BLACK MOUNTAIN TOWN COUNCIL MINUTES

August 12, 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, August 12, 2024, at 6:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the meeting to order at 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone. *Mayor C. Michael Sobol was absent.*

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

Vice Mayor Pertiller 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, SPECIAL RESOLUTIONS

Council Member Alice Berry made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION REQUESTING USING ALTERNATIVES TO THE APPLICATION OF GLYPHOSATE-BASED HERBICIDES AND OTHER HERBICIDES AND PESTICIDES DEEMED CARCINOGENIC ON TOWN-OWNED AND TOWN-MANAGED PROPERTIES

Resolution #R-24-28

WHEREAS, glyphosate, the active ingredient in many commercial and consumer herbicide products, is commonly used to control nuisance weeds and other unwanted vegetation at public parks, roadsides, businesses, industrial sites, agricultural fields, and homes; and

WHEREAS, there has been increasing concern regarding the toxic effects of glyphosate, which binds tightly to soils and can persist in the ground for months, on fish, amphibians, invertebrates, micro-organisms, and the general eco-system; and

WHEREAS, for example, a recent study of glyphosate's effects on bees concluded that exposure of bees to glyphosate can perturb their beneficial gut microbiota, potentially affecting bee health and bees' effectiveness as pollinators; and

WHEREAS, although the U.S. Environmental Protection Agency has found that glyphosate presents no risks of concern to human health when used in accordance with its label, the World Health Organization's International Agency for Research on Cancer has classified glyphosate as "probably carcinogenic in humans"; and

WHEREAS, although the use of glyphosate-based herbicides has not been prohibited by federal or North Carolina regulatory agencies, the Council believes that the Town should consider alternatives to the use of glyphosate-based herbicides and other herbicides or pesticides deemed carcinogenic as a precautionary measure to mitigate health risks to the general public and Town employees, to protect the environment, and to limit the Town's exposure to liability.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Black Mountain that the Town is requested to consider alternatives to the application of glyphosate-based herbicides and other herbicides or pesticides deemed carcinogenic on Town owned and Town-managed properties; and

BE IT FURTHER RESOLVED those copies of this resolution be transmitted to the Director of Public Works and Director of Recreation and Parks.

READ APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain, North Carolina, upon a motion by Council Member Alice Berry, on the 12th day of August 2024.

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3. CITIZEN COMMENTS

Judd Doughtery, Black Mountain Library Board Chairman, gave a few remarks on recent library upgrades and staff appreciation. He spoke on his intent to resign from the Library Board effective September 1, 2024.

Shawn Slome, Town resident, spoke on the placement of boulders in the right-of-way along N. Park Lane which prohibited public parking and voiced concern of this right-of-way use by the property owner.

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4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Emily Benson, Director of Programs with Buncombe County Council on Aging, gave a presentation to Council about the senior dining meal programs across the county and at the Lakeview Senior Center. Ms. Benson spoke on state budget cuts which would lower the number of meals that would be provided for each meal site beginning in September 2024. Locally, due to the budget cuts, beginning in September 2024 through July 1, 2025, the current quota for Lakeview Center would be 24 meals per day, 480 meals per month. The basic meal cost with no additional administrative cost is approximately $6.00. It was stated that many seniors who receive meals at Lakeview are their only meal of the day and/or it is the only opportunity they have for socialization. The Council thanked Ms. Benson for this report.

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5. CONSENT AGENDA

Assistant Town Manager Jessica Trotman reviewed the consent agenda items with the Town

Council. Jessica requested that an item be added to the consent agenda as Item 5-I entitled **"Resolution to apply through the Great Trails State Program for Professional Engineering (PE) for the Ridgecrest Trail Connector."** This resolution would allow the Town to apply for a funding opportunity that would provide PE for the Ridgecrest Trail Connector. The Town would apply for $150,000 and the required match is 50%, so the Town would contribute $75,000, if awarded. However, this funding would be a secondary plan if the Town did not get awarded funds through the FHWA Active Transportation Infrastructure Program to which it has also applied to and is the preferable funding opportunity.

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A. Adoption of Meeting Minutes.

1. July 3, 2024 Agenda Meeting Minutes
2. July 8, 2024 Regular Meeting Minutes

Council Member Pam King made a motion to approve the meeting minutes as presented. A vote of 5-0 in favor. **A copy of these minutes is included at the end of this document as "Appendix A" and "Appendix "B."***

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B. Monthly Property Tax Collector Report – June 2024

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

CURRENT YEAR TAX -ALL TAXES, LIENS, LATE LIST PENALTIES, INTEREST AND FEES	
Billed	$ 5,207,493.16
Collected	$ 5,185,647.06
Adjustments and Releases	$ (12,274.96)
Outstanding real and personal property taxes	**$ 9,571.14**
TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR	99.82%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH	
Collected	$ 520.01
Adjustments and Releases	$ 2.79

Per NCGS 105-381(b) the Tax Collector is reporting tax releases/refunds within the current period:

Ad Valorem	$ 16.50
Motor Vehicle	$ 194.65

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C. Consideration of Budget Amendments.

Council Member Pam King made a motion to approve the following budget amendments.

A vote of 5-0 in favor.

1. Carry forward remaining unspent funds from prior FY for Paving not yet completed- $550,000
2. Carry forward remaining unspent donated funds from prior FY for Police Dept. Community Outreach- $36,100
3. Carry forward remaining unspent funds from prior FY for Police Dept. Forfeiture Funds- $110,700
4. Carry forward unspent contribution of funds from prior FY for Town Square- $15,100
5. Correction of Police Dept. uniforms budget line item that was omitted in final budget- $33,800
6. Fairway Dr./Tomahawk Dr. Stormwater Diversion Project to enhance stormwater management by installing a pipe diversion- $159,000
7. Replacement of Existing Footers for New Gazebo per Engineering Report- $2,900
8. Appropriated Fund Balance required for offices for the Planning Department construction within Public Works building- $23,000

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Adjustment Numb	Summary	Description	Account Number	Account Name	Sum of Amount
BA25-0000004	Carryover unspent Funds: Paving	BAMEND - Carryforward of unspent funds -Paving Powell	220-0000-48900	Appropriated Fund Balance	-$202,000.00
			220-4625-57610	Street/Bridge/Sidewalk/Greenway	$202,000.00
		BAMEND - Carryforward of unspent funds - Paving General Fund	100-0000-48900	Appropriated Fund Balance	-$348,000.00
			100-4620-57610	Street/Bridge/Sidewalk/Greenway	$348,000.00
	Carryover unspent Funds: PD Community Outreach	BAMEND - Carryforward of unspent funds	235-0000-48900	Appropriated Fund Balance	-$36,100.00
			235-4510-55023	Expense	$36,100.00
	Carryover unspent Funds: PD Forfeiture Funds	BAMEND - Carryforward of unspent funds	230-0000-48900	Appropriated Fund Balance	-$110,700.00
		BAMEND - Carryforward of unspent funds State Forfeiture	230-4511-52499	LEO Supplies and Materials	$50,345.00
		BAMEND - Carryforward of unspent funds US Treasury	230-4512-52499	LEO Supplies and Materials	$12,740.00
		BAMEND - Carryforward of unspent funds DOJ	230-4513-52499	LEO Supplies and Materials	$27,990.00
		BAMEND - Carryforward of unspent funds Homeland Security	230-4514-52499	LEO Supplies and Materials	$19,625.00
	Carryover unspent Funds: Town Square Contribution	BAMEND - Carryforward of unspent funds-Town Square	100-4615-52311	R & M - Grounds/Parks/Greenways	$15,100.00
		BAMEND - Carryforward of unspent fund-Town Square	100-0000-48900	Appropriated Fund Balance	-$15,100.00

Adjustment Number	Summary	Description	Account Number	Account Name	Sum of Amount
BA25-0000001	PD Uniforms budget correction. Uniform expense line final budet was reduced in final budget process in error.	BAMEND - PD Uniforms	100-0000-48900	Appropriated Fund Balance	-$33,800.00
			100-4510-51015	Uniforms	$33,800.00
BA25-0000005	Fairway Drive/Tomahawk Drive Stormwater Diversion Project to enhance stormwater manangement by installing pipe diversion.	BAMEND - Stormwater Diversion Project	630-0000-43300	Grant Revenues- Intergovernmental Municipal	-$75,000.00
			630-0000-48900	Appropriated Fund Balance	-$84,000.00
			630-5500-57210	Capital Outlay - Land Improvements	$159,000.00
BA25-0000009	Replacement of Existing Footers for New Gazebo per Engineering report	BAMEND - Gazebo Replacement Footers	100-0000-48900	Appropriated Fund Balance	-$2,900.00
			100-4615-57210	Capital Outlay - Land Improvements	$2,900.00
BA25-0000010	Appropriated Fund Balance required for Offices for the Planning Department Construction within Public Works Building	BAMEND - Planning Office Construction	210-0000-48900	Appropriated Fund Balance	-$23,000.00
			210-4810-57310	Capital Outlay - Buildings	$23,000.00

Approval of Ordinance #O-24-10 to Amend Cragmont Park Renovation Capital Project Ordinance #O-24-09. Council Member Pam King made a motion to approve the following as presented. A vote of 5-0 in favor.

Cragmont Park Renovation
Capital Project Fund Ordinance Amendment
Ordinance No: O-24-10

BE IT ORDAINED by the Town Board 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 adopted 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 Cragmont Park Renovation original ordinance O-24-09, adopted June 25, 2024. This project includes, but is not limited to, the purchase, repairs and renovations to the Basketball, Tennis Court, Parking Lot, Paved Path, Pickleball, Restrooms and other amenities as approved by Council on the existing property.

Section 3. Directives
The officers of this unit 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.

Section 4. Revenues
The following anticipated Revenues are hereby adopted:

Budgeted Revenues	***Prior Authorized***	***Change***	***Amended Funding***
General Fund Transfer In	442,000.00	50,000.00	492,000.00
Total Funds	**$442,000.00**	**$50,000.00**	**$492,000.00**

Section 5. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenses			
Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Basketball Court	$65,000.00	$0.00	$65,000.00
Tennis Court	$70,000.00	$0.00	$70,000.00
Pickleball	$120,000.00	$0.00	$120,000.00
Parking Lot	$45,000.00	$0.00	$45,000.00
Paved Path	$42,000.00	$0.00	$42,000.00
Restrooms	$100,000.00	$0.00	$100,000.00
Design Services	$0.00	$50,000.00	$50,000.00
Total Expenses	**$442,000.00**	**$50,000.00**	**$492,000.00**

Section 6. 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 7. Official Copies
Copies of this Capital Project Ordinance shall be furnished to the Town Clerk and shall be held in the Finance Department for the direction in carrying out this project.

Section 8. 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 occurs sooner.

Duly adopted this 12th day of August 2024.

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Approval of StRAP Flat Creek Stream Restoration Grant Project Ordