



# **BLACK MOUNTAIN TOWN COUNCIL MINUTES**

**January 8, 2024 | Regular Meeting | Time: 6:00 P.M.**

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

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The Black Mountain Town Council held their regular meeting on Monday, January 8, 2024, 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: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, and Council Member Ryan Stone.

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

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

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## **2. PROCLAMATIONS, AWARDS, RECOGNITIONS**

Mayor C. Michael Sobol read a proclamation recognizing Dr. Martin Luther King, Jr. Day.

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## **3. CITIZEN COMMENTS**

Libba Fairleigh presented the annual Black Mountain pickleball report for 2023. In 2023, she stated there were 6,244 players, a 1,200 increase from 2022. Due to the increase in players and recreation need, she requests the Town Council consider installing six (6) pickleball courts, above the four (4) courts proposed.

Phil Bisesi, 15 Hi View Dr., spoke on town recycling, stating he felt it should be a weekly event. He also spoke on Broadway St. parking, and proposes a crosswalk mid-block on Broadway, which would prevent pedestrians from walking out to cross the street, which creates a hazard.

Peter Dawes, spoke on public records and referenced a court case entitled Greene v. Buncombe County. Mr. Dawes also spoke on the recent Town holiday closures, trash pickup and leaf pickup delays.

Marilyn Sobanski spoke on playground equipment, suggesting the addition of a sandbox and the encouragement of STEM engagement.

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#### 4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

**A. Active Mobility Commission Report.** Julie White from the Active Mobility Commission presented the 2023 report and project status updates to the Council. Topics in the report included Ventures property greenway plan, sidewalk needs, debris in tunnels under I-40, visibility in barrel under I-40 used as greenway, maintenance issues, and plans for the coming year. Budget requests for 2024 include \$8,000 for greenway maintenance. The Council thanked Ms. White for her report.

**B. Introduction of new Chamber of Commerce Director Melinda Hester.** Ms. Hester introduced herself and provided some remarks to the Town Council including her vision as new director.

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#### 5. CONSENT AGENDA

**A. Approval of Budget Amendments.** These budget amendments are for the purpose of appropriating additional funding, \$35,787.98, required for expenditures of police vehicles, due to price increase.

*Council Member Pam King made a motion to approve the budget amendments as presented. A vote of 5-0 in favor.*

| Adjustment Number | Description                                      | Summary                                                               | Account Number                   | Account Name                             | Total Amount               |
|-------------------|--------------------------------------------------|-----------------------------------------------------------------------|----------------------------------|------------------------------------------|----------------------------|
| BA0000103         | BAMEND - ADJUSTMENT OF LOAN PROCEEDS PD VEHICLES | Adjustment of loan proceed for police vehicles due to price increase. | 100-4510-48025<br>100-4510-57410 | Debt Proceeds<br>Capital Outlay-Vehicles | \$35,787.98<br>\$35,787.98 |

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**B. Monthly Property Tax Collector Report.**

*Council Member Pam King made a motion to approve the tax collector report as presented. A vote of 5-0 in favor.*

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**C. Resolution to Accept Veterans Park Playground Shade Structure.**

*With no discussion, Council Member Pam King made a motion to adopt the following resolution as presented. A vote of 5-0 in favor.*

**RESOLUTION TO ACCEPT VETERANS PARK PLAYGROUND SHADE  
STRUCTURE**

**Resolution #R-24-01**

**WHEREAS**, two grants were applied for and awarded through the Black Mountain Parks and Greenways Foundation to purchase and install a small shade structure for the playground at Veterans Park; and

**WHEREAS**, the playground sits in an area of Veterans Park that has no natural shade cover; and

**WHEREAS**, the first grant was awarded on April 11, 2023, for \$5,172.00 from the Community Foundation of WNC; and

**WHEREAS**, the second grant was awarded on July 3, 2023, for \$6,000.00 from the Buncombe County Recreation Grant Foundation; and

**WHEREAS**, the installation of the shade structure began on November 30, 2023 and was completed on December 6, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Black Mountain Town Council accept the Veterans Park playground shade structure.

**READ, APPROVED AND ADOPTED**, by a vote of \_\_5\_\_ to \_\_0\_\_ on this 8<sup>th</sup> day of January 2024.

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**6. PUBLIC HEARING**

- A. Consideration of a Resolution Establishing a Verifiable Percentage Goal for Participation by Minority Businesses.** Angela Reece, Project and Facilities Manager, first gave a brief overview of this item to the Council, stating this was established by the General Assembly to better recruit and select minority businesses in public building construction or repair contracts. Further, Angela stated the statute requires a minority business participation outreach plan be developed and implemented before awarding a contract that exceeds \$300,000 for a building construction or repair project.

*Council Member Alice Berry made a motion to open the public hearing at 6:36 p.m. A vote of 5-0 in favor. With no public comment, Vice Mayor Archie Pertiller made a motion to close the public hearing at 6:37 p.m. A vote of 5-0 in favor.*

*With no discussion, Council Member Pam King made a motion to adopt the following resolution as presented. A vote of 5-0 in favor.*

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL  
ESTABLISHING VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY  
MINORITY BUSINESS IN THE AWARDING OF BUILDING CONSTRUCTION  
CONTRACTS PURSUANT TO N.C.G.S. 143-128.2**

**Resolution #R-24-02**

**WHEREAS**, the North Carolina General Assembly enacted Session Law 2001– 496, Senate Bill 914 to enhance and improve the good faith efforts to recruit and select minority businesses for participation in public building construction or repair contracts by adding N.C.G.S. 143-128.2, except as provided in NCGS 143-128.2(a) for State related projects; and

**WHEREAS**, N.C.G.S. 143-128.2 requires each city, county, or other local public entity to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects costing \$300,000 or more; and

**WHEREAS**, N.C.G.S. 143-128.2(b) requires a public entity awarding a building contract where the total cost equals or exceeds \$300,000 to establish, prior to solicitation of bids, good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects; and

**WHEREAS**, N.C.G.S. 143-128.2(e)(1) requires a public entity awarding a building construction or repair contract where the total cost exceeds \$300,000, prior to awarding a contract, to develop and implement a minority business participation outreach plan; and

**WHEREAS**, notice of the public hearing was duly published in The Asheville Citizen Times on December 24, 2023 and December 31, 2023 the required public hearing was held on January 8, 2024; and

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

1. That the Town of Black Mountain shall have a 10% verifiable percentage goal for participation by minority businesses in the total value of work for building projects awarded by the Town of Black Mountain and costing \$300,000 or more.
2. That the Town of Black Mountain shall follow the guidelines of the Minority Business Participation Outreach Plan and Guidelines for Recruitment and Selection of Minority Businesses for Participation in the Town of Black Mountain Building Construction or Repair Contracts for minority business participation in building construction or repair contracts.
3. This resolution shall become effective upon its adoption.
4. The Outreach Plan & Guidelines is made part of and attached to this resolution.

Adopted by the Town Council of the Town of Black Mountain on this 8<sup>th</sup> day of January 2024.

***\*\*Note: Pages 5-21 of these minutes is the Outreach Plan & Guidelines as stated above.***

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**TOWN OF BLACK MOUNTAIN**  
**MINORITY BUSINESSES PARTICIPATION AND OUTREACH PLAN**  
**FOR BUILDING CONSTRUCTION OR REPAIR CONTRACTS**

Except as provided in NCGS 143-128.2(a) for State related projects, in accordance with G.S. 143-128.2, these guidelines establish goals for minority participation in single- prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on the Town of Black Mountain building construction or repair projects in the amount of \$300,000 or more. The outreach plan shall also be applicable to the selection process of architectural, engineering, and Construction Manager-at-Risk services.

**The Town of Black Mountain has a current verifiable goal of ten (10) percent for minority participation for building construction or repair projects.**

**I. INTENT**

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It is the intent of these guidelines that the Town of Black Mountain as awarding authority for building construction or repair projects, and the contractors and subcontractors performing the construction contracts awarded shall cooperate and in good faith do all things legal, proper, and reasonable to achieve the goal of 10% percent for participation by minority businesses in each building construction or repair project as required by GS 143-128.2. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

A copy of these Guidelines will be issued with each bid package for applicable Town of Black Mountain building projects. These Guidelines shall apply to all contractors on such projects, regardless of ownership.

**II. DEFINITIONS**

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1. **Minority** – as defined in § 143-128(g)(2) a person who is a citizen or lawful permanent resident of the United States and who is:
  - a. Black, that is, a person having origins in any of the black racial groups in Africa.
  - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

- c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
- d. American Indian, that is, a person having origins in any of the original peoples of North America; or
- e. Female

**2. Minority Business** (MBE) – as defined in § 143-128(g)(1) a business:

- a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
- b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
- c. The business is certified as a Historically Underutilized Business by the North Carolina Department of Administration Office for Historically Underutilized Business.

**3. Socially and Economically Disadvantaged Individual** – as defined in 15 U.S.C. 637:

- a. Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.
- b. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

**4. Public Entity** - The State and all public subdivisions and local governmental units.

**5. Owner** – The Town of Black Mountain.

**6. Designer** – Any person, firm, partnership, or corporation which has contracted with the Town of Black Mountain to perform architectural or engineering work.

**7. Bidder** - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

**8. Contract** - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials, or services,

including construction, and obligating the buyer to pay for them.

**9. Contractor** - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the Town of Black Mountain to perform building construction or repair work.

**10. Subcontractor** - A firm under contract with the prime contractor or construction manager at risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract.

**11. HUB Office**- N.C. Department of Administration's Office for Historically Underutilized Businesses.

### **III. MINORITY OUTREACH PLAN AND GUIDELINES**

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#### **A. OWNER**

The Town of Black Mountain shall do the following to encourage participation from MBEs:

1. Implement the "Town of Black Mountain's Minority Business Participation Outreach Plan" to identify minority business that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction with minority businesses and nonminority businesses.
2. Attend the scheduled pre-bid conference and explain the minority goals and objectives.
3. At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the Owner for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses (HUB) an interest in the type of work being bid or the potential contracting opportunities listed in the proposal.

The notification shall be submitted through the North Carolina Department of Administration website <https://www.doa.nc.gov/divisions/historically-underutilized-businesses-hub/solicitation-opportunities> and shall include the following:

- a. A description of the work for which the bid is being solicited.
- b. The date, time, and location where the bids are to be submitted.
- c. The name of the individual within the public entity who will be available to answer questions about the project.
- d. Where bid documents may be received.
- e. Any special requirements that may exist.

The Owner shall document the notification submissions to the portal to include the solicitation posting confirmation and actual posting. The documentation shall be kept

in the project file.

4. Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.
5. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
6. Review, jointly with the designer, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) prior to recommendation of award.
7. Evaluate documentation to determine that a good faith effort has been achieved for minority business utilization prior to recommendation of award.
8. Forward documentation showing evidence of implementation of Owner's requirements to the State Construction Office and the HUB Office upon request.
9. Enhance the Town of Black Mountain web page by including the outreach plan and guidelines, listing good faith efforts, creating links to MBE resources, and creating awareness of specific subcontracting opportunities.

In addition, after a contract has been awarded the Owner shall:

- a. Review prime contractors' pay applications for compliance with minority business utilization commitments prior to payment.
- b. Submit the report to the HUB Office as required by G.S. 143-128.3(a)

## **B. DESIGNER**

Under the single-prime bidding, separate prime bidding, construction manager at risk, or alternative contracting method, the designer will:

1. Attend the scheduled pre-bid conference to explain minority business requirements to the prospective bidders.
2. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
3. Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S. 143-128.2(f) – (i.e. bidders' proposals for identification of the minority businesses that will be utilized with corresponding total dollar value of the bid and affidavit listing good faith efforts, or affidavit of self-performance of work, if the contractor will perform work under contract by its own workforce)

- prior to recommendation of award.

4. During construction phase of the project, review documentation for contract payment to MBEs (e.g. state form "Appendix E: MBE

Documentation for Contract Payment”

<https://www.doa.nc.gov/document/appendix-e-mbe-documentation-contract-payments> for compliance with minority business utilization commitments. Submit this form with monthly pay applications to the Owner.

5. Make documentation showing evidence of implementation of Designer’s responsibilities available for review by the Owner and State officials upon request.

### **C. PRIME CONTRACTOR(S), CM AT RISK, & FIRST-TIER SUBCONTRACTORS**

The following requirements apply to all contractors utilizing single-prime bidding, separate- prime bidding, construction manager at risk and alternative contracting methods, as well as to all contractors performing as contractors and first-tier subcontractors under construction manager at risk. For purposes of this subsection, the term “contractor(s)” shall also include first-tier subcontractors under a construction manager at risk. The contractors shall:

1. Attend the scheduled pre-bid conference and any pre-bid meetings scheduled by the Owner.
2. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
3. At least ten (10) days prior to the scheduled day of bid opening or due date for proposals, notify minority businesses of potential subcontracting opportunities listed in the proposal. The notification must include all of the following:
  - (a) A description of the work for which the sub-bid is being solicited.
  - (b) The date, time and location where sub-bids are to be submitted.
  - (c) The name of the individual within the company who will be available to answer questions about the project.
  - (d) Where bid documents may be reviewed.
  - (e) Any special requirements that may exist, such as insurance, licenses, bonds and financial arrangements. Identify on the bid the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit listing good faith efforts as required by G.S. 143-128.2(c) and G.S. 143-128.2(f).

If there are more than three (3) minority businesses within a 75-mile radius of the project who offer similar contracting or subcontracting services in the specific trade, the contractor(s) shall notify three (3), but may contact more, if the contractor(s) so desires.

4. During the bidding process, comply with the contractor(s) requirements listed in these Guidelines and any contractor

requirements listed in the Town of Black Mountain's Minority Business Participation Outreach Plan.

5. Identify on the bid the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and submit affidavit listing Good Faith Efforts (Affidavit A) as required by G.S. §143-128.2(c) and G.S. §143-128.2(f). If the contractor will be performing all of the work with its own workforce, the contractor may submit Affidavit B, Intent to Perform Contract with Own Workforce," in lieu of Affidavit A. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
6. Make documentation showing evidence of implementation of Prime Contractor, Construction Manager-at-Risk and First-Tier Subcontractor responsibilities available for review by the Owner and State officials upon request.
7. Provide one of the following to Owner upon being named the apparent low bidder:
  - a. an affidavit (Affidavit C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal; or.
  - b. if the percentage is not equal to the applicable goal, then an affidavit (Affidavit D) and documentation of all Good Faith Efforts taken to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitation, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
8. Within thirty (30) days after award of the contract, the apparent lowest responsible, responsive bidder shall file with Owner a list of all identified subcontractors that the contractor will use on the project.
9. Identify the name(s) of minority business subcontractor(s) and corresponding dollar amount of work on the schedule of values. The schedule of values shall be provided as required in the General Conditions of the Contract to facilitate payments to the subcontractors. All vendors doing business with the Town are required to fill out a vendor packet and submit to accounts payable.
10. Submit documentation for contract payment with each monthly pay request and final payment request the "MDE Documentation for Contract Payment" – Appendix E), for Designer's review.

11. If at any time during the construction of a project, it becomes necessary to replace a minority business subcontractor, immediately advise the Owner in writing of the circumstances involved. The prime contractor shall make a good faith effort to replace a minority business subcontractor with another minority business subcontractor.
12. Make a good faith effort to solicit sub-bids from minority businesses during the construction of a project if additional subcontracting opportunities become available.
13. If applicable, a construction manager at risk shall submit its plan for compliance with N.C. Gen. Stat. § 143-128.2 for approval by the Town prior to soliciting bids for the project's first-tier subcontractors.

#### **D. MINORITY BUSINESS RESPONSIBILITIES - CERTIFICATION**

The Town of Black Mountain does not certify minority businesses. Any business which desires to participate as a minority business under these Guidelines will be required to register and become certified as a historically underutilized business ("HUB") by the North Carolina Department of Administration Office for Historically Underutilized Businesses ("HUB Office").

Businesses seeking HUB certification are directed to:

<https://www.doa.nc.gov/divisions/historically-underutilized-businesses-hub>

Minority HUB contractors shall make a good faith effort to participate in construction projects as demonstrated by:

1. Attending the scheduled pre-bid conference.
2. Responding promptly whether or not they wish to submit a bid when contacted by the Owner or bidders.
3. Attending training and contractor outreach sessions given by the Owner, contractors, and state agencies, when feasible.
4. Participating in Mentor/Protégé programs, training, or other business development programs offered by the Owner, contractors, or state agencies.
5. Negotiating in good faith with the Owner or contractors.
6. Minority businesses that are contacted by owners or bidders must respond promptly whether or not they wish to submit a bid.

#### **IV. MINORITY BUSINESS CONSTRUCTION CONTRACT PROVISIONS**

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*(To be included in solicitations and contract documents)*

APPLICATION:

The Guidelines for Recruitment and Selection of Minority Businesses for Participation in the Town of Black Mountain Construction Contracts are hereby made part of these contract documents.

## **V. MINORITY BUSINESS SUBCONTRACT GOALS**

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The goal for participation by minority firms as subcontractors on this project has been set at 10%.

The bidder must identify on its bid the minority businesses that will be utilized on the project with corresponding total dollar value of the bid and affidavit (Affidavit A) listing good faith efforts or affidavit (Affidavit B) of self-performance of work, if the bidder will perform work under contract by its own workforce, as required by G.S. §143-128.2(c) and G.S. 143-128.2(f).

In addition, the lowest responsible, responsive bidder must do one of the following:

1. Provide Affidavit C that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal.

OR

2. If the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, is less than the applicable goal, provide Affidavit D as well as documentation of Good Faith Efforts.

OR

3. Provide Affidavit B which includes sufficient information for the Owner to determine that the bidder does not customarily subcontract work on this type of project.

**The above information must be provided as required. Failure to submit these documents is grounds for rejection of the bid.**

## **VI. MINIMUM COMPLIANCE REQUIREMENTS**

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All written statements or affidavits made by the bidder shall become a part of the agreement between the Contractor and the Town of Black Mountain for performance of the contract. Failure to comply with any of these statements, affidavits, or with the minority business guidelines shall constitute a breach of the contract. A finding by the Town of Black Mountain that any information submitted either prior to award of the contract or during the performance of the contract is inaccurate, false, or incomplete shall also constitute a breach of the contract. Any such breach may result in termination of the contract in accordance with the termination provisions contained in the contract. It shall be solely at the option of the Town of Black Mountain whether to terminate

the contract for breach.

In determining whether a contractor has made good faith efforts, the Town of Black Mountain will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, diligence, and results of these efforts. Contractors are required to earn at least 50 points for good faith efforts. Failure to file a required affidavit or documentation demonstrating that the contractor made the required good faith effort, is grounds for rejection of the bid. Good faith efforts include:

1. Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government- maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed. (10 points)
2. Making the construction plans, specifications, and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due. (10 points)
3. Breaking down or combining elements of work into economically feasible units to facilitate minority participation. (15 points)
4. Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses. (10 points)
5. Attending any pre-bid meetings scheduled by the public owner. (10 points)
6. Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors. (20 points)
7. Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Reasons for rejection of a minority business based on lack of qualification should be documented in writing. (15 points)
8. Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit. (25 points)
9. Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible. (20 points)

10. Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands. (20 points)

## **VII. DISPUTE RESOLUTION PROCEDURES**

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Pursuant to G.S. 143-128 (f1), all disputes involving contractors on a building construction or repair project with the Town of Black Mountain shall be resolved pursuant State of North Carolina Policy G.S. 143-135.26(11).

## **VIII. CONSTRUCTION BID PACKAGE DOCUMENT PROVISIONS**

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In addition to these guidelines, there will be issued with each construction bid package provisions for providing minority business participation in the Town of Black Mountain projects.

## **IX. AUTHORITY**

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The Town Council of the Town of Black Mountain empowers the Town Manager to enforce and/or amend this policy as may be required in State law or Federal regulation. Amendments to this policy shall be documented to include date and type of revision.

## **X. EXHIBITS**

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1. Identification of HUB Certified/Minority Business Participation Form
2. State of North Carolina – AFFIDAVIT A – Listing of Good Faith Efforts
3. State of North Carolina – AFFIDAVIT B – Intent to Perform Contract with Own Workforce
4. State of North Carolina – AFFIDAVIT C – Portion of the Work to be Performed by HUB Certified/Minority Businesses
5. State of North Carolina – AFFIDAVIT D – Good Faith Efforts
6. MBE Documentation for Contract Payments – APPENDIX E



# State of North Carolina AFFIDAVIT A – Listing of Good Faith Efforts

County of \_\_\_\_\_

(Name of Bidder)

Affidavit of \_\_\_\_\_

I have made a good faith effort to comply under the following areas checked:

**Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.** (1 NC Administrative Code 30 I.0101)

- ☐ **1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☐ **2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☐ **3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☐ **4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- ☐ **5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- ☐ **6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ **7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☐ **8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☐ **9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☐ **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

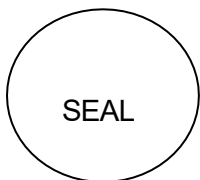
The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid

**State of North Carolina --AFFIDAVIT B-- Intent to Perform Contract  
with Own Workforce.**

County of \_\_\_\_\_

Affidavit of \_\_\_\_\_

(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the \_\_\_\_\_

\_\_\_\_\_ contract.

(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

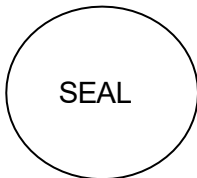
The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement. The Bidder agrees to make a Good Faith Effort to utilize minority suppliers where possible.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_



State of \_\_\_\_\_, County of \_\_\_\_\_ Subscribed and sworn to  
before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

# State of North Carolina - AFFIDAVIT C - Portion of the Work to be Performed by HUB Certified/Minority Businesses

County of \_\_\_\_\_

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the portion of the work to be executed by HUB certified/minority businesses as defined in GS143-128.2(g) and 128.4(a),(b),(e) is equal to or greater than 10% of the bidders total contract price, then the bidder must complete this affidavit.

This affidavit shall be provided by the apparent lowest responsible, responsive bidder within **72 hours** after notification of being low bidder.

Affidavit of \_\_\_\_\_ I do hereby certify that on the  
(Name of Bidder)

(Project Name)

Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_ % of the total dollar amount of the contract with minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required

| Name and Phone Number | *Minority Category | **HUB Certified Y/N | Work Description | Dollar Value |
|-----------------------|--------------------|---------------------|------------------|--------------|
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
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|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |

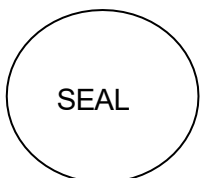
\*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

\*\* HUB Certification with the state HUB Office required to be counted toward state participation goals.

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_



Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

# State of North Carolina

# AFFIDAVIT D – Good Faith Efforts

County of \_\_\_\_\_

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the goal of 10% participation by HUB Certified/ minority business **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

Affidavit of \_\_\_\_\_ I do hereby certify that on the  
(Name of Bidder)

\_\_\_\_\_  
(Project Name)  
Project ID# \_\_\_\_\_ Amount of Bid \$ \_\_\_\_\_

I will expend a minimum of \_\_\_\_\_% of the total dollar amount of the contract with HUB certified/ minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.  
(Attach additional sheets if required)

| Name and Phone Number | *Minority Category | **HUB Certified Y/N | Work Description | Dollar Value |
|-----------------------|--------------------|---------------------|------------------|--------------|
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |
|                       |                    |                     |                  |              |

\*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

**\*\* HUB Certification with the state HUB Office required to be counted toward state participation goals.**

**Examples** of documentation that may be required to demonstrate the Bidder's good faith efforts to meet the goals set forth in these provisions include, but are not necessarily limited to, the following:

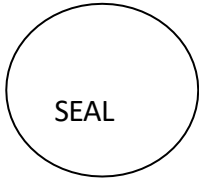
- A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.
- B. Copies of quotes or responses received from each firm responding to the solicitation.
- C. A telephone log of follow-up calls to each firm sent a solicitation.
- D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Copy of pre-bid roster.
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- H. Letter detailing reasons for rejection of minority business due to lack of qualification.
- I. Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: \_\_\_\_\_ Name of Authorized Officer: \_\_\_\_\_



Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_, County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_20\_

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

**APPENDIX E**  
**MBE DOCUMENTATION FOR CONTRACT PAYMENTS**

Prime Contractor/Architect: \_\_\_\_\_

Address & Phone: \_\_\_\_\_

Project Name: \_\_\_\_\_

SCO Project ID: \_\_\_\_\_

Pay Application #: \_\_\_\_\_ Period: \_\_\_\_\_

The following is a list of payments made to Minority Business Enterprises on this project for the above-mentioned period.

| MBE FIRM NAME | * TYPE OF MBE | AMOUNT PAID THIS MONTH<br>(With This Pay App) | TOTAL PAYMENTS TO DATE | TOTAL AMOUNT COMMITTED |
|---------------|---------------|-----------------------------------------------|------------------------|------------------------|
|               |               |                                               |                        |                        |
|               |               |                                               |                        |                        |
|               |               |                                               |                        |                        |
|               |               |                                               |                        |                        |
|               |               |                                               |                        |                        |
|               |               |                                               |                        |                        |

\*Minority categories: Black (B), Hispanic (H), Asian American (AA), American Indian (AI), White Female (WF), Socially and Economically Disadvantaged (SED)

Approved/Certified By:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**SUBMIT WITH EACH PAY REQUEST - FINAL PAYMENT - FINAL REPORT**

\*\*\*\*\*

7) CITIZEN COMMENTS- *none.*

\*\*\*\*\*

8) UNFINISHED BUSINESS- *none.*

\*\*\*\*\*

9) NEW BUSINESS

**A. Consideration of Resolution Establishing Criteria for Design-Build Delivery Method for Construction Contracts.**

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

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN  
COUNCIL ESTABLISHING CRITERIA FOR DESIGN-BUILD  
DELIVERY METHOD FOR CONSTRUCTION CONTRACT**

**Resolution #R-24-03**

**WHEREAS,** The State of North Carolina passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design-build method for construction contracting pursuant § 143-128.1A. The design- build method is an integrated approach to a construction project that delivers both design (architectural and engineering) and construction services under one contract with a single point of responsibility. Under this delivery method, the Town is provided with the benefit of the design team and contractor working together to achieve the Town's objectives under a single contract. The statute requires the Town to establish written criteria for determining when the design-build method is appropriate for a project. The statute also requires the Town to use the criteria in evaluating each project contemplated for the design- build method. The statute provides the following six factors that, at a minimum, the Town must address in establishing its criteria:

1. The extent to which the Town can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.

The design-build method may be used if it is determined that, for the project, the Town has professional staff that are qualified to thoroughly define project requirements prior to the issuance of a request for qualifications (RFQ) for a design- builder. Consideration will be given to the qualifications and experience of Town staff and the availability of professional staff in the areas of purchasing, finance, and legal to assist in the development of an RFQ.

2. The time constraints for the delivery of the project.

The design-build delivery method may be used if a project has an established date by which a facility or improvement must be operational to meet the Town's needs and a traditional delivery method (i.e. an RFQ, finalized design and specifications, bidding, and construction) is not likely to provide a finished project in a timely manner.

3. The Town's ability to ensure that a quality project can be delivered.

The design-build delivery method may be used if it is determined that, for the project, the Town has staff experienced in design and construction to help ensure that the design-build firm will provide a quality project within the budget constraints established by the Town Council.

4. The capability of the Town to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.

The design-build delivery method may be used if it is determined that, for the project, the Town has qualified staff experienced in construction administration and project management who will be involved during the design and construction of the project. However, overall, project management is a primary function of the design-build team.

5. A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities.

The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which ensure that contractors will comply with the M/WBE goals adopted by the town.

6. The criteria utilized by the Town of Black Mountain, including a comparison of the advantages and disadvantages of using the design-build delivery method in lieu of traditional construction and bidding methods.

- a. The project is well defined, including qualitative and quantitative characteristics, and possesses one or more unique elements that would benefit from the design-build delivery method.
- b. The project timeline is an important factor in making the facility or improvement operational within a short timeframe so as not to excessively burden Town operations.
- c. The Town has experienced staff and adequate resources to assure that a high-quality project can be delivered within the budget appropriated by the Town Council.
- d. There is a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions in terms of scope as the project progresses.

- e. It will be necessary to have partial occupancy of a portion of the facility and/or improvement while the project construction is ongoing.
- f. The project requires good-faith efforts to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small businesses entities.
- g. As a result of a more integrated, fluid and flexible delivery process, the design- build delivery method meets the operational goals established for the facility or improvement, the desired level of quality of the finished product, and is a comparatively more desirable delivery method over traditional construction and bidding methods.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Black Mountain that this resolution is effective upon approval. Upon a motion by Vice Mayor **Archie Pertiller**, the foregoing resolution was adopted this 8<sup>th</sup> day of January 2024.

\*\*\*\*\*

**B. Consideration of Approval of Resolution Authorizing the use of the Design-Build Delivery Method for the Swannanoa River Floodbench & Wetland Construction Project# SRP-SW-ARP-0026**

Angela Reece, Project and Facilities Manager, stated that staff are recommending the use of the design-build delivery method for this project to ensure a better project. Vice Mayor Archie Pertiller made a motion to approve the following resolution. The vote of 5-0 in favor.

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL  
AUTHORIZING THE USE OF DESIGN-DESIGN BUILD DELIVERY METHOD FOR  
THE SWANNANOA RIVER FLOODBENCH AND WETLAND CONSTRUCTION  
PROJECT# SRP-SW-ARP-0026**

**Resolution #R-24-04**

**WHEREAS**, The State of North Carolina passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design- build method for construction contracting pursuant N.C. Gen. Stat. § 143- 128.1A; and

**WHEREAS**, on January 8, 2024, the Town Council of the Town of Black Mountain passed a Resolution to establish criteria to be utilized by the Town when considering the design-build delivery method for Town projects (“Town of Black Mountain Design-Build Criteria”); and

**WHEREAS**, the Town received a \$5 million-dollar Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) in March 2023; and

**WHEREAS**, the Town intends to use these monies to enter into agreements to design, construct,

repair, rehabilitate, or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along two project sites encompassing approximately 3,300 linear-feet area of the Swannanoa River; and

**WHEREAS**, The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARP-funded projects must also adhere to North Carolina State law. All projects must also comply with North Carolina General Statute § 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services; and

**WHEREAS**, due to the nature, size, scope and anticipated time schedule of the Project, the Town of Black Mountain sets forth a design-build construction method for the Project; and

**WHEREAS**, pursuant to North Carolina General Statute § 143-128.1A(b), “a governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:

1. The extent to which the Town can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder.
2. The time constraints for the delivery of the project.
3. The Town’s ability to ensure that a quality project can be delivered.
4. The capability of the Town to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
5. A good-faith effort to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), and to recruit and select small business entities.
6. The criteria utilized by the Town of Black Mountain, including a comparison of the advantages and disadvantages of using the design-build delivery method in lieu of traditional construction and bidding methods.

**WHEREAS**, based upon the Town of Black Mountain Design-Build Criteria and reasons set forth herein, the Town of Black Mountain desires to proceed with the design-build method for the Floodbench and Wetland Construction Project# SRP-SW-ARP-0026 pursuant to N.C. Gen. Stat. § 143-128.1A, to construct, repair, rehabilitate, or replace existing stormwater infrastructure along two project sites identified in the Stormwater Master Plan which encompass

approximately 3,300 linear-feet area of the Swannanoa River. The first site is located on the south bank and floodplain of the Swannanoa centered near the confluence with Flat Creek (“First Site”). The second site is located between the Norfolk Southern railroad and Interstate 40, on the east bank and floodplain (“Second Site”). **A project area description and map are attached to this resolution as Exhibit A.**

1. The Town wishes to construct, repair, rehabilitate, or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along two project sites encompassing approximately 3,300 linear-feet area of the Swannanoa River.
2. The project funding is contingent on meeting all project milestones; therefore, the timeline is an important factor in complying with grant terms and conditions.
3. The Town has experienced staff and adequate resources to assure that a high-quality project can be delivered by the design-build firm within the budget and timeframe as outlined by the granting authority.
4. It will be necessary to have partial occupancy of a portion of the improvement while the project construction is ongoing.
5. The Town will make good-faith efforts to comply with historically underutilized business participation requirements (NCGS 143-128.2, NCGS 143-128.4), as applicable, and to recruit and select small businesses entities. In addition to traditional project advertisement, the Town will advertise on the State of North Carolina’s Historically Underutilized Business website and in minority business publications.
6. As a result of a more integrated, fluid and flexible delivery process, the design- build delivery method meets the operational goals established for the improvement, the desired level of quality of the finished product, and is a comparatively more desirable delivery method over traditional construction and bidding methods. The Town has reviewed the criteria for separate-prime bidding, single-prime bidding and construction management at risk and has determined that due to project scope, complexity, and time constraints that the design-build delivery method is appropriate for the construction of stormwater infrastructure for the Swannanoa River Floodbench and Wetland Construction Project# SRP-SW-ARP-0026 for the following reasons:
  - a. The design and construction of stormwater facilities is a highly specialized industry, with limited availability of contractors performing this type of work.
  - b. The traditional design-bid-build method would not allow the Town to receive the specialized services necessary to deliver the highest quality Project.

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

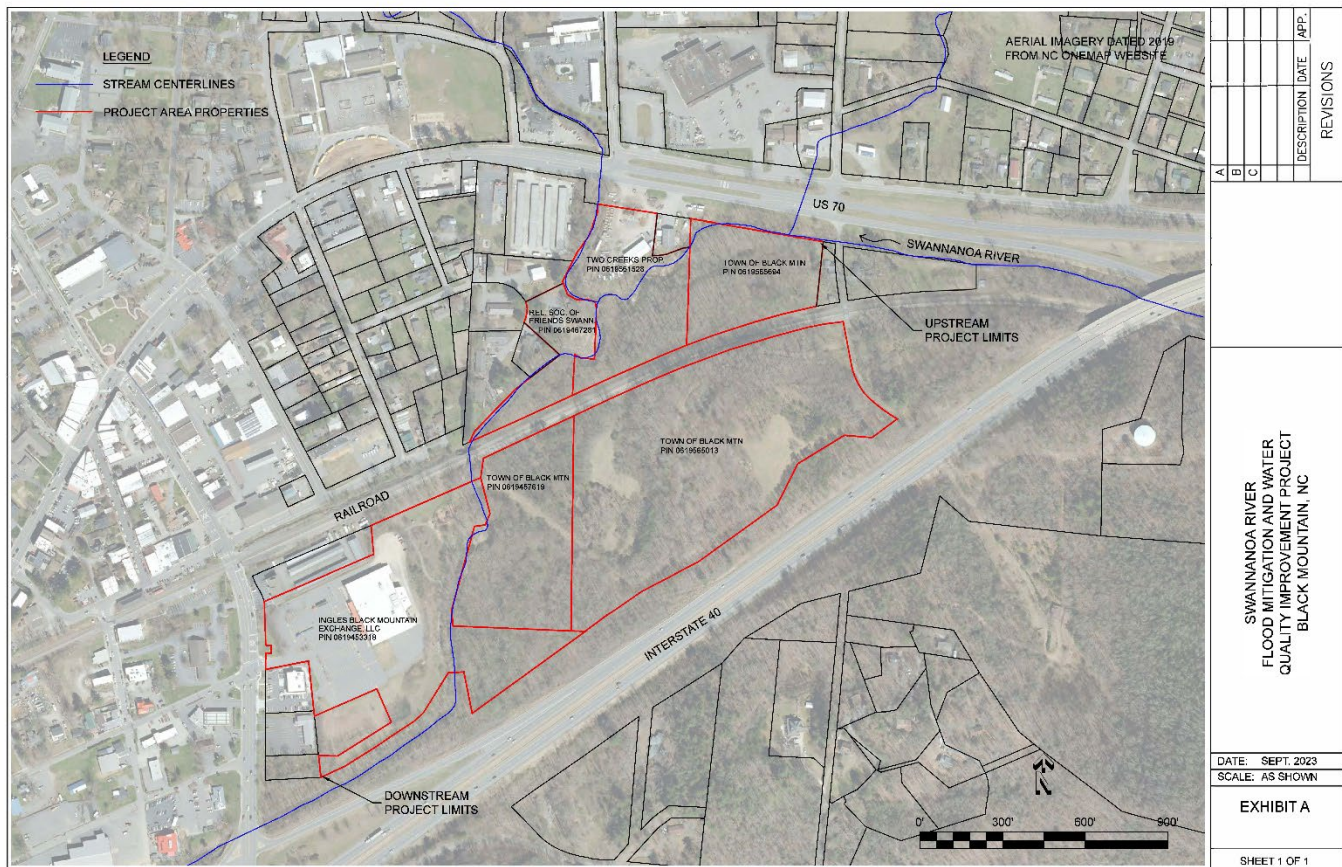
1. The Town Manager, Town Attorney and Project Manager are hereby authorized to issue

a Request for Qualifications (RFQ) for a design-builder to design, engineer, construct, repair, rehabilitate, or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along two project sites encompassing approximately 3,300 linear-feet area of the Swannanoa River

2. The Town shall make a good faith effort to comply with NCGS 143-128.2, NCGS 143-128.4, as applicable, and to recruit and select small business entities. Additionally, this RFQ shall be advertised in publications that attract minority business and historically underutilized business consideration and shall be sent to design professionals and contractors through the bidding portal on the Town's website at [www.townofblackmountain.org](http://www.townofblackmountain.org)

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Black Mountain that this resolution is effective upon approval. Upon a motion by Vice Mayor **Archie Pertiller**, the foregoing resolution was adopted this 8<sup>th</sup> day of January 2024.

