BLACK MOUNTAIN TOWN COUNCIL MINUTES

August 10, 2026 | Regular Session Agenda | Time: 6:00 PM

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

Black Mountain Town Council held their regular session agenda on Monday, August 10, 2026, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Council Member Larry Harris, Council Member Lawrence Lytle, Town Council Member Ryan Stone. *Council Member Alice Berry was absent.*

The following staff members were present: Richard Hicks, Interim Town Manager; Wesley Barker, Town Clerk; Jamey Matthews, Public Works Director; John Coffey, Fire Chief; Chris Kuhn, Deputy Police Chief; Jacob Guiot, Recreation & Parks Director; Matt Begley, Recovery & Capital Programs Director; Anne Phillip, Stormwater Technician & Floodplain Administrator; Jennifer Tipton, Senior Admin Planning & Development. 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.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS- none.

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3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Presentation from NCDOT Division 13 Representative(s) on Projects.

Brendan Merithew, P.E., Division Project Team Lead with NCDOT Division 13, provided updates to the Council on the planned bridge replacement on Blue Ridge Rd. over the Swannanoa River, which would be a permanent replacement for the temporary one-lane bridge that is currently in place after Helene washed the original bridge out. The right-of-way acquisition is currently underway, and construction is set to begin December 2026. It was stated that during construction on the new bridge, all traffic must use Blue Ridge Rd. to Hwy 9 in and out, as no temporary bridge would be built at this location. Mr. Merithew then provided an update on the new interchange on I-40 in Black Mountain, which is at the Blue Ridge Rd. area. The right of way funds have been authorized, and the design is nearly complete, with a slated construction begin date of December 2027 at this time.
The proposed roundabout at Hwy 9 and Blue Ridge Rd. was also discussed with a proposed layout shown as well as the project entitled EB-5547 A & B, which is Black Mountain Bicycle, Pedestrian Improvements and Sidewalk Improvements from (A) Black Mountain

Ave. to intersection of Vance Ave. and NC Hwy. 9, ending at Sutton Ave, and (B) Black Mountain Ave. and Terry Estates Dr. and ending north of I-40 on Vance Ave. at In The Oaks Trail. Tristan Winkler, Transportation Planner/French Broad Metropolitan Planning Organization (MPO) Director, with the Land of Sky Regional Council then provided an update and informational presentation on the MPO.

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4. CITIZEN COMMENTS

- Cheryl Milton spoke about water line work on Old Toll Rd. and the amount of funds that were paid to the former Water Operator in Charge to perform this work.
- Adam Smith provided remarks on the "Lennie's Law" resolution that Council has been asked to support for bicycle safety.
- Richard Hudson spoke about the recent fundraiser at the Golf Course, requested a no left turn sign from Cherry St. onto State St., trimming along rights-of-way, paving on Laurel Ave., and auxiliary dwelling units' minimum square feet requirements.
- Victoria Jordan spoke about the water use and the water billing of her community, who are on one meter, stating they are being billed on base rates and asks that this be changed from base rates to a bulk rate.
- Marilyn Sobanski spoke on support of Police and Fire Department staff and thanked Council for recent amendments to park hours.
- John Richardson spoke on the Railyard reopening and seeks clarity on floodplain regulation questions that impacts his property. He also spoke about the amount of fees the Town has spent on the town attorney.

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- none.

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

7. CONSENT AGENDA

7.A. Resolution in Support of the Leonard Antonelli and Jacob Hill Bicycle Safety Zone Act of 2025 ("Lennie's Law")

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

TOWN OF BLACK MOUNTAIN
RESOLUTION IN SUPPORT OF THE LEONARD ANTONELLI AND JACOB HILL BICYCLE SAFETY ZONE ACT OF 2025 ("LENNIE'S LAW")

RESOLUTION NO. # R-26-61

WHEREAS, the Town of Black Mountain is committed to promoting the safety, health, and well-being of all residents and visitors, including those who utilize public roadways for cycling and other forms of active transportation; and

WHEREAS, Western North Carolina is home to a vibrant and growing cycling community, with many roadways—particularly in and around Black Mountain—serving as popular and heavily trafficked cycling routes; and

WHEREAS, on July 1, 2025, Leonard Antonelli ("Lennie", age 27) and Jacob Hill ("Jake", age 32) were tragically killed, while Griffin Tichenor was injured, when a commercial vehicle crossed the center line and struck them during a weekly group cycling ride near Woodfin, North Carolina; and

WHEREAS, this tragic crash underscores the urgent need for enhanced roadway safety measures to protect cyclists and prevent future loss of life; and

WHEREAS, the proposed Leonard Antonelli and Jacob Hill Bicycle Safety Zone Act of 2025, also known as "Lennie's Law," seeks to establish designated Bicycle Safety Zones on popular cycling routes across North Carolina, where stricter enforcement of posted speed limits and increased penalties for violations would apply; and

WHEREAS, "Lennie's Law" proposes a practical, cost-effective approach—modeled after school zone safety measures—that is non-invasive to private property owners and existing roadways, including the installation of clear signage designating bicycle safety zones to increase driver awareness and accountability; and

WHEREAS, data consistently identify excessive speed as a leading contributing factor in vehicle-cyclist collisions, and enhanced enforcement mechanisms can play a critical role in reducing such crashes; and

WHEREAS, local leaders and advocates have expressed support for the concept of bicyclist safety zones as a proactive step toward improving roadway safety; and

WHEREAS, regional partners, including the French Broad Metropolitan Planning Organization and the North Carolina Department of Transportation, are actively evaluating strategies to improve safety along key corridors further demonstrating the need for coordinated action; and

WHEREAS, the Town of Black Mountain recognizes that safer roadways benefit all users, including motorists, cyclists, and pedestrians, and contribute to a more livable, connected, and resilient community;

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

1. The Town of Black Mountain formally expresses its strong support for the establishment of a law that increases awareness and consequences for speeding on designated roadways that meet prescribed criteria for bicycle safety; and
2. The Town supports collaboration with state and regional agencies to identify and designate appropriate Bicycle Safety Zones within and near Black Mountain, based on data, community input, and demonstrated need; and
3. The Town encourages the North Carolina General Assembly to adopt this legislation to enhance cyclist safety through the establishment of Bicycle Safety

Zones and increased penalties for speeding violations within those zones; and
4. The Town honors the memory of Leonard Antonelli and Jacob Hill and recognizes this legislation as a meaningful step toward preventing future tragedies.

