



BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 21, 2024 | Special Called Meeting | Time: 8:30 A.M.

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

The Black Mountain Town Council held a special called meeting on Thursday, March 21, 2024, at 8:30 a.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711. The purpose of this meeting was to: a) Consider resolutions 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, and b) to hold a FY 2024-25 Budget Work Session.

Mayor C. Michael Sobol called the meeting to order at 8:30 a.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; Jessica Trotman, Assistant Town Manager & Planning Director; Wesley Barker, Town Clerk; Angela Reece, Project & Facilities Manager; Tammy Holland, Finance Director; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Jamey Matthews, Public Works Director; Steve Parker, Police Chief. Several other staff members were also present.

A. Consideration of 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 explained that The Town applied for a Stormwater Planning Grant through the State Water Infrastructure Authority (SWIA) and has received notification advising the project is authorized to receive American Rescue Plan Act (ARPA) funding, provided from the State Fiscal Recovery Fund. This grant will allow the Town to construct/rehabilitate a stormwater treatment/collection system associated with designing and constructing floodplain benches and creating floodplain wetlands to mitigate flooding at two sites along a roughly 3300-linear-foot reach of the Swannanoa River. The proposed project will reduce flood risks and address water quality issues downstream and is not to repair or improve transportation infrastructure. The project sites identified will address both water quality and water quantity issues that impact the Swannanoa River, its tributaries, and any impediments to NPDES compliance.

To initiate the project, Council must first accept the offer of LASII ARPA grant funding from North Carolina Department of Environmental Quality (NCDEQ) in the amount of \$5,000,000.00 and then select a Design-Build firm to develop a final scope of work and design compliant with NCDEQ standards.

Council Member Pam King made a motion that Town Council: 1) approve the Resolution to Accept Funding from The North Carolina Department of Environmental Quality in the amount of \$5,000,000, and 2) approve the Resolution to Approve the Agreement with North State Environmental Inc. (selected firm) to Provide Design Build Services for the Black Mountain Swannanoa River Floodbench & Constructed Wetlands Project-SRP-SW-ARP-0026 as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller absent.

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO
ACCEPT FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY FOR THE SWANNANOA RIVER FLOODBENCH &
CONSTRUCTED WETLANDS PROJECT SRP-SW-ARP-0026**

Resolution #R-24-14

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180/2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII ARPA funding in the amount of **\$5,000,000.00** to perform the work detailed in the submitted application, and

WHEREAS, the Town of Black Mountain intends to perform said project in accordance with the agreed scope of work; and

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

That the Town of Black Mountain does hereby accept the ARPA grant offer of **\$5,000,000.00**; and

That the Town of Black Mountain does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That Josh Harrold, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted by the Town Council of the Town of Black Mountain, North Carolina on this 21st day of March 2024.

**RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO
ENTER INTO A CONTRACT FOR PROFESSIONAL DESIGN-BUILD SERVICES FOR
THE BLACK MOUNTAIN SWANNANOA RIVER FLOODBENCH & CONSTRUCTED
WETLANDS PROJECT-SRP-SW-ARP-0026**

Resolution #R-24-15

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, based upon the Town of Black Mountain Design-Build Criteria, the Town of Black Mountain conducted a qualifications and price based selection process to solicit proposals using 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; and

WHEREAS, Town Staff have determined **North State Environmental Inc.** as most advantageous and have received a proposal response and negotiated general fees for services from **North State Environmental Inc.** to provide engineering, design, permitting, and construction administration services to support the project.

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

North State Environmental Inc. (selected firm) is most advantageous to provide professional engineering, design, permitting, and construction administration services for the project, as recommended by staff.

The pricing proposal (attached as Exhibit A) for engineering, design, permitting, and construction administration services fees from **North State Environmental Inc.** (selected firm) is approved in the amount **\$1,001,600.00.**

The Town Manager and Town Attorney are authorized to negotiate and execute a final contract with **North State Environmental Inc.** (selected firm) not to exceed a total amount of **\$5,000,000.00,** consistent with the Town's purchasing terms and conditions and of this Resolution, as approved by the Town Attorney.

Adopted by the Town Council of the Town of Black Mountain, North Carolina on the 21st day of March 2024.

B. FY 2024-25 Budget Work Session.

Town Manager Josh Harrold began the presentation of budget requests by reviewing the general fund. This includes a proposed 5% cost of living increase for town employee salaries across all departments. The budget requests of the following departments were reviewed:

- Governing Board
- Information Technology
- Finance
- Administration
- Human Resources

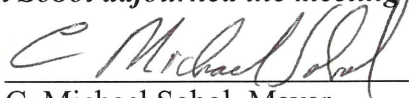
Noteworthy items reviewed included during these presentations included cost of legal services, employee continuing education trainings, new agenda management software, water and sewer charges, Citizens Academy expense, community outreach expenses, workers compensation insurance and liability/property insurance costs.

Mayor Sobol asked that the Council be provided with a summary of the current debt the Town has. Council Member Pam King recommended factoring in a facility study cost under Administration as mentioned over the last two council retreats.

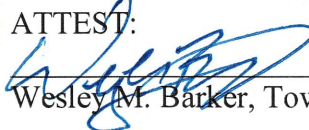
Police Chief Steve Parker then presented the budget requests for the Police Department. Noteworthy items from Chief Parker's review included police vehicles, overtime and part-time salaries, training needs, and technology needs.

The next FY 2024-25 budget workshop is scheduled for Thursday, March 28, 2024 at 8:30 a.m. at Town Hall at which time remaining department budgets will be reviewed.

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 9:55 a.m.


C. Michael Sobol, Mayor

ATTEST:


Wesley M. Barker, Town Clerk