arete in a proposed conditions model. Phase 3 will be a post-as-built model which will include the post as-built survey and documentation for Letter of Map Revision to FEMA for floodplain compliance. The cost for the proposed Task Order #5 would be \$30,750. Discussion ensued.

Town Council Member Pam King then made a motion to table this item until a later date. A vote of 5-0 in favor.

11.I. Proposal for Black Mountain Ave. & Sutton Ave. Intersection Safety Study.

Several months ago, Council discussed the safety issues surrounding the intersection of Black Mountain Avenue and Sutton Avenue and expressed an interest in having a professional safety study completed for the intersection. The Town has received a proposal from J.M. Teague Engineering and Planning in the amount of \$4,500 to complete the safety study. Some discussion ensued and Council would like to hear from the Planning Director.

Town Council Member Doug Hay made a motion to table this item until the May 11, 2026 Council meeting to hear from the Planning Director. A vote of 5-0 in favor.

11.J. Request for Extension of Lease - Black Mountain Center for the Arts

The Town of Black Mountain has an existing lease with the Black Mountain Center for the Arts that was executed on August 14, 2003 and was for a period of

25 years. The current lease would expire in August of 2028. They are requesting a lease extension of 5 years, which would carry the lease through August of 2033. This will allow them to search for grants to make building improvements, and they would be able to show that they have a long-term commitment to the building. John Hall, Interim Executive Director with Black Mountain Center for the Arts, provided remarks to the Council.

Town Council Member Pam King made a motion to approve the request for an extension to the lease for the Black Mountain Center for the Arts for 5 years as recommended. A vote of 5-0 in favor.

11.K. Request for Sewer Easement - Metropolitan Sewerage District.

The Metropolitan Sewerage District (MSD) has been performing operation, maintenance, and service response activities on a 780 linear foot private 4-inch sewer line and 6-inch sewer line that serves more than 10 properties along Carver Avenue in Black Mountain. The existing pipe is undersized for the area and has developed multiple structural defects over time, requiring frequent maintenance. The Metropolitan Sewerage District is proposing to rehabilitate the 780 linear feet at no cost to the property owners, in return for an easement for the rehabilitated line. They are asking that all the property owners provide the necessary easement at no cost. To move the project forward, they are asking all the property owners, including the Town, to sign a "pre-agreement."

Town Council Member Alice Berry made a motion to approve the request for a sewer easement with MSD at 101 Carver Ave. as recommended. A vote of 5-0 in favor

11.L. Candidate Filing Fees for November 2026 Municipal Election.

Pursuant to N.C.G.S. § 163-294.2, Notice of candidacy and filing fee in nonpartisan municipal elections, section (e): The filing fee for the primary or election shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed. Historically, the Town of Black Mountain's filing fee has been \$5. Filing fees are paid to the County's Election Services office at time of candidate filing. Council should review and take a vote to set the filing fee for the 2026 municipal election. Based on the Statue stated above, 1% of the current annual salary of the office sought for Black Mountain offices would be a \$63 filing fee for Council Members, and \$93 filing for Mayor. Typically, filing fees are set lower to be equitable and affordable to any citizen who wishes to run for an elected office. Council should discuss and can leave the filing fee at \$5, which is the minimum, or suggest another filing fee amount, and take a vote. The fee amount voted upon will then be sent to the County's Election Services by the Town Clerk.

Town Council Member Doug Hay made a motion to approve keeping the candidate filing fees for Black Mountain at \$5 for the Mayor and Council member seats. A vote of 5-0 in favor.

**TOWN OF BLACK MOUNTAIN
A RESOLUTION ESTABLISHING CANDIDATE FILING FEES FOR THE 2026
MUNICIPAL ELECTION**

RESOLUTION NO. R-26-34

WHEREAS, the Town of Black Mountain conducts nonpartisan municipal elections pursuant to the laws of the State of North Carolina; and

WHEREAS, pursuant to North Carolina General Statute § 163-294.2, candidates for municipal office must file a notice of candidacy and pay a filing fee to the county board of elections; and

WHEREAS, subsection (e) of N.C.G.S. § 163-294.2 provides that the governing board shall fix the filing fee for municipal office, with such fee being not less than five dollars (\$5.00) and not more than one percent (1%) of the annual salary of the office sought, and that such fee must be established no later than the day before the filing period opens ; and

WHEREAS, the Town Council of the Town of Black Mountain desires to establish the filing fees for the 2026 Municipal Election in accordance with State law.

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

1. The filing fee for candidates seeking election to municipal office in the 2026 Municipal Election shall be set as follows:
 - **Mayor: \$5.00**
 - **Council Member: \$5.00**
2. All filing fees shall be paid to the Buncombe County Board of Elections at the time the notice of candidacy is filed, in accordance with State law.
3. This resolution shall become effective upon adoption.

ADOPTED this the 13th day of April, 2026.

11.M. Approval of Amended Asheville Regional Housing Consortium Joint Cooperation Agreement & Resolution Authorizing Mayor to Execute Agreement Documents.

Council Member Alice Berry explained that the Asheville Regional Housing Consortium recently voted to formally add the Town of Mars Hill and the Town of Marshall to the consortium. While these municipalities have historically operated as members, the Consortium has never fully completed the process of adding them with full recognition by the Department of Housing and Urban Development.

Both Mars Hill and Marshall have indicated their desire to formally join the consortium. Each Cooperating Unit of the consortium must complete two actions to formally add these two municipalities that include 1) approval of the amended Joint Cooperation Agreement, and 2) approval of a resolution authorizing the mayor to execute the updated Joint Cooperation Agreement. The Town of Black Mountain is a current cooperating unit of the consortium, and the Town Council has been asked to approve the joint cooperation agreement amendment as recommended, and to authorize the Mayor to execute the amended cooperation agreement.

Town Council Member Alice Berry made a motion to approve the amended Asheville Regional Housing Consortium Joint Cooperation Agreement and the resolution authorizing the Mayor to sign the amended cooperation agreement on behalf of the Town of Black Mountain. A vote of 5-0 in favor.

RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF BLACK MOUNTAIN TO EXECUTE AN AMENDED JOINT COOPERATION AGREEMENT TO ADD THE TOWN OF MARS HILL AND THE TOWN OF MARSHALL TO THE ASHEVILLE REGIONAL HOUSING CONSORTIUM

RESOLUTION NO. # R-26-32

WHEREAS, the Town of Black Mountain, North Carolina, has determined that the health and welfare of its jurisdiction may benefit from increasing the availability of safe, affordable and standard housing; and

WHEREAS, the Town of Black Mountain has determined that providing safe, affordable, and standard housing will benefit work force productivity and area economic development; and

WHEREAS, a cooperative approach to providing housing in the Asheville Regional area will avoid duplication of effort and promote more effective delivery of housing services; and

WHEREAS, a consortium of local governments is entitled to receive funds from the U.S. Department of Housing and Urban Development that they would otherwise be unqualified to receive individually; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general local government may enter into cooperation agreements and form Consortia to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnerships Program; and

WHEREAS, the Town of Black Mountain is a current member of and, along with the other regional units of general local government members, desires to continue the Asheville Regional Housing Consortium to undertake or assist in undertaking affordable housing under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, the Town of Mars Hill and the Town of Marshall each wish to join the Asheville Regional Housing Consortium; and

WHEREAS, it is the desire of Town of Black Mountain to admit the Town of Mars Hill and the Town of Marshall as members of the Asheville Regional Housing Consortium; and

WHEREAS, Article 20 Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking.

NOW, THEREFORE, be it resolved by the Town of Black Mountain that:

- 1) The Town of Black Mountain hereby supports the addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium, and the Mayor of Town of Black Mountain is authorized to execute an amended Joint Cooperation Agreement with the other member governments of the Asheville Regional Housing Consortium
- 2) The Mayor is further authorized to sign all contracts, approved by the Town of Black Mountain Attorney, with other Governmental Agencies as may be required to carry out activities of the Cooperation Agreement.

ADOPTED this 13th day of April, 2026, in a regular session of the Town of Black Mountain, North Carolina.

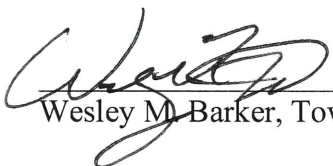
12. CLOSED SESSION - NCGS 143-318.11(A)(6) TO DISCUSS PERSONNEL-RELATED ITEMS.

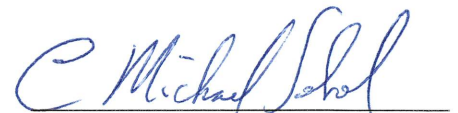
The Council would now enter closed session to discuss personnel-related matters and for attorney-client privilege as allowed under N.C.G.S. 143-318.11(a)(3) and (a)(6).

Town Council Member Alice Berry made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(3) & (a)(6). A vote of 5-0 in favor. The time 8:35 PM.

13. ADJOURNMENT. Council returned from closed session at 9:37 p.m.

Town Council Member Alice Berry made a motion to go back into Open Session. A vote of 5-0 in favor. With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting.


Wesley M. Barker, Town Clerk


C. Michael Sobol, Mayor

Attached: Appendices A & B

BEFORE THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL
BUNCOMBE COUNTY, NC

HONGQIN WEI APPEAL OF)
ORDER TO TAKE CORRECTIVE ACTION)
850 BLUE RIDGE ROAD) ORDER
BLACK MOUNTAIN, NC 28711)

THIS MATTER came up for hearing before the Town of Black Mountain Town Council (sometimes referred to hereinafter as “Council”) on 9 April 9 2026 upon the appeal of Hongqin Wei of the Town of Black Mountain Building Inspector’s order to take corrective action regarding the damaged building (“Building”) at 850 Blue Ridge Road, Black Mountain, NC 28711 (“850 Blue Ridge Road”);

Based upon the information and evidence presented and after hearing all of the evidence, the Council does hereby make the following **FINDINGS OF FACT**:

1. Hongqin Wei (“Wei”) appealed the Town of Black Mountain Building Inspector’s order to take corrective action to demolish the Building and remove all debris (“Appeal”).
2. All required notices were mailed and published, and signs were properly posted regarding this Appeal.
3. Jennifer Tipton, Senior Admin (“Senior Admin”), and Rick Burton, Building Inspector (“Building Inspector”) appeared for the Town.
4. Kevin Wei, brother of Hongqin Wei, appeared as the representative for the Appellant (“Appellant”).
5. The Town admitted the Record of the case into evidence without objection and it was accepted by Mayor Michael Sobol, the presiding officer.
6. The Building at 850 Blue Ridge Road, a nonresidential building, was severely damaged after Tropical Storm Helene in September of 2024.
7. The Appellant was sent a Notice of Substantial Damage Determination for 850 Blue Ridge Road, dated December 17, 2024. The notice provided a substantial damage assessment, instructions for appealing the determination, and an offer to the property owner meet with the Floodplain Administrator to discuss the requirements and potential options for bringing the building into compliance with the Flood Damage Prevention Ordinance. This notice was not appealed.
8. The Town communicated with TetraTech about reaching out to the Appellant to potentially apply for the Private Property Debris Removal Program.

9. The Appellant was sent a letter detailing the unsafe conditions in accordance with NCGS §160D-1118 (Defects in buildings to be corrected), dated July 31, 2025.
10. The 31 July 31 2025, letter stated that the unsafe conditions needed to be permitted, repaired, completed and inspected, or the entire Building needed to be demolished within ninety days of receipt of the letter. Notice of the unsafe character of the Building was posted by the Town on the exterior wall of the structure.
11. The Appellant sent a response dated October 24, 2025, in response to the July 31, 2025, letter of unsafe conditions.
12. The Appellant noted that the property was in a unique situation as NCDOT planned to acquire the property due to the proposed I-40 interchange project.
13. Based on the unique situation noted by the Appellant, the Appellant asked for a delay in any permit application or processing as pursuing repairs for a building that is expected to be demolished would result in unnecessary financial and administrative burden.
14. Because Appellant failed to take corrective action as requested for the Building, the Appellant was sent a letter dated November 4, 2025, regarding a condemnation hearing that would be held on November 14, 2025, in accordance with NCGS §160D-1121.
15. The Appellant sent a response dated November 12, 2025, requesting an extension of time to comply.
16. The condemnation hearing was held on November 14, 2025, in accordance with NCGS §160D-1121, addressing the concerns of the Building at 850 Blue Ridge Road. The hearing was held at 304 Black Mountain Avenue and Senior Administrative and Building Official were in attendance.
17. The Building Inspector found that no actions have been taken to repair the property and that due to the condition of the Building, the Building is a blight, is attracting illicit activity, rodent and animal infestation, homeless activity, and is a severe safety and fire hazard. Further delay could not be granted.
18. The Building Inspector officially condemned the Building and ordered the Building to be demolished within forty-five days of receipt of the Order to Take Corrective Action.
19. The Order to Take Corrective Action, in accordance with NCGS §160D-1122, dated November 17, 2025, was sent to the Appellant.
20. The Appellant filed an appeal dated 26 November 2025 to the Town Council.

21. At the hearing, Appellant did not present any experts or witnesses who could testify in any way to rebut the findings of the Building Inspector. Appellant's only contention was to dispute the remedy required to address the condition of the Building.
22. The Building is a fire or safety hazard.
23. The Building is dangerous to life, health, or other property.

NOW, THEREFORE, based on the foregoing **FINDINGS OF FACT**, the Council hereby makes the following **CONCLUSIONS OF LAW**:


1. This Council has jurisdiction under NCGS §160D-1123 to decide appeals of any order received under NCGS §160D-1122.
2. Because the Building located at 850 Blue Ridge Road is a fire or safety hazard and otherwise dangerous to life, health, or other property, it must be promptly remedied by Appellant as prescribed below.
3. Appellant must within sixty (60) days of the date of this Order fully install at her expense a fence that is attached to the Building in its entirety and covers all openings and otherwise ensures that the Building is vacant and not accessible to any member of the public. The fence must allow air flow and visibility to the interior of the Building. If the Appellant fails to timely install the fencing, then the Building without further notice to the Appellant may be immediately demolished at the expense of Appellant.
4. The Town Council retains the right to revisit this matter if any conditions change or to exercise all remedies available by law, including NCGS 160D-1125.

NOW, THEREFORE, based on the forgoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW**, the Town of Black Mountain by and through its Town Council **ORDERS** as follows:

Upon motion and second, this Council affirms, by a vote of 3-0 of the voting Council members present, the Building at 850 Blue Ridge Road is a fire and safety hazard and is dangerous to life, health, or other property. The Appellant shall timely complete the corrective action set forth above.

This the 13 day of April, 2026.

Town of Black Mountain Town Council

By: 
C. Michael Sobol, Mayor

TOWN OF BLACK MOUNTAIN
North Carolina

AUDIT WRAP UP

February 27, 2026

The following communication was prepared as part of our audit, has consequential limitations, and is intended solely for the information and use of those charged with governance (e.g., Governing Board and Audit Committee) and, if appropriate, management of the Government and is not intended and should not be used by anyone other than these specified parties.





**GOULD KILLIAN
CPA GROUP, P.A.**
CERTIFIED PUBLIC ACCOUNTANTS

February 27, 2026

To the Members of Town Council
Town of Black Mountain, North Carolina

Professional standards require us to communicate with you regarding matters related to the audit, that are, in our professional judgment, significant and relevant to your responsibilities in overseeing the financial reporting process. On April 7, 2025, we presented in the engagement letter an overview of our plan for the audit of the financial statements of Town of Black Mountain (the Town) as of and for the year ended June 30, 2025, including a summary of our overall objectives for the audit, and the nature, scope, and timing of the planned audit work.

This communication is intended to elaborate on the significant findings from our audit, including our views on the qualitative aspects of the Town's accounting practices and policies, management's judgments and estimates, financial statement disclosures, and other required matters.

We are pleased to be of service to the Town and look forward to meeting with you to discuss our audit findings, as well as other matters that may be of interest to you, and to answer any questions you might have.

Respectfully,

Gould Killian CPA Group, P.A.

Asheville, North Carolina

Discussion Outline

	Page
Status of Our Audit	1
Results of Our Audit	2-3
Internal Control over Financial Reporting	4
Other Required Communications	5
Independence Communication	6
Significant Accounting & Reporting Matters	7-8

Status of Our Audit

We have completed our audit of the financial statements as of and for the year ended June 30, 2025. Our audit was conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. This audit of the financial statements does not relieve management or those charged with governance of their responsibilities.

- The objective of our audit was to obtain reasonable - not absolute - assurance about whether the financial statements are free from material misstatements.
- The scope of the work performed was substantially the same as that described to you in our earlier Audit Planning communications.
- We have issued an unmodified opinion on the financial statements and released our report dated February 27, 2026.
- Our responsibility for other information in documents containing the Town's audited financial statements (e.g. management's discussion and analysis, budgetary comparisons, schedules of pension amounts) does not extend beyond the financial information identified in the audit report, and we are not required to perform procedures to corroborate such other information. However, in accordance with professional standards, we have read the information included by the Town and considered whether such information, or the manner of its presentation, was materially inconsistent with its presentation in the financial statements. Our responsibility also includes calling to management's attention any information that we believe is a material misstatement of fact. We have not identified any material inconsistencies or concluded there are any material misstatements of facts in the other information that management has chosen not to correct.
- All records and information requested by GK were freely available for our inspection.
- Management's cooperation was excellent. We received full access to all information that we requested while performing our audit, and we acknowledge the full cooperation extended to us by all levels of Town of Black Mountain personnel throughout the course of our work.

Results of Our Audit

QUALITATIVE ASPECTS OF ACCOUNTING PRACTICES

The following summarizes the more significant required communications related to our audit concerning the Town's accounting practices, policies, and estimates:

The Town's significant accounting practices and policies are those included in Note 1 to the financial statements. These accounting practices and policies are appropriate, comply with generally accepted accounting principles and industry practice, were consistently applied, and are adequately described within Note 1 to the financial statements.

- A summary of recently issued accounting pronouncements is included in the Significant Accounting and Reporting Matters section of this report.
- No new accounting policies were implemented during the year.
- No changes were made to existing accounting policies.
- One new accounting standard was implemented during the year. As described in Note 6 to the financial statements, the Town implemented GASB Statement No. 101 - Compensated Absences, the effects of which are more fully described on page 7.
- We noted no transactions entered into by the Town during the fiscal year for which there is a lack of authoritative guidance or consensus.
- All significant transactions have been recognized in the financial statements in the proper period.

Significant estimates are those that require management's most difficult, subjective, or complex judgments, often as a result of the need to make estimates about the effects of matters that are inherently uncertain.

Significant accounting estimates include:

Depreciation methods as described in the Notes to the financial statements,

Allowances for uncollectible receivables, which are based upon management's judgments and the aging of receivables that may be uncollectible, and

Pension obligations, which are based on actuarial assumptions and methods, as well as the allocation of the overall plan data between the plan participants, and

Other post-employment benefits obligations, which are based on actuarial assumptions and methods.

- We evaluated the key factors and assumptions used to develop the significant estimates in determining that they are reasonable in relation to the financial statements taken as a whole.
- Management did not make any significant changes to the processes or significant assumptions used to develop the significant accounting estimates in FY 2025.

The financial statement disclosures are neutral, consistent, and clear.

Results of Our Audit

CORRECTED AND UNCORRECTED MISSTATEMENTS

We have proposed several audit adjustments which have been made by management. Most of these are normal closing entries, which arise during our audit based on information provided to us by management. We assisted management with these adjustments, but do not consider them to be material because by nature, they are closing entries that management would have otherwise prepared and posted. However, others of these entries are considered to be material audit adjustments due to their size and overall impact on the financial statement. Some of these material proposed adjusting entries include:

- An entry to accrue approximately \$416,000 in accounts payable
- An entry to record \$382,000 in GASB 87 lease proceeds and related capital outlay
- An entry to record \$292,000 in insurance proceeds and GASB 87 principal payments

A list of all audit adjustments is available upon request.

There were no significant uncorrected misstatements.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Town of Black Mountain’s internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Town’s internal control.

Our consideration of internal control was for the limited purpose described above and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses.

We are required to communicate, in writing, to those charged with governance all material weaknesses and significant deficiencies that have been identified in the Town’s internal controls over financial reporting. The definitions of control deficiency, significant deficiency and material weakness follow:

Category	Definition
Deficiency in Internal Control	A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.
Significant Deficiency	A deficiency or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.
Material Weakness	A deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Government’s financial statements will not be prevented, or detected and corrected on a timely basis.

In conjunction with our audit, we noted no deficiencies that we consider to be material weaknesses.

Other Required Communications

Following is a summary of other required items, along with specific discussion points as they pertain to the Town:

Requirement	Discussion Points
Significant changes to planned audit strategy or significant risks initially identified	There were no significant changes to the planned audit strategy or significant risks initially identified and previously communicated to those charged with governance.
Obtain information from those charged with governance relevant to the audit	There were no matters noted relevant to the audit, including, but not limited to: violations or possible violations of laws or regulations; risk of material misstatements, including fraud risks; or tips or complaints regarding the Government’s financial reporting that we were made aware of as a result of our inquiry of those charged with governance.
If applicable, nature and extent of specialized skills or knowledge needed related to significant risks	There were no specialized skills or knowledge needed, outside of the core engagement team, to perform the planned audit procedures or evaluate audit results related to significant risks.
Consultations with other accountants	We are not aware of any consultations about accounting or auditing matters between management and other independent public accountants. Nor are we aware of opinions obtained by management from other independent public accountants on the application of generally accepted accounting principles.
Disagreements with management	There were no disagreements with management about matters, whether or not satisfactorily resolved, that individually or in aggregate could be significant to the Government’s financial statements or to our auditor’s report.
Significant difficulties encountered during the audit	There were no significant difficulties encountered during the audit.
If applicable, other matters significant to the oversight of the Government’s financial reporting process, including complaints or concerns regarding accounting or auditing matters	There are no other matters that we consider significant to the oversight of the Government’s financial reporting process that have not been previously communicated.
Representations requested from management	Please refer to the management representation letter obtained from management.

Independence Communication

Our engagement letter to you dated April 7, 2025 describes our responsibilities in accordance with professional standards with regard to independence and the performance of our services. This letter also stipulates the responsibilities of the Town with respect to independence as agreed to by the Town. Please refer to that letter for further information.

Significant Accounting & Reporting Matters

The Governmental Accounting Standards Board (GASB) has recently issued several new pronouncements. We do not expect these new standards to have a significant effect on the Town's future financial reporting.

Recently issued statements are as follows:

- GASB No. 101 "Compensated Absences" -- This Statement requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash or settled through noncash means. A liability should be recognized for leave that has not been used if (a) the leave is attributable to services already rendered, (b) the leave accumulates, and (c) the leave is more likely than not to be used for time off or otherwise paid in cash or settled through noncash means. However, leave that is more likely than not to be settled through conversion to defined benefit postemployment benefits should not be included in a liability for compensated absences. This Statement also establishes guidance for measuring a liability for leave that has not been used, generally using an employee's pay rate as of the date of the financial statements. A liability for leave that has been used but not yet paid or settled should be measured at the amount of the cash payment or noncash settlement to be made. Certain salary-related payments that are directly and incrementally associated with payments for leave also should be included in the measurement of the liabilities. This Statement amends the existing requirement to disclose the gross increases and decreases in a liability for compensated absences to allow governments to disclose only the net change in the liability (as long as they identify it as a net change). In addition, governments are no longer required to disclose which governmental funds typically have been used to liquidate the liability for compensated absences. The Town implemented this statement during the fiscal year ending June 30, 2025.
- GASB No. 103 "Financial Reporting Model Improvements" -- The objective of this Statement is to improve key components of the financial reporting model to enhance its effectiveness in providing information that is essential for decision making and assessing a government's accountability. This Statement also addresses certain application issues.

Management's Discussion and Analysis

This Statement continues the requirement that the basic financial statements be preceded by management's discussion and analysis (MD&A), which is presented as required supplementary information (RSI). MD&A provides an objective and easily readable analysis of the government's financial activities based on currently known facts, decisions, or conditions and presents comparisons between the current year and the prior year. This Statement requires that the information presented in MD&A be limited to the related topics discussed in five sections: (1) Overview of the Financial Statements, (2) Financial Summary, (3) Detailed Analyses, (4) Significant Capital Asset and Long-Term Financing Activity, and (5) Currently Known Facts, Decisions, or Conditions. Furthermore, this Statement stresses that the detailed analyses should explain why balances and results of operations changed rather than simply presenting the amounts or percentages by which they changed. This Statement emphasizes that the analysis provided in MD&A should avoid unnecessary duplication by not repeating explanations that may be relevant to multiple sections and that "boilerplate" discussions should be avoided by presenting only the most relevant information, focused on the primary government. In addition, this Statement continues the requirement that information included in MD&A distinguish between that of the primary government and its discretely presented component units.

Unusual or Infrequent Items

This Statement describes unusual or infrequent items as transactions and other events that are either unusual in nature or infrequent in occurrence. Furthermore, governments are required to display the inflows and outflows related to each unusual or infrequent item separately as the last presented flow(s) of resources prior to the net change in resource flows in the government-wide, governmental fund, and proprietary fund statements of resource flows.

Presentation of the Proprietary Fund Statement of Revenues, Expenses, and Changes in Fund Net Position

This Statement requires that the proprietary fund statement of revenues, expenses, and changes in fund net position continue to distinguish between operating and nonoperating revenues and expenses. Operating revenues and expenses are defined as revenues and expenses other than nonoperating revenues and expenses. Nonoperating revenues and expenses are defined as (1) subsidies received and provided, (2) contributions to permanent and term endowments, (3) revenues and expenses related to financing, (4) resources from the disposal of capital assets and inventory, and (5) investment income and expenses. In addition to the subtotals currently required in a proprietary fund statement of revenues, expenses, and changes in fund net position, this Statement requires that a subtotal for operating income (loss) and noncapital subsidies be presented before reporting other nonoperating revenues and expenses. Subsidies are defined as (1) resources received from another party or fund (a) for which the proprietary fund does not provide goods and services to the other party or fund and (b) that directly or indirectly keep the proprietary fund's current or future fees and charges lower than they would be otherwise, (2) resources provided to another party or fund (a) for which the other party or fund does not provide goods and services to the proprietary fund and (b) that are recoverable through the proprietary fund's current or future pricing policies, and (3) all other transfers.

Major Component Unit Information

This Statement requires governments to present each major component unit separately in the reporting entity's statement of net position and statement of activities if it does not reduce the readability of the statements. If the readability of those statements would be reduced, combining statements of major component units should be presented after the fund financial statements.

Budgetary Comparison Information

This Statement requires governments to present budgetary comparison information using a single method of communication—RSI. Governments also are required to present (1) variances between original and final budget amounts and (2) variances between final budget and actual amounts. An explanation of significant variances is required to be presented in notes to RSI.

The requirements of this Statement are effective for fiscal years beginning after June 15, 2025, and all reporting periods thereafter. Earlier application is encouraged.

- GASB No. 104 "Disclosure of Certain Capital Assets" -- This Statement requires certain types of capital assets to be disclosed separately in the capital assets note disclosures required by Statement 34. Lease assets recognized in accordance with Statement No. 87, Leases, and intangible right-to-use assets recognized in accordance with Statement No. 94, Public-Private and Public-Public Partnerships and Availability Payment Arrangements, should be disclosed separately by major class of underlying asset in the capital as-sets note disclosures. Subscription assets recognized in accordance with Statement No. 96, Subscription-Based Information Technology Arrangements, also should be separately disclosed. In addition, this Statement requires intangible assets other than those three types to be disclosed separately by major class. This Statement also requires additional disclosures for capital assets held for sale. A capital asset is a capital asset held for sale if (a) the government has decided to pursue the sale of the capital asset and (b) it is probable that the sale will be finalized within one year of the financial statement date. Governments should consider relevant factors to evaluate the likelihood of the capital asset being sold within the established time frame. This Statement requires that capital assets held for sale be evaluated each reporting period. Governments should disclose (1) the ending balance of capital assets held for sale, with separate disclosure for historical cost and accumulated depreciation by major class of asset, and (2) the carrying amount of debt for which the capital assets held for sale are pledged as collateral for each major class of asset.

The requirements of this Statement are effective for fiscal years beginning after June 15, 2025, and all reporting periods thereafter. Earlier application is encouraged.