Adopted this the 10th day of August 2026.

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7.B. Adoption of Meeting Minutes: June 8, 11, 15, 30 and July 9, 13, 2026.

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

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7.C. Monthly Tax Collector Report.

Vice Mayor Archie Pertiller made a motion to approve the monthly tax collector report as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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7.D. Call for Public Hearing for Text Amendments to Chapter 2, Section 2.3, Flood Damage Prevention Ordinance.

The Hazard Mitigation Section of the North Carolina Department of Emergency Management published a new model flood damage prevention ordinance in 2025. The new model ordinance removes the coastal regulations and adds some regulations from lessons learned from Tropical Storm Helene. Staff reviewed the new model ordinance against the current ordinance and made amendments to better align with the model ordinance. The proposed amendments have been reviewed by Planning Board and will also be reviewed by the National Flood Insurance Program (NFIP). ***Vice Mayor Archie Pertiller made a motion to call for a public hearing on September 14, 2026 at 6pm for text amendments to the Flood Damage Prevention Ordinance, Ch. 2, Section 2.3, as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

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7.E. Call for Public Hearing for Amendments to Chapter 8, Section 8.2, The Phase II Stormwater Ordinance and Chapter 20, Article X, Illicit Discharge.

Staff compared the current ordinance to the model ordinance and proposed amendments that would make the ordinance easier to understand and follow. Additional definitions have been proposed, and the illicit discharge section will move from the Environment Chapter of the Code of Ordinances to the Phase II Stormwater Ordinance. Planning Board has reviewed the amendments. ***Vice Mayor Archie Pertiller made a motion to call for a public hearing on Monday, September 14, 2026 at 6pm for amendments to Ch. 8, Sec. 8.2, The Phase II Stormwater Ordinance; and Ch. 20, Article X, Illicit Discharge as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

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7.F. Call for Public Hearing to Amend Chapter 48, Article VI, Division 2, Stormwater Management Enterprise Fund.

The current ordinance does not specify that the property owner is the one responsible for the utility bill as is required by law. The amendments will remove any mention of tenants and move the responsibility of the utility bill to property owners. ***Vice Mayor Archie Pertiller made a motion to call for a public hearing on Monday, September 14, 2026 at 6pm for amendments to Ch. 48, Article VI, Division 2, Stormwater Management Enterprise Fund as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

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7.G. Appointment of Council Member Lawrence Lytle to the Land of Sky Regional Council Board of Directors as Primary Delegate & Council Member Larry Harris as Alternate Delegate.

At the May 11, 2026, Council meeting, Council Member Larry Harris was appointed as the primary delegate to the LOSRC Board of Directors for the Town of Black Mountain. At the July 13, 2026 Council meeting, newly appointed Council member Lawrence Lytle was appointed as the alternate delegate to the LOSRC Board. Council Member Harris has requested that Council Member Lytle switch places with him and become the primary delegate to the LOSRC Board, and for Council Member Harris to be the alternate delegate. If in agreement of this delegate swap, Council will vote to formally approve. ***Vice Mayor Archie Pertiller made a motion to appoint Council Member Lawrence Lytle to the Land of Sky Regional Council Board of Directors as Primary Delegate & Council Member Larry Harris as Alternate Delegate. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

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7.H. Acceptance of Donation to the Dr. John Wilson Community Garden from Bounty & Soul.

The Dr. John Wilson Community Garden has been offered a donation of a shipping container that has been retrofitted into a walk-in cooler by Bounty & Soul. The cooler will enhance the Garden's Grow for Donation program by extending the storage life of harvested vegetables and improving produce quality prior to distribution. Installation and site preparation costs will be funded through grant funds that were accepted and approved in the previous year. Acceptance of this donation will offer the garden produce storage that will strengthen community food distribution efforts.

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

A RESOLUTION ACCEPTING A DONATION FROM BOUNTY & SOUL FOR THE DR. JOHN WILSON COMMUNITY GARDEN

RESOLUTION NO. R-26-63

WHEREAS, Bounty & Soul has generously offered to donate a retrofitted shipping container designed as a walk-in cooler for use at the Dr. John Wilson Community Garden; and

WHEREAS, the walk-in cooler will support the Garden's Grow for Donation program by extending the storage life of harvested produce and improving produce quality prior to distribution to community members; and

WHEREAS, installation and site preparation costs will be funded through previously accepted and approved grant funds, resulting in no additional cost to the Town; and

WHEREAS, acceptance of this donation will enhance the Garden's ability to support local food distribution efforts and benefit the community.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the donation of the retrofitted walk-in cooler from Bounty & Soul is hereby accepted with appreciation, and the Town Manager is authorized to take all actions necessary to facilitate its installation and use at the Dr. John Wilson Community Garden.

Approved this the 10th day of August 2026.

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7.I. Annual Property Tax Settlement for Fiscal Year 2026 & Adoption of the Order of Collection of Taxes for Fiscal Year 2027.

Annual Property Tax Settlement. Pursuant to N.C.G.S. § 105-373, After July 1, and before being charged with taxes for the current fiscal year, the tax collector must provide an annual settlement of current and delinquent property tax collected in the previous fiscal year for approval. The annual settlement provides in detail the tax collection of The Town of Black Mountain's Real Property, Personal Property, and Motor Vehicles. This report also includes the details regarding collection of the East Buncombe Fire District tax collections.

Order of Collection. Also, Pursuant to NCGS § 105-321, Following the approval of the Tax Collector's Annual Statement of the preceding year, the governing board shall adopt an order of collection directing the tax collector to collect the taxes charged in the tax records and receipts. The order of Collection authorizes the collection of current fiscal year property taxes and charging the tax collector with the obligation to "employ all lawful means" to collect taxes.

Vice Mayor Archie Pertiller made a motion to approve the annual property tax settlement for FY 2026 and to adopt the order of collection of taxes for FY27 as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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7.J. Art in the Afternoon Lease Renewal.

