# BLACK MOUNTAIN TOWN COUNCIL MINUTES

**March 11, 2024 | Regular Meeting | Time: 6:00 P.M.**

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

The Black Mountain Town Council held their regular meeting on Monday, March 11, 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, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, and Council Member Ryan Stone. Absent: Vice Mayor Archie Pertiller.

The following staff members were present: Josh Harrold, Town Manager; Wesley Barker, Town Clerk; Jessica Trotman, Assistant Town Manager/Planning Director; Angela Reece, Project & Facilities Manager; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director. Town Attorney Craig Justus was also present.

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 the following Proclamations: Women's History Month (March 2024) and International Transgender Day of Visibility (March 31$^{st}$).

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## 3. CITIZEN COMMENTS

Libba Fairleigh, 103 E. Cotton Ave., and Katherine Achtemeier, 402 W. Connally St., duly spoke on pickleball courts and fundraising efforts for additional courts. They stated sixty-two (62) people have pledged $25,375 for the additional pickle ball courts thus far.

Judy Repman, 104 S. Park Ln., with the Friends of the Black Mountain Library, spoke in favor of the free little library proposed at Town Square.

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

**A. Presentation of Lead and Copper Water Line Replacement Rule-** Jessica Trotman, Assistant Town Manager/Planning Director, gave a presentation to the Council on the EPA's lead and copper water line replacement rules and regulations. This rule is a two-part rule which is the lead and copper rule (LCR) that is service line inventory focused, and the lead and copper rule improvements (LCRI) which includes service line replacements. The service line inventory is required under this EPA rule which requires significant field work and community cooperation. Jessica reiterated there is no evidence of lead in the Town's water supply, and this is the Town complying with the EPA rules and regulations. An inventory will be conducted of service line material from the water distribution (main) to the meter, and from the meter to the home or business with each having a unique ID number. This project is unique in the fact it involves private property water lines along with town service lines. The inventory must be submitted to NCDEQ by October 16, 2024. Jessica then highlighted additional administrative notification action items required by this rule and detailed steps the Town has taken thus far in the inventory process. For the second part of this rule, Lead and Copper Rule Improvements (LCRI), the goals are to achieve 100% service line replacement within ten (10) years, to maintain the inventory, improve tap sampling, lowering lead action level and strengthening protection against to reduce exposure. Funding for LCRI is available for service line replacement, but what will be required to replace, and how fast, may be revised upon the finalization of the LCRI. The Town will begin replacing lines once the LCRI is finalized, and the Town will be putting together an application for the June funding cycle for low-interest and forgivable loans. Jessica announced that extensive community outreach would be part of this project as it progresses and announced a public meeting to be held on April 3, 2024 at 5:30 p.m. at Black Mountain Town Hall hosted by NCDEQ and the Town to learn more about this project and how it will affect residents. All Town water customers have been mailed a postcard inviting them to this public meeting.

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## 5. CONSENT AGENDA

Town Manager Josh Harrold stated there were a few changes to this month's consent agenda which included the following: Consent item 5(c)(1) Tabling the consideration of budget amendment for Carver Flooring to receive more bids for the work, and consent item 5(c)(3) tabling the acceptance of Land of Sky Regional Council grant for public wi-fi until the Town Manager can gather more information.

***Council Member Ryan Stone made a motion to pull consent item 5(c)(1). A vote of 3-1 in favor. Council Member Pam King opposing. Vice Mayor Archie Pertiller absent. Council Member Alice Berry made a motion to pull consent item 5(c)(3). A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

**A. Adoption of Meeting Minutes:** January 20, 2024 Council Retreat, February 8, 2024 Agenda Workshop Meeting, February 12, 2024 Regular Meeting.

***Council Member Alice Berry made a motion to approve all minutes as presented. A vote of***

***4-0 in favor. Vice Mayor Archie Pertiller absent.***

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

***Council Member Alice Berry made a motion to approve all minutes as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**C. Consideration of Budget Amendments.**

1. *Carver Flooring- **tabled.***
2. Waste Reduction and Recycling Carts
3. *Acceptance of Land of Sky Regional Council Grant for Public Wi-Fi- **tabled.***

| Adjustment Number | Summary | Account Number | Account Name | Description | Sum of Amount |
|---|---|---|---|---|---|
| BA0000131 | Recognize Budget for State Community Waste Reduction and Recycling Grant | 100-7000-48590 | Transfers In | Waste Reduction and Recycling Grant Town Match | -$126,680.00 |
| | | 100-7000-59510 | Transfer Out | Waste Reduction and Recycling Grant Town Match | $126,680.00 |
| | | 260-8804-43200 | Grant Revenue - State | NC-Community Waste Reduction and Recycling Grant | -$116,000.00 |
| | | 260-8804-48590 | Transfers In | Town Match and Remaining Funds for Project | -$126,680.00 |
| | | 260-8804-52420 | Speciality Operating Supplies | Recycling Totes | $242,680.00 |

***Council Member Alice Berry made a motion to approve the budget amendment for waste reduction and recycling carts. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**D. Amendment to the 2024 Town Council Meeting Calendar to Accommodate FY 24-25 Budget Work Sessions.**

The following dates would be added to the annual Town Council meeting calendar to accommodate the FY 24-25 budget work sessions:

- Budget work session #1 - Thursday March 21, 2024 at 8:30am
- Budget work session #2 - Thursday March 28, 2024 at 8:30am
- Budget work session #3 - Thursday April 11, 2024 at 8:30am
- Budget work session #4 - Thursday April 18, 2024 at 8:30am
- Budget work session #5 - Thursday April 25, 2024 at 8:30am

***Council Member Alice Berry made a motion to approve the amendment to the Town Council meeting calendar to add FY 24-25 budget work sessions. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**E. Approval of 2024 Audit Contract from Gould Killian CPA Group, P.A.**

This item would approve the 2024 Town audit contract with Gould Killian CPA Group, P.A. for the fiscal year ending June 30, 2024. The audit contract fee is $54,400 which includes $49,900 for the standard audit contract and $4,500 for the single audit for one account. This contract, once approved and signed, will be sent to the Local Government Commission (LGC) for approval.

***Council Member Alice Berry made a motion to approve the audit contract as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**F. Call for Public Hearing for Voluntary Annexation of Property Owned by Givens Highland Farms.**

There is a 5.36 acre parcel off of Frances Avenue (identified as Buncombe County PIN #0609-56-5118.00000) that has been purchased by Givens Highland Farms. Givens Highland Farms is seeking voluntary annexation of this parcel to be able to combine the parcel with their existing 75+ acre campus, of which all is inside Town limits. The Planning Board heard this request at their February 26, 2024, meeting and found no reasons the property should not be annexed into the Town limits.

***Council Member Alice Berry made a motion to call for a public hearing for voluntary annexation for a parcel known as Buncombe County PIN #0609-56-5118.00000 to be held on Monday, April 8, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**G. Call for Public Hearing to Rezone 99999 Francis Avenue from R-1 to OI-6.**

There is a 5.36 acre parcel off of Frances Avenue (identified as Buncombe County PIN #0609-56-5118.00000) that has been purchased by Givens Highland Farms. The parcel is currently zoned R-1 by Buncombe County. Givens Highland Farms is also seeking voluntary annexation and if approved, would like to have the property rezoned to OI-6, which is the zoning designation for the existing 75+ acre campus. The Planning Board heard the request at their February 26th meeting and recommends the property be rezoned to OI-6 upon annexation into the Town limits. The motion passed with a vote of 5-0.