***Exhibit A:***



\*\*\*\*\*

**C. Consideration of Green Tee Grille Lease Renewal.**

Josh Harrold, Town Manager, explained that the Green Tee Grille would like to renew the lease for the golf course snack shop. The current lease amount is \$400 per month and the lessee has requested to continue at the same rate. This lease would expire in January 2025. The Council expressed interest in exploring options for rentals in that space for special events. Council Member Doug Hay made a motion to approve the Green Tee Grille Lease Renewal for the golf course snack shop for twelve (12) months as presented. A vote of 5-0 in favor.

\*\*\*\*\*

**D. Consideration to Adopt the Creating Outdoor Recreation Economies (CORE) Strategic Plan.**

Ann Bass, ARC Economic Development Planner with the NC Department of Commerce Rural Economic Division, gave a presentation to the Council highlighting this strategic plan. A CORE planning work group was assembled to create this plan consisting of local stakeholders, town staff, elected officials, and NC Commerce Rural Economic Development Division staff.

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

**RESOLUTION TO ADOPT BLACK MOUNTAIN CREATING OUTDOOR  
RECREATION ECONOMIES (CORE) 2023-2028 STRATEGIC PLAN**

**Resolution #R-24-05**

**WHEREAS**, the Creating Outdoor Recreation Economies (CORE) program is made possible by a U.S. Economic Development Administration Tourism Grant; and

**WHEREAS**, the State of North Carolina's Supporting and Strengthening Resiliency in North Carolina's Travel, Tourism, and Outdoor Recreation Sectors Initiative was awarded \$6 million; and

**WHEREAS**, the CORE program offers strategic planning and technical assistance to help rural communities leverage North Carolina's abundant outdoor recreation assets to bolster local economic vitality; and

**WHEREAS**, the Town of Black Mountain applied to the State of North Carolina to engage with strategic planning services; and

**WHEREAS**, the Town of Black Mountain was one of 34 local governments accepted to participate; and

**WHEREAS**, through the CORE program, the Town of Black Mountain collaborated with the N.C. Department of Commerce, Rural Economic Development Division staff members, and local stakeholders to identify and develop outdoor recreation assets that present economic growth opportunities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Black Mountain Town Council adopt the Black Mountain Creating Outdoor Recreation Economies 2023-2028 Strategic Plan.

**READ, APPROVED AND ADOPTED**, by a vote of 5 to 0 on this 8<sup>th</sup> day of January 2024.

\*\*\*\*\*

**E. Public Safety Interoperability Program (PSIP) Agreement.**

Eric Grau, Information Technology Director for Buncombe County, gave a presentation to the Town Council regarding this PSIP agreement. The goal of the agreement is to cooperatively leverage technology to improve public safety operations. This agreement is being updated to reflect the new software required, as the current software is at the end of its life. Further, a formal agreement is needed with all relevant jurisdictions to provide appropriate access to and support for public safety technology systems and data. Annual costs were discussed. Town Attorney Craig Justus requested a cost model be tied to the agreement to ensure all documentation is included and to know what town responsibilities will be going forward. Further, the Attorney stated he would like to tweak this proposed agreement before Council votes on the item.

Police Chief Steve Parker spoke on the importance of using a multi-use dispatch central location instead of each town having their own dispatch stating it is not the modern method in emergency services and public safety.

It was stated the current system will be used for at least three (3) years before any new system is switched over due to setups, etc., which is why the agreement is three (3) years instead of one (1).

***The Council was in consensus to table this item until the agreement is updated and reviewed by the Town Attorney.***

\*\*\*\*\*

**10) COMMUNICATION**

- A.** Town Attorney Craig Justus informed the Council to contact him with any questions as they arise.
- B.** Town Manager Josh Harrold stated the Town would be closed for Dr. Martin Luther King, Jr. Day on Monday, January 15<sup>th</sup>, and there would be no disruption to the trash schedule. Josh Harrold then called on Jamey Matthews, Public Works Director, who

provided a synopsis of holiday trash overflow issues between the dates of December 28<sup>th</sup>-January 2<sup>nd</sup>.

\*\*\*\*\*

#### **11) COMMUNICATION FROM MAYOR AND TOWN COUNCIL**

Council Member Pam King made some comments about the holiday sanitation issues and apologized to the staff on how they were treated by some members of the public.

Council Member Ryan Stone stated the issues with the holiday sanitation overflow drop off were addressed, it will not happen again, and the town can learn from the mistakes and move forward.

\*\*\*\*\*

#### **12) CLOSED SESSION- *none.***

\*\*\*\*\*

#### **13) ADJOURNMENT- *With nothing further, Mayor C. Michael Sobol adjourned the meeting at 8:38 p.m.***

  
C. Michael Sobol, Mayor

ATTEST:

  
Wesley M. Barker, Town Clerk