The Art in the Afternoon lease expires August 31, 2026. Currently, Art in the Afternoon uses the building at 101 Carver Ave, commonly referred to as the Annex, which is approximately 2,577 square feet. The current rent is $1,000 per month. A copy of the current lease is attached. Council should review the current lease agreement and rent rate and consider renewal for an additional year which would run from September 1, 2026 through August 31, 2027. Stephanie Bly, tenant, has indicated her interest in continuing the lease. ***Vice Mayor Archie Pertiller made a motion to approve the renewal of the Art in the Afternoon lease for an additional year expiring August 31, 2027. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

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8. PUBLIC HEARING

8.A. Public Hearing for One-Year Moratorium for Street Dedications to the Town.

The Town Council has asked that staff draft language to impose a one-year moratorium on street dedications to the town due to current budget constraints, and potential staffing concerns that would potentially be required for maintenance of extra public streets. At the July 13, 2026 Town Council meeting, Council members voted to call for a public hearing to amend Ch. 3, Section 3.6.3, of the Land Use Code to impose a one-year moratorium on the dedication of streets to the town, to be held on Monday, August 10, 2026.

Council Member Larry Harris made a motion to open the Public Hearing on the one-year moratorium for street dedications to the Town. A vote of 4-0 in favor. Council Member Alice Berry was absent. The time was 7:12 pm.

Resident Victoria Jordan stated she would like the Town to take over Bright Hope Rd. in the future.

Council Member Larry Harris then made a motion to close the public hearing for the one-year moratorium for street dedications to the Town. A vote of 4-0 in favor.

Council Member Larry Harris then made a motion to approve the following ordinance establishing a one-year moratorium for street dedications to the Town of Black Mountain as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

ORDINANCE #O-26-14
AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON STREET DEDICATION PETITIONS

WHEREAS, North Carolina General Statute 160D-107(a) authorizes cities to adopt a temporary moratorium on development approvals of reasonable duration;

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

Section 1

A temporary moratorium is hereby imposed commencing August 10, 2026, and expiring no later than August 9, 2027, on the acceptance of street dedication petitions within the Town of Black Mountain. This moratorium shall apply to any new street dedication petition.

Section 2

In compliance with the requirements of North Carolina General Statute 160D-107(d), the following statements are included in this ordinance:

1. The problems or conditions necessitating the moratorium are those attendant to the severe budget constraints seen by the Town of Black Mountain. The Town has adopted an approved budget for FY26-27, however, due to the severe shortfall in funds, funds for street maintenance were not increased and no additional staff were added. The funds already allocated along with the funds received from Powell Bill are not enough to maintain the current amount of streets the Town maintains. The Town finds that it is not appropriate at this time to consider any additional street dedication petitions.

2. The development approvals subject to the moratorium are street dedication petitions. The moratorium will allow the Town of Black Mountain to address the state problems or conditions by providing time to analyze costs of taking on additional streets for maintenance and appropriate staffing needed.

3. The moratorium will terminate no later than August 9, 2027. The duration of the moratorium is reasonably necessary to address the problems or conditions leading to imposition of the moratorium, in that it will provide sufficient time for the Town of Black Mountain to analyze additional funds needed for additional street maintenance and where those funds might be found and to analyze if additional staffing will be needed and how to fund those positions that will be incorporated in the next fiscal year budget.

4. During the duration of the moratorium, the following actions are proposed to be taken by the Town to address the problems or conditions leading to the imposition of the moratorium: Phase 1 (up to twelve months): (a) determine amount of funding that would be needed to maintain additional streets; (b) determine how many streets may request for takeover for maintenance (this will include looking at new

5. subdivisions); (c) determine if any new staff would be needed and if so, how many, and what salaries would be; and (d) draft budgetary recommendations for FY27-28 budget.

Section 3

The moratorium will terminate no sooner than August 9, 2027, upon the approval of funds and staffing in the FY27-28 budget, after the adoption of the budget, which will allocate funding and staffing for additional street maintenance.

Section 4

Notwithstanding anything herein to the contrary, the moratorium may be subsequently renewed or extended in accordance with the provisions of North Carolina General Statute 160D-107(e).

Section 5

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6

Any part of the provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of this ordinance.

Section 7

This ordinance shall be in full force and effect on the date of adoption.

READ, APPROVED AND ADOPTED, by a vote of 4 to 0 on this the 10th day of August 2026.

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9. CITIZEN COMMENTS – none.

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10. UNFINISHED BUSINESS

10.A. Consideration of Easement Request with Duke Energy (along Golf Course property).

Duke Energy has requested that the Town grant them an easement along the Golf Course. They need to run an underground line for customer reliability and resiliency measures. They would bore approximately 1500 feet of 3 phase primary cable along the edge of Hole #12 of the Golf Course, which runs along North Fork Road and Greene Drive. They would need to place 3 new UG enclosures along the path at the turns and midspan as seen in the attached right-of-way map (P2, P3 and P4). In addition to the underground, they need to replace one pole and add another pole along Greene Drive. Some tree work would be necessary along Greene Drive for the pole installations. The underground line would run along the row of white pines that follow the 12th hole. This circuit tie would provide

increased reliability by allowing their system to back feed between the circuits. This would help reduce the duration and number of customers affected during an outage. This item was first discussed at the March 9, 2026 Town Council meeting, and Council asked representatives from Duke Energy to attend a Town Council meeting to answer some additional questions.

Several Duke Energy representatives were present and provided a short overview of this request and answered questions from Council.

Council Member Larry Harris then made a motion to approve the easement with Duke Energy along the edge of the golf course and N. Fork Rd./Greene Dr. as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11. NEW BUSINESS

11.A. Consideration of Easement Request with Duke Energy (Richard Lane).

The Town has received a request from Duke Energy for a utility easement across property owned by the Town on Richard Lane. Duke Energy has received a request from the adjoining property owner for service and needs to cross the Town's property in order to provide the service requested.

Vice Mayor Archie Pertiller made a motion to approve the easement request with Duke Energy at Richard Ln. as presented and recommended. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11.B. Presentation and Adoption of Equivalent Residential Unit (ERU) Rate Study.

Stormwater Technician & Floodplain Administrator Anne Phillip provided a presentation on this item to Council. In 2024, the Town of Black Mountain engaged Raftelis as a sub to WK Dickson, an Ardurra Company, to evaluate a potential stormwater fee rate structure change as part of the Stormwater Master Plan Update funded by a Local Assistance for Stormwater Infrastructure Investments Program (LASII) grant. This analysis included determining an Equivalent Residential Unit (ERU), development of units of service based on measured impervious area, and calculation of rate ranges under a new rate structure alternative.

Raftelis was taxed with evaluating the Town's current tiered stormwater rate structure and providing alternative rate structures for the Town to consider. The Town is considering a change in its stormwater rate structure to one based on impervious area in an effort to utilize a rate structure that more accurately and equitably charges properties based on the demand they place on the stormwater system. Raftelis provided the methodology and recommendations associated with the consideration of a new stormwater rate structure, but discussion on specific rates, financial planning considerations, and customer impacts will require further analysis and consideration by the Town before moving forward with the implementation of a new rate structure.

Anne Phillip, Stormwater Technician and Floodplain Administrator, presented the Raftelis stormwater Equivalent Residential Unit (ERU) analysis. The proposal would replace the Town's land-use-based fee tiers with an impervious-area structure intended to align charges more equitably with each property's demand on the stormwater system. Rate amounts will be considered later after the financial model incorporates corrected Stormwater Fund budget information. Raftelis analyzed 400 single-family parcels and established one ERU as **3,161 square feet** of impervious area, then evaluated 947 non-single-family residential parcels. Staff recommended charging each single-family property one ERU and billing other properties in rounded ERU increments based on measured impervious area. Specific rates, customer impacts, credits, and other modifiers remain for the next project phase.

Council Member Larry Harris made a motion to approve the ERU rate study as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11.C. Adoption of Town of Black Mountain Stormwater Master Plan (SWMP).

The Town of Black Mountain Stormwater Master Plan (SWMP) was funded by a Local Assistance for Stormwater Infrastructure Investments (LASII) from the American Rescue Plan Act (ARPA). The purpose of the SWMP is to develop a GIS map of the Town's stormwater system, identify flooding issues, assess the existing conveyance system capacity and infrastructure condition, develop and prioritize flood reduction projects, and establish an implementation strategy for the recommended capital infrastructure projects.

Town Council Member Ryan Stone made a motion to adopt the Stormwater Master Plan (SWMP) as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.*

***Note: Following this meeting, it was determined that the Town Council had already adopted this Stormwater Master Plan (SWMP) at the regular Town Council meeting held on March 9, 2026. Reference Resolution No. # R-26-28.1 and the adopted March 9, 2026 Town Council Meeting Minutes.**

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11.D. Amendment to Town Purchasing Policy on Purchase/Credit Cards.

Recent actions by the State Auditor's Office has created a renewed interest in Town and County policies regarding the use of Purchasing/Credit Cards. The Town of Black Mountain has been using P-Cards for a few years now and has an existing policy within the Town's Purchasing Policy. The Interim Manager requested Tonya Coffey with Martin & Starnes to assist in reviewing the Town's current policy and she provided a suggested revised policy for consideration. In Section X of the existing Purchasing Policy, suggested revised language has been included. Also attached is a new Black Mountain Purchasing Card Policy that we would ask Council to adopt and rescind the existing Purchasing Card Policy. These revisions are intended to strengthen governance, clarify employee responsibilities and provide a framework for consistent administration of the program. The new policy should provide a solid framework for the Town's Purchasing Card Program, while allowing flexibility for future administrative updates.

Council Member Larry Harris made a motion to approve the amendment to the Town's Purchasing Policy, Article X, on Purchasing Cards and to adopt the Purchasing Card Policy as presented and recommended. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11.E. State of NC Purchasing Card Program Discussion.

Accounting Manager Greta Gibson presented the following information to Council on the Purchasing Card Program (P-Cards) that the Town currently uses with Truist Bank, and the P-Card Program with the State of NC:

- The Town uses Truist Bank Purchasing Cards for approved business expenses, including supplies, equipment, travel, registrations, and subscriptions.
- No program fee; 46 active cards.
- Overall credit limit: $250,000, adjustable as needed.
- Cards are paid in full monthly and are integrated with accounting software for reconciliation.
- 2025 P-Card spending: $500,000.
- 2025 rebate: $1,263.16 (25 basis points), deposited directly into the Town's checking account.

Potential Increased Savings

- Truist can analyze Town spending to identify payments currently made by check or ACH that could be shifted to P-Cards.
- Increasing annual P-Card spending to $1 million would qualify for a 75-basis-point rebate under the Truist program.

NC State P-Card Program Alternative

- North Carolina's State Procurement Card Program is administered through Bank of America under Statewide Term Contract 946A.
- Local governments may voluntarily participate.
- Rebate structure:
    - Transactions under **$8,000:** 209 basis points (2.09%)
    - Transactions over **$8,000:** 72 basis points (0.72%)

Estimated Financial Impact

- Based on $500,000 in annual spending, with approximately 90% in standard transactions and 10% in larger transactions:
    - Estimated State P-Card rebate: approximately $9,405
    - Current Truist rebate: $1,263.16
    - Estimated additional annual rebate: $8,141.84

Next Steps

- Submit a request-to-join letter to the State.
- If approved, complete the application and provide three years of audited financial statements for credit review.

- Complete bank onboarding, implementation, and staff training with an assigned Implementation Manager.

The State P-Card program could potentially generate approximately $8,142 more in annual rebates based on the Town's current $500,000 spending level, assuming the stated transaction mix. A discussion then ensued between Council and staff.

Council Member Larry Harris made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION APPROVING ENROLLMENT IN THE STATE OF NORTH CAROLINA PURCHASING CARD PROGRAM

RESOLUTION NO. # R-26-65

WHEREAS, the Town of Black Mountain currently utilizes purchasing cards (P-Cards) through Truist Bank to facilitate the purchase of approved goods and services for official Town business; and

WHEREAS, the Town's current P-Card program has an overall credit limit of $250,000 and 46 active cards, with no program fee, and provides rebates based on eligible purchasing activity; and

WHEREAS, the State of North Carolina, through the North Carolina Department of Administration, Division of Purchase and Contract, administers the State Procurement Card Program under Statewide Term Contract 946A with Bank of America; and

WHEREAS, North Carolina local governments are authorized to voluntarily participate in the State Procurement Card Program pursuant to applicable North Carolina General Statutes; and

WHEREAS, enrollment in the State Procurement Card Program is anticipated to provide the Town with increased rebate opportunities and enhanced purchasing efficiencies, while maintaining appropriate controls over purchasing card use; and

WHEREAS, the Town estimates that transitioning eligible purchasing activity to the State P-Card Program could result in substantially greater annual rebates than the Town currently receives through its existing program; and

WHEREAS, participation in the State program requires the Town to submit a request to join, complete the required application and credit review process, provide audited financial statements, and complete implementation and training with the State and its designated financial institution.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the Town is hereby authorized to pursue enrollment in the State of North Carolina Purchasing Card Program under Statewide Term Contract 946A.

BE IT FURTHER RESOLVED, that the Town Manager and appropriate Town staff are authorized to submit the required request to join and complete the application, financial review, onboarding, implementation, and training processes necessary for participation in the State Procurement Card Program.

BE IT FURTHER RESOLVED, that the Town Manager is authorized to execute documents and take such administrative actions as may be necessary to implement the Town's participation in the State Procurement Card Program, consistent with applicable laws, policies, and budgetary requirements.

Adopted this the 10th day of August 2026.

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11.F. Discussion of RFPs for Town Banking Services.

Interim Manager Hicks stated that staff reviewed the Town's banking operations, including service fees, earnings credits, cash deposits, electronic payments, and applicable North Carolina banking requirements. The Town currently maintains a fully collateralized Public Fund Analyzed Checking account with Truist Bank. In FY2026, the Town accrued $75,752.90 in service fees, with $27,153.17 paid by the Town after earnings credits. A review identified duplicate billing and unnecessary services. Truist subsequently increased the earnings credit from 40 bps to 100 bps, removed redundant services, corrected billing errors, and applied $1,000 in credits. Under the revised structure, an account analysis projected zero service fees, with an estimated $326.57 excess earnings credit.

At Council's request, the Town issued an RFP to local banks. First Bank, ServisFirst Bank, and First Citizens Bank responded or participated in the process. First Bank submitted the most comprehensive and competitive proposal, offering a 100-bps earnings credit and a target balance of approximately $1.75 million to offset service fees. However, First Bank does not offer electronic lockbox services. ServisFirst does not accept cash deposits and offered a 50-bps earnings credit, requiring alternative arrangements for daily cash deposits and other services. First Citizens declined to submit a proposal for a partial banking relationship.

Staff identified several operational challenges associated with moving the Town's primary account, including updating FEMA, grant, insurance, vendor, and electronic payment information; limited staff resources; payroll system conversion; maintaining the existing account for outstanding checks; and the potential loss of Truist's electronic lockbox service. Transitioning away from the lockbox could result in more paper checks and delayed customer payments unless a third-party solution is implemented.

Recommendation: Continue monitoring Truist's service fees monthly following the July 1, 2026 changes and revisit the possibility of moving the General Fund/Operating Account if fees are not eliminated within three months. Establish a target banking balance to minimize fees, develop a relationship with First Bank through a business checking account for change orders and potential specialized funds, continue issuing RFPs for banking and loan services, evaluate merchant services, and research third-party electronic lockbox options.

Vice Mayor Archie Pertiller made a motion to continue monitoring Truist's service for three months as recommended, and if fees are not eliminated, to pursue First Bank's RFP for banking services. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11.G. Resolution Approving Financing Terms for Vehicle Purchases- Police Department.

Accounting Manager Greta Gibson stated that an RFP was sent to Civic Federal Credit Union, First Bank, First Citizens Bank, Servis First Bank, and Truist Bank for the four-year financing of four Police Department vehicles and equipment in the amount of $260,000. The results were as follows:

- Civic Federal Credit Union responded with a fixed rate of 5.42% and no closing costs.
- First Bank responded with a fixed rate of 4.80% and no closing costs.

Based on the RFP's received, staff recommends that the police vehicles and equipment be approved to be financed by First Bank at the rate provided. Vehicles to be purchased are as follows:

- 2026 Ford Ranger XLT 4x4 SuperCrew 5 ft box
- 2025 Ford Explorer FPIU Hybrid
- 2026 Ford Explorer FPIU Hybrid
- 2026 Ford Explorer FPIU Hybrid

Further, Council is asked to authorize Richard Hicks, Interim Town Manager, to sign all loan documents related to the financing.

Council Member Larry Harris made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Alice Berry was absent.

TOWN OF BLACK MOUNTAIN, NORTH CAORLINA RESOLUTION APPROVING FINANCING TERMS FOR VEHICLE PURCHASE
RESOLUTION NO. # R-26-62

WHEREAS: The TOWN OF BLACK MOUNTAIN ("Borrower") has previously determined to undertake a project for the financing of **4 Police Department vehicles**, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through **First Bank ("Lender")** in accordance with the proposal dated July 24, 2026. **The amount financed shall not exceed $260,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.80% and the financing term shall not exceed forty-eight (48) months from closing.**

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form. **The Interim Town Manager is hereby authorized to execute any and all loan documents.**

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.
APPROVED this the 10th day of August 2026.

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11.H. Acceptance of Drinking Water System Resiliency Improvement Funds From The State Revolving Fund Supplemental Appropriations for Hurricane Helene.

In 2025, the Council authorized staff to apply for Drinking Water System Resiliency Improvement Funds to make improvements to the Town's water system. On February 4,

2026, the Town was provided a Letter of Intent to Fund for this project in the amount of $4,999,632 from the Drinking Water State Revolving Fund. This funding would be at 100% Principal Forgiveness. In 2026, realizing that this would not be enough funds to complete all of the work on the water system that was needed, the Council authorize staff to file a second application in the second round of funding. On June 10, 2026, the town was provided a Letter of Intent to Fund for additional funding of $4,886,922 through the State Revolving Fund Supplemental Appropriations. The second round of funding would include an additional $1,579,945 in Principal Forgiveness and $3,420,587 in a loan at 0% interest for 20 years. Due to the long-life expectancy of the projects being built, it is possible to have the loan extended for 30 years. Both funding cycles represent a total budget of $9,886,554. A copy of both Intent Letters are attached, as well as a copy of the draft budget.

Based on a loan of $3,420,587, this would result in an annual loan payment of $171,029.35/year. If the loan is extended for 30 years, the annual loan payment would be $114,019.56/year. With the current schedule, the loan documents would not be ready for execution until probably the 2028/2029 Fiscal Year. The project would be completed in phases, so the Town would have plenty of time to determine if the Council wanted to proceed with the loans. The Town also has pending applications with the Hazard Mitigation Program that could potentially replace the loan funds. Those funding decisions should be made in 2026.

Based on the budget projections, the loan forgiveness represents 65% of the total project costs of $9,886,554. The loan funds would be 0% interest for the term of the loan. It is the recommendation of staff that the Town accept the June 10, 2026 Letter of Intent to Fund to reserve the maximum potential of funding. A final determination of the loan funds could be made at a much later date. The other option is to accept the original Letter of Intent to Fund in the amount of $4,999,632 and forego the additional funding. This option would limit what the Town would be able to accomplish with the entire funding.

Council Member Larry Harris made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION APPROVING ACCEPTANCE OF DRINKING WATER SYSTEM RESILIENCY IMPROVEMENT FUNDS FROM THE STATE REVOLVING FUND SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE HELENE

RESOLUTION NO. # R-26-66

WHEREAS, the Town of Black Mountain recognizes the need to make improvements to and increase the resiliency of the Town's drinking water system following Hurricane Helene; and

WHEREAS, in 2025, the Town Council authorized staff to apply for Drinking Water System Resiliency Improvement Funds through the Drinking Water State Revolving Fund to support necessary improvements to the Town's water system; and

WHEREAS, on February 4, 2026, the Town received a Letter of Intent to Fund in the amount of **$4,999,632**, with the funding provided at **100% principal forgiveness**; and

WHEREAS, recognizing that the initial funding would not be sufficient to complete all necessary water system improvements, the Town Council authorized staff to submit a second application for additional funding through the State Revolving Fund Supplemental Appropriations for Hurricane Helene; and

WHEREAS, on June 10, 2026, the Town received a second Letter of Intent to Fund in the amount of **$4,886,922**, consisting of **$1,579,945 in principal forgiveness** and **$3,420,587 in a 0% interest loan**; and

WHEREAS, together, the two funding awards provide a potential total project budget of **$9,886,554**, with approximately **65% of the total project costs provided through principal forgiveness** and the remaining loan funds offered at 0% interest; and

WHEREAS, acceptance of the June 10, 2026 Letter of Intent to Fund will preserve the Town's maximum potential funding while allowing the Town additional time to evaluate the loan portion as project phases are developed and other potential funding sources, including pending Hazard Mitigation Program applications, are determined; and

WHEREAS, the Town Council finds that acceptance of the available funding is in the best interest of the Town and will provide additional resources to improve the reliability and resiliency of the Town's drinking water system.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the Town hereby approves acceptance of the Drinking Water System Resiliency Improvement Funds provided through the State Revolving Fund Supplemental Appropriations for Hurricane Helene, including the funding identified in the February 4, 2026 and June 10, 2026 Letters of Intent to Fund.

BE IT FURTHER RESOLVED, that the **Interim Town Manager** is hereby authorized to execute all necessary acceptance documents and related documents required to secure and administer the awarded funding, subject to applicable laws, regulations, and Town policies.

BE IT FURTHER RESOLVED, acceptance of the funding does not constitute a final commitment by the Town to execute the loan portion of the award, and any future loan documents shall be presented to the Town Council for consideration and approval as required.

Adopted this 10th day of August, 2026.

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Council took a 5-minute break at 8:16 p.m.

11.I. A Resolution Authorizing the Task Order with Kimley-Horn and Associates, Inc. for Professional Engineering & Design Services for the Flat Creek Flood Mitigation Project.

Recovery & Capiral Programs Director Matt Begley presented this item. Mr. Begley stated that Town Council will consider the 1) Task Order for professional engineering, and 2) design services for the Flat Creek Flood Mitigation project. This project is grant funded through the North Carolina Emergency Management Disaster Relief and Mitigation Fund (NCEM DRMF), a State program providing Helene-impacted communities with an opportunity to invest in mitigation strategies to build a safer, more resilient North Carolina. The project itself includes three smaller projects outlined in the 2026 Draft Stormwater Capital Improvement Plan as FC-TRIB1-A, FC-TRIB1-B, and FC-TRIB1-C.

Council Member Larry Harris made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION AUTHORIZING THE TASK ORDER WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING & DESIGN SERVICES AND ASSOCIATED BUDGET AMENDMENT FOR THE FLAT CREEK FLOOD MITIGATION PROJECT

RESOLUTION NO. # R-26-67

WHEREAS, the Town of Black Mountain (the "Town") has laid out several projects in the Flat Creek basin which could improve the flow of stormwater in the area in its draft 2026 Stormwater Master Plan; and

WHEREAS, Kimley-Horn and Associates, Inc. (the "Engineer"), a professional engineering firm was selected through a qualifications-based selection process in accordance with the North Carolina Mini-Brooks Act (G.S. 143-64.31); and

WHEREAS, the Town and the Engineer have previously entered into a Master Services Agreement to establish terms and conditions under which the Engineer provides professional services on an as-needed basis, through individually authorized Task Orders; and

WHEREAS, the attached Task Order covers nearly the entirety of expenses associated with engineering and design for the project; and

WHEREAS, Town staff recommends approval of the Agreement to allow timely engagement of professional services necessary to advance the grant-funded Flat Creek Flood Mitigation project; and

WHEREAS, the project is being funded under the North Carolina Emergency Management Disaster Relief and Mitigation Fund (NCEM DRMF) program; and

WHEREAS, the NCEM DRMF program is a reimbursement-based program; and

WHEREAS, the Town intends to use funding from the Stormwater Utility Fund to provide temporary cash flow for the project while reimbursements are processing; and

WHEREAS, the Town for these temporary cash flow funds to be repaid to the stormwater utility fund by no later than June 30, 2027.

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

1. The Town makes the following budget amendments to allocate funds to the design and engineering associated with the Flat Creek Flood Mitigation capital project.

Account Number	Account Description	Increase	Decrease
630-5500-57210	Capital Outlay – Land Improvements (Stormwater Fund)		$90,000.00
450-8517-52012	Professional Services – Engineering and Design (Flat Creek Flood Mitigation)	$90,000.00	
450-8517-43200	Grant Revenue – State (Flat Creek Flood Mitigation)		$535,700.00
450-8517-52012	Professional Services – Engineering and Design (Flat Creek Flood Mitigation)	$535,700.00	

2. The Town Council hereby authorizes the Interim Town Manager to execute any necessary budget amendments, contracts, or related documents required to implement this allocation, including the Task Order and associated Notice to Proceed for the Engineer to proceed with the outlined scope of work on the Flat Creek Flood Mitigation project, as presented.

Adopted this 10th day of August, 2026.

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Council Member Larry Harris made a motion to approve the following as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

Town of Black Mountain
Flat Creek Flood Mitigation Project Capital Project Fund Ordinance
ORDINANCE NO: # O-26-15

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all

appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined
The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2: Project Authorization
The project authorized is for the purpose of completing the Flat Creek Flood Mitigation Project (outlined as projects FC-TRIB1-A, FC-TRIB1-B, and FC-TRIB1-C in the 2026 Draft Stormwater Capital Improvement Plan).

Section 3: Funding
The project is funded in whole or in part by the North Carolina Emergency Management Disaster Relief and Mitigation Fund (NCEM DRMF) grant program and is being supplied with cash flow by a transfer from the stormwater utility fund to be repaid to the stormwater utility fund no later than June 30, 2027.

Section 4: Directives
The officers of the Town of Black Mountain are hereby directed to proceed with the capital project within the terms and budget contained herein, as approved by the Governing Board of the Town of Black Mountain. The Town Manager is hereby directed to act on behalf of the Town Council in all matters associated with the project within the terms of all contracts, agreements, and legal requirements binding on the project and within limits of the appropriate funds.

Section 5. Revenues
The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
Allocation Project Grant Funding (NCEM DRMF)	$535,700.00
Cash Flow Source (Capital Outlay Land Improvements – Stormwater Utility Fund)	$90,000.00
Total Revenue	**$625,700.00**

Section 6. Expenditures
The following anticipated appropriations are hereby adopted:

Budgeted Expenditures	
Expenditure Type	**Anticipated Expenditures**
Professional Services – Design and Engineering	$535,700.00
Repayment to Cash Flow Source (Capital Outlay Land Improvements – Stormwater Utility Fund)	$90,000.00
Total Expenditure	**$625,700.00**

Section 7. Records and Reporting
The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 8. Authority to Manage Accounts
The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies
Copies of this Capital Project Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 10. Budget Inclusion
Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. Project Expiration
This project ordinance expires when the project has been completed and all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever comes first.

Duly adopted this 10th day of August 2026.

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11.J. Proposed Contract for 2027 July 4th Fireworks Show.

PyroWright has provided the Town with a proposed fireworks agreement for the July 4, 2027 Fireworks Show. They are asking that the contract be executed as soon as

possible, so they can purchase the fireworks at the lowest cost possible. The price under the new agreement would be $20,000, compared to $18,500 for the 2026 show. The price increase is due to the restocking of their inventory since the tariff increases. They base their prices on what they currently have in inventory and the price that was paid at the time of purchase and passing the savings to the customer. By delaying the contract, the Town would be subject to potential new price increases.

Vice Mayor Archie Pertiller made a motion to approve the contract with PyroWright for the 2027 July 4th Fireworks show as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

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11.K. Ordinance to Amend the Fiscal Year 2026-27 Town Budget.

When the FY 26/27 budget was adopted, it included an appropriation of $125,000 of fund balance in the General Fund Budget. Staff was instructed to begin looking at potential expenditure reductions to eliminate the need for the fund balance appropriation. The attached budget amendment reduced the fund balance appropriation to $0.

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

AMENDMENT TO FY 26/27 BUDGET ORDINANCE TOWN OF BLACK MOUNTAIN ORDINANCE NO. # O-26-16

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2027.

Section 1: To amend the General Fund, the appropriations are to be changed as follows:

Department	Account	Account Name	Decrease	Increase
Administration	100-4020-51510	Professional Dues	$2,000.00	
	100-4020-51511	Employee Continuing Education	$2,000.00	
	100-4020-52020	Contract Services	$1,000.00	
	100-4020-52212	Utilities - Refuse Disposal	$3,000.00	
Human Resources	100-4025-51013	Employee Appreciation Expense	$2,236.00	
Finance	100-4030-52111	Bank Service Charges	$15,000.00	
	100-4030-51511	Employee Continuing Education	$2,000.00	
Information Technology	100-4040-52115	Technology Software & License	$4,000.00	
	100-4040-52213	Utilities - Communication	$3,000.00	
Police	100-4510-52020	Contract Services	$32,164.00	
	100-4510-52212	Utilities - Refuse Disposal	$3,000.00	
Public Works	100-4610-52510	Non Capital Equipment	$1,500.00	
Building & Grounds	100-4615-52310	Repair/Maintenance Building	$3,000.00	
Streets	100-4620-52216	Utilities - Streetlights	$3,000.00	
	100-4620-52510	Non Capital Equipment	$2,500.00	
Sanitation	100-4640-52110	Disposal Fees	$5,000.00	
Parks & Recreation	100-4700-51511	Employee Continuing Education	$1,500.00	
	100-4700-53000	Programs & Events	$5,000.00	
Pool	100-4710-57510	Capital Outlay - Furnishings	$9,100.00	
	100-4710-52112	Credit Card Processing Fees	$5,000.00	
	100-4710-52420	Specialty Operating Supplies	$5,000.00	
Golf	100-4750-52020	Contract Services	$10,000.00	
	100-4750-57610	Capital Outlay	$5,000.00	
		Total		$0
			$125,000.00	

Section 2: To amend the General Fund, the estimated revenues are to be changed as follows:

Account	Account Name	Decrease	Increase
100-0000-48900	Appropriated Fund Balance	$125,000.00	

The budget officer has performed a thorough analysis of revenues and expenditures and is recommending approval of the amendments as presented.

Section 3: Copies of this budget amendment shall be furnished to the Town Clerk, and to the Budget Officer and the Finance Officer for their direction.

ADOPTED this the 10th day of August, 2026 by the Town Council of the Town of Black Mountain.

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11.L. Ordinance To Amend The Highway 70 Waterline Replacement Fund.
At the prior Council meeting, Council awarded the bid for the Highway 70 Waterline Replacement Project to Cooper Construction Company, Inc. in the amount of $796,345.00. The attached budget amendment brings the total project costs to $989,986.00.

Council Member Larry Harris made a motion to approve the ordinance amending the Highway 70 Waterline Replacement Fund as presented and recommended. A vote of 4-0 in favor. Council Member Alice Berry was absent.

AMENDMENT TO THE HIGHWAY 70 WATERLINE REPLACEMENT CAPITAL PROJECT ORDINANCE
ORDINANCE NO: #O-26-16

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment is made to the Highway 70 Waterline Replacement Capital Project Ordinance for the fiscal year ending June 30, 2027.

Section 1: To amend the Helene Infrastructure Fund, the appropriations are to be changed as follows:

Department	Account	Account Name	Decrease	Increase
Helene Water Infrastructure	450-8516-59510	Transfers Out (Hwy 70 Waterline		$489,986.00
		Total		$489,986.00

Section 2: To amend the Helene Water Infrastructure Fund, the estimated revenues are to be changed as follows:

	Account	Account Name	Decrease	Increase
Helene Water Infrastructure	450-8516-43100	Grant Revenues - Federal		$489,986.00
		Total		$489,986.00

Section 3: To amend the Highway 70 Waterline Replacement Fund, the estimated revenues are to be changed as follows:

	Account	Account Name	Decrease	Increase
Hwy 70 Waterline	450-8510-48590	Transfers In (Helene Water Fund)		$489,986.00
		Total		$489,986.00

Section 4: To amend the Highway 70 Waterline Replacement Fund, the appropriations are to be changed as follows:

	Account	Account Name	Decrease	Increase
Hwy 70 Waterline	450-8510-52012	Professional Services - Engineering		$132,191.00
	450-8510-57615	Capital Outlay - Distribution Lines		$296,345.00
	450-8510-52016	Professional Services - Consultants		$11,450.00
	450-8510-55110	Contingency		$50,000.00
		Total		$489,986.00

The budget officer has performed a thorough analysis of revenues and expenditures and is recommending approval of the amendments as presented.

Section 3: Copies of this budget amendment shall be furnished to the Town Clerk, and to the Budget Officer and the Finance Officer for their direction.

ADOPTED this the 10th day of August, 2026 by the Town Council of the Town of Black Mountain.

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11.M. Ordinance to Amend the Ninth Street Bridge Project.

At the July 13, 2026 Council meeting, the Council concurred with the award of the construction bid for the 9th Street Bridge Replacement to Kemp Sigmon Construction Company, Inc. in the amount of $1,184,032. The Town's share for the total project is currently estimated at $414,528.00. There was an original appropriation of $120,000.00. The appropriation included in this budget amendment is for $294,528, which will meet the Town's match obligation of $414,528.00. The appropriation of $294,528 comes from the Powell Bill Fund.

Council Member Larry Harris made a motion to approve the ordinance to amend the Ninth Street Bridge Project as presented and recommended. A vote of 4-0 in favor. Council Member Alice Berry was absent.

AMENDMENT TO THE 9TH STREET BRIDGE CAPITAL PROJECT ORDINANCE
TOWN OF BLACK MOUNTAIN
ORDINANCE NO. # O-26-18

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendment is made to the 9th Street Bridge Capital Project Ordinance for the fiscal year ending June 30, 2027.

Section 1: To amend the Powell Bill Fund, the appropriations are to be changed as follows:

Department	Account	Account Name	Decrease	Increase
Powell Bill	220-4625-57610	Capital Outlay- Streets/Bridges	$200,000.00	
Powell Bill	220-7000-59510	Transfer Out (9th Street Bridge)		$294,528.00
		Total	$200,000.00	$294,528.00

Section 2: To amend the Powell Bill Fund, the estimated revenues are to be changed as follows:

	Account	Account Name	Decrease	Increase
Powell Bill	220-0000-48900	Appropriated Fund Balance		$94,528.00

Section 3: To amend the 9th Street Bridge Fund, the estimated revenues are to be changed as follows:

	Account	Account Name	Decrease	Increase
9th Street Bridge	400-8002-43200	Grant Revenue - State		$1,018,110.00
	400-8002-48590	Transfers In (Powell Bill Fund)		$294,528.00
		Total		$1,312,638.00

Section 4: To amend the 9th Street Bridge Fund, the appropriations are to be changed as follows:

	Account	Account Name	Decrease	Increase
9th Street Bridge	400-8002-52012	Professional Services - Engineering		$390,000.00
	400-8002-57110	Capital Outlay - Land/Easements		$7,449.73
	400-8002-57610	Capital Outlay - Bridge Construction		$915,188.27
		Total		$1,312,638.00

The budget officer has performed a thorough analysis of revenues and expenditures and is recommending approval of the amendments as presented.

Section 5: Copies of this budget amendment shall be furnished to the Town Clerk, and to the Budget Officer and the Finance Officer for their direction.

ADOPTED this the 10th day of August, 2026 by the Town Council of the Town of Black Mountain.

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12. CLOSED SESSION - NCGS 143-318.11 (A)(3) CONSULT WITH ATTORNEY, ATTORNEY-CLIENT PRIVILEGE; AND NCGS 143-318.11(A)(6) PERSONNEL-RELATED.

The Town Council would now enter into closed session pursuant to N.C.G.S. §143-318.11 (a)(3): To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and §143-318.11 (a)(6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Vice Mayor Archie Pertiller made a motion to enter into closed session pursuant to N.C.G.S. as referenced above. A vote of 4-0 in favor. Council Member Alice Berry was absent. The time was 8:26 pm.

13. ADJOURNMENT.

Town Council returned to open session at 8:46 p.m.
With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting.

C. Michael Sobol, Mayor

Attest: _____
Wesley M. Barker, Town Clerk