***Council Member Alice Berry made a motion to call for a public hearing to rezone 99999 Francis Avenue (PIN #0609-56-5118.00000) from R-1 (Buncombe County zoning) to OI-6 (office and institutional) to be held on Monday, April 8, 2024, at 6:00 p.m., or as soon thereafter as possible, in the Council Chambers of Town Hall, 160 Midland Avenue. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**H. Resolution to apply for the Section 319 NPS Pollution Control Grant for Stream Restoration on Black Mountain Golf Course.**

***Council Member Alice Berry made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

**RESOLUTION TO PURSUE A SECTION 319 NPS POLLUTION CONTROL GRANT THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Resolution #R-24-07**

**WHEREAS,** through Section 319(h) of the Clean Water Act, the U.S. Environmental Protection Agency provides states with funding to reduce nonpoint source pollution; and

**WHEREAS**, the state of North Carolina typically receives around $1 million for funding of watershed restoration projects; and

**WHEREAS**, the funds may be used to conduct watershed restoration projects such as stormwater and agricultural best management practices and restoration of impaired streams; and

**WHEREAS,** the Town of Black Mountain will apply for a Section 319 NPS Pollution Control Grant to conduct approximately three hundred and fifty linear feet of stream restoration on the Black Mountain Golf Course.

**NOW THEREFORE, BE IT RESOLVED** that the Black Mountain Town Council bless Town staff to apply for funding through the NCDEQ Section 319 NPS Pollution Control grant for stream restoration on the Black Mountain Golf Course.

**READ, APPROVED AND ADOPTED,** by a vote of _4_ to _0_ on this 11th day of March 2024.

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I. **Resolution to apply for the NCDOT IMD Multimodal Planning Grant for a Comprehensive Bicycle and Pedestrian Plan.**

   ***Council Member Alice Berry made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

**RESOLUTION TO PURSUE A BICYCLE AND PEDESTRIAN PLAN GRANT THROUGH NCDOT IMD MULTIMODAL PLANNING GRANT PROGRAM**

**Resolution #R-24-08**

**WHEREAS**, the NCDOT has an annual matching grant program to encourage municipalities to develop comprehensive bicycle and pedestrian plans; and

**WHEREAS**, the NCDOT has awarded approximately $8 million since 2004 to 248 municipalities across the state; and

**WHEREAS**, the IMD Multimodal Planning Grant allows any North Carolina Municipality to apply for a comprehensive bicycle and pedestrian plan; and

**WHEREAS**, the T own of Black Mountain will apply for a comprehensive bicycle and pedestrian plan to combine the existing pedestrian, bicycle, and transportation plans into one plan.

**NOW THEREFORE, BE IT RESOLVED** that the Black Mountain Town Council bless Town staff to apply for funding through the IMD Multimodal Planning Grant Program for a comprehensive bicycle and pedestrian plan.

**READ, APPROVED AND ADOPTED**, by a vote of _4_ to _0_ on this 11th day of March 2024.

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**J. Resolution to apply for the Passive Recreation Lands Grant for Construction of the Ridgecrest Connector Trail Multi-Use Path.**

***Council Member Alice Berry made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

**RESOLUTION TO PURSUE A PASSIVE RECREATION LANDS GRANT THROUGH BUNCOMBE COUNTY OPEN SPACE BOND**

**Resolution #R-24-09**

**WHEREAS,** in November 2022, Buncombe County voters approved an Open Space Bond; and

**WHEREAS,** the Open Space Bond is a funding project that will increase conservation of lands, construction of greenways, and development of passive recreation lands; and

**WHEREAS,** the goals of the Open Space Bond are to preserve the natural beauty of Buncombe County, increase the quality of live for its residents, and improve access to recreational activities in the area; and

**WHEREAS,** the Town of Black Mountain will apply for a Passive Recreation Lands grant through the Buncombe County Open Space Bond for the construction of the Ridgecrest Connector Trail multi-use path.

**NOW THEREFORE, BE IT RESOLVED** that the Black Mountain Town Council bless Town staff to apply for funding through the Buncombe County Open Space Bond for construction of the Ridgecrest Connector Trail multi-use path.

**READ, APPROVED AND ADOPTED,** by a vote of _4_ to _0_ on this 11th day of March 2024.

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K. **Approval of a Resolution Authorizing the Use of the Design/Build Delivery Method for the Cragmont Park Renovation Project.**

***A motion was made by Council Member Alice Berry to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL AUTHORIZING THE USE OF DESIGN-BUILD DELIVERY METHOD FOR THE CRAGMONT PARK RENNOVATION PROJECT**

**Resolution #R-24-10**

**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 Resolution R-24-03 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 has allocated $492,000 in the FY23-24 Budget for this Project; and

**WHEREAS**, the Town intends to use these monies to enter into agreements to design, construct, repair, rehabilitate, or replace existing park amenities in order to provide users with high quality of life standards that include health and wellness benefits, the opportunity for leisure, and the ability to connect with other people and the surrounding natural resources; and

**WHEREAS**, North Carolina General Statute § 143-64.31, gives minimum requirements for procurement, with Article 3D addressing 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 Cragmont Park Renovation Project pursuant to N.C. Gen. Stat. § 143-128.1A, to construct, repair, rehabilitate, or replace existing park amenities in order to provide users with high quality of life standards that include health and wellness benefits, the opportunity for leisure, and the ability to connect with other people and the surrounding natural resources. The project site encompasses <u>two (2) adjoining parcels of land totaling 5.14 acres</u> along Swannanoa Avenue as further described below. Both parcels are bordered or bisected by Tomahawk Branch. The sites were identified in the Town's Recreation Master Plan Update (2023) as requiring intense development with 50% of the site remaining undisturbed to serve as a buffer between the park and adjacent property owners. Both parcels have access to water and sanitary sewer lines and are located within the FEMA floodplain and floodway. Consideration should be given for potential flooding impacts and any potential future streambank stabilization projects impacting this area. **A project area map and initial design concept is attached to this resolution as <u>Exhibit A</u>**.

1. The Town wishes to construct, repair, rehabilitate, or replace existing park amenities in order to provide users with high quality of life standards that include health and wellness benefits, the opportunity for leisure, and the ability to connect with other people and the surrounding natural resources along approximately 1,200 linear-feet area of the Tomahawk Branch.
2. The project funding has been secured in the FY23-24 Budget but ever-increasing construction costs require an expedited project schedule with guaranteed maximum pricing; therefore, the timeline is an important factor in being good stewards of taxpayer dollars.
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 Council.
4. The Town has previously engaged a seasoned landscape designer who provided an initial concept plan for use in expediting this project. The concept did not include a full design with pricing value engineering options.
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 improvements, 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, repair, rehabilitation, or replacement existing park amenities for the Cragmont Park Renovation Project for the following reasons:

a. The design and construction of public park facilities is a highly specialized industry, with limited availability of qualified 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 park amenities in order to provide users with high quality of life standards that include health and wellness benefits, the opportunity for leisure, and the ability to connect with other people and the surrounding natural resources along approximately 1,200 linear-feet area of the Tomahawk Branch.
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.

**NOW, THEREFORE, 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 Council Member Alice Berry, the foregoing resolution was adopted this 11th day of March 2024.

*See next page for Exhibit A of this Resolution.*

Cragmont Park

**EXHIBIT A- MAP**

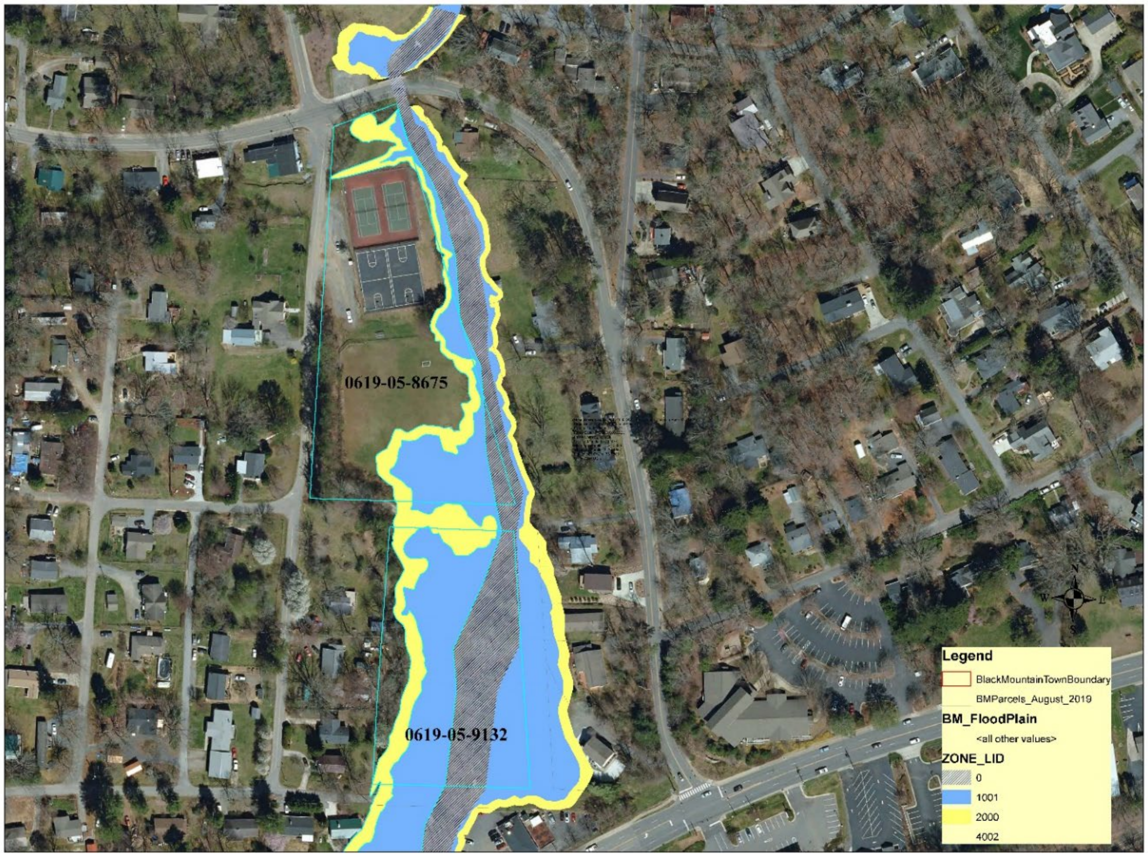


**EXHIBIT A- DRAFT CONCEPT**

**6) PUBLIC HEARING-** *none.*

**7) CITIZEN COMMENTS-** *none.*

**8) UNFINISHED BUSINESS-** *none.*

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**9) NEW BUSINESS**

**A. Consideration of GROW Trail Free Library Box at Town Square.**

Recreation and Parks Director Josh Henderson stated a request has been made for the placement of a new free library box placed near the splash pad in Town Square. This is part of expanding the GROW Trail (a partnership with Greenways and Trails and the Black Mountain Library). The library box is financially supported by a sponsor and labor, materials and installation are strictly provided by volunteers.

***Council Member Doug Hay made a motion to approve the GROW Trail Free Library Box at Town Square. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**B. Consideration of Pool Pay Rate and Fee Schedule Increases.**

Recreation and Parks Director Josh Henderson stated as result of the pool season starting before a new fiscal year begins, there is a need to amend pool employee salaries and fee schedule increases before incorporating them into a new budget cycle for approval.

***A motion was made by Council Member Doug Hay to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

**RESOLUTION TO AMEND AND INCREASE TOWN POOL STAFF PAY RATES & POOL FEE SCHEDULE**

**Resolution #R-24-11**

**WHEREAS**, the pool season starts before a new fiscal year begins and there is a need to amend pool employee salaries and pool fee schedule increases before incorporating them into a new budget cycle for approval; and

**WHEREAS**, in order to attract applicants for seasonal pool positions to staff and run the pool effectively, there is a request to increase pool salaries; and

**WHEREAS**, town staff researched and compared other related positions in our area and the proposed staff pay rate increases will help keep the town within the market; and

**WHEREAS**, the proposed fee schedule amendments are a result of increasing inflation and costs of goods and services that are needed to operate the pool. These increases help to offset some of the costs of the proposed employee salary increases, as well as the growing increase in costs for chemicals, maintenance, and pool upkeep.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Black Mountain that the following pool pay rates are increased as follows and effective upon approval:

| | |
|---|---|
| **Manager:** | $19.04 per hour to $20.50 per hour. |
| **Assistant Manager:** | $14.50 per hour to $16.50 per hour. |
| **Senior/Head Lifeguard:** | $13.00 per hour to $15.50 per hour. |
| **Lifeguard:** | $12.00 per hour to $14.00 per hour. |

**BE IT FURTHER RESOLVED,** the following pool fee schedule is hereby amended as follows and effective upon approval:

| | | | |
|---|---|---|---|
| Daily Admission: | | Resident: $4.00 | Non-Resident: $6.00 |
| Multiple Visit Pass (10 visits): | | Resident: $30 | Non-Resident: $50.00 |
| Season Pass (Individual): | | Resident: $85 | Non-Resident: $120.00 |
| Season Pass (Family): | | Resident: $160 | Non-Resident: $200.00 |
| Additional Members: | | $30.00 each | |
| Group Passes (11-19 Persons) | | | |
| | 1x visit: $95.00 | 3x visit: $170.00 | Unlimited: $540.00 |
| Group Passes (20-40 Persons) | | | |
| | 1x visit: $150.00 | 3x visit: $300.00 | Unlimited: $975.00 |

Employee Pass
Individual: $40.00    Family: $50.00    Family members over 5: $25.00 each

**APPROVED AND ADOPTED** by the Town Council of the Town of Black Mountain by a vote of _4_ to _0_ on this 11th day of March 2024.

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**C. Consideration of Summer Camp Staff Pay Rate and Hour Increases.**

Recreation & Parks Director Josh Henderson stated wage increases around Western North Carolina, in the childcare industry, summer camps and childcare facilities have increased wages to between $17.00 - $22.00 an hour. To find qualified, experienced summer camp counselor applicants, the hourly rates for summer camp staff are requested to be increased from $15.00 to $17.00 an hour.

***A motion was made by Council Member Doug Hay to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

**RESOLUTION TO APPROVE AN INCREASE IN SUMMER CAMP STAFF HOURLY PAY RATES**

**Resolution #R-24-12**

**WHEREAS**, wage increases around Western North Carolina in the childcare industry, summer camps and childcare facilities have been between $17.00-$22.00 per hour; and

**WHEREAS**, the town has had difficulty finding qualified, experienced summer camp counselor applicants that want to work for less than average pay and below living wage; and

**WHEREAS**, it is important for the town's summer camp to retain the reputation of hiring the best camp counselors in our area and in order to do that, hourly rate should be increased from the current rate of $15.00 an hour to a proposed rate of $17.00 an hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Black Mountain that the summer camp counselor staff members hourly pay rate be increased from $15.00 per hour to $17.00 per hour, effective upon approval.

**APPROVED AND ADOPTED** by the Town Council of the Town of Black Mountain by a vote of _4_ to _0_ on this 11th day of March 2024.

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**D. Consideration of 204 Portmanvilla Rd. Lien Release.**

Town Manager Josh Harrold explained that in May 2016, a contract was awarded to a contractor to demolish a dilapidated structure located at 204 Portmanvilla Road. There is a lien on the property however, there is no dollar amount for the lien. Considering the amount of time lapsed, staff has been unable to locate any costs associated with this demolition. The property owner's caregiver is asking for the lien to be released. Council Member Ryan Stone made a motion to release the lien on 204 Portmanvilla Rd. The vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.

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**E. Resolution to Enter into a Contract for Construction Services for the Veterans Park Streambank Restoration Repairs -FEMA PROJECT # 436912.**

Project & Facilities Manager Angela Reece stated the Town had received **6** informal bids on March 1, 2024, at 3:00 p.m. as follows:

- Baker Grading & Landscaping Base Bid $68,110.75 Total Bid $74,921.83
- **HGS, LLC** **Base Bid $189,712.34** **Total Bid $208,683.57**
- KBS Earthworks Base Bid $207,437.65 Total Bid $228,181.42
- South Core Base Bid $211,510.00 Total Bid $232,661.00

- North State Environmental Base Bid $233,478.00 Total Bid $256,825.00
- Land Mechanic Designs Base Bid $279,340.00 Total Bid $$307,274.00

Ms. Reece stated the informal bids were reviewed by the Project Engineer and herself for completeness and accuracy and said ***HGS, LLC T/A RES Environmental Operation Company, LLC*** was the lowest responsive, responsible bidder in the total bid amount of **$208,683.57**.

Ms. Reece provided an explanation for the recommendation and clarified that Baker Grading & Landscaping's previous work on the initial project was never in question and said the prior work was in fact performed satisfactorily. Ms. Reece emphasized the prior work was not a factor in determining the responsiveness/responsibleness of the current bid. Ms. Reece explained that she had discussed concerns of the very low bid amount with the Project Engineer, FEMA and NCDPS Grant Administrators as well as compared it with Baker's with prior actual repair costs ($112,967.98 in 2021), prior ($156,650.00 in 2019) and current ($232,521.00 in 2024) engineering probable costs for construction, as well as Baker's initial repair proposal ($344,163.33 in 2022) as submitted to FEMA, and the Town's own independent cost estimates and stating her recommendation was based off of statutory requirements defining and determining the responsiveness and responsibleness of the bid submitted.

***Council Member Ryan Stone made a motion that the Town Council approve the Resolution to select HGS, LLC T/A RES Environmental Operation Company, LLC (Contractor) as lowest responsive, responsible bidder and to enter into an agreement to provide construction repair services for the Veterans Park Streambank Restoration Repair Project as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**F. Resolution(s) to Accept Grant Funding from The North Carolina Department of Environmental Quality and to Approve an Agreement for Professional Design-Build Services for the Black Mountain Swannanoa River Floodbench & Constructed Wetlands Project-SRP-SW-ARP-0026**

Project & Facilities Manager Angela Reece stated staff has requested assistance from the Town Attorney regarding evaluation of proposals, specifically dealing with pricing and would request Council defer this item to their next scheduled special called meeting to allow staff time to receive instruction from the Town's Attorney, and to interview the three candidates, rank them, and begin negotiations as per state and federal requirements.

***Council Member Alice Berry made a motion that Town Council defer consideration of the approval of the Resolution to Accept Funding from The North Carolina Department of Environmental Quality in the amount of $5,000,000, and the Resolution to Approve the Agreement the Selected Firm to Provide Design Build Services For The Black Mountain Swannanoa River Floodbench & Constructed Wetlands Project-SRP-SW-ARP-0026 to the Council's Special Call Meeting to be held on Thursday, March 21, 2024 at 8:30 a.m. in the Council Chambers of Town Hall located at 160 Midland Ave., Black Mountain, NC 28711. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.***

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**10) COMMUNICATION**

**A.** Attorney Craig Justus provided an update to the PSIP agreement stating this will be on the April meeting agenda. He also stated he would be meeting with the Planning Director in April on the UDO edits.

**B.** Town Manager Josh Harrold provided an update to the Lake Tomahawk Dam repair project and stated Town offices would be closed on March 29th for Good Friday, but sanitation would still run as normal on that day.

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**11) COMMUNICATION FROM MAYOR AND TOWN COUNCIL-** *none.*

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**12) CLOSED SESSION-** *G.S. § 143-318.11 (a)(5)- To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.*

***Council Member Ryan Stone made a motion to go into closed session as allowed by G.S. § 143-318 (a)(5). A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent. The time was 7:23 p.m.***

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***The Town Council returned from Closed Session and went back into Open Session at 7:30 p.m.***

**13) ADJOURNMENT-** ***With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 7:30 p.m.***

C Michael Sobol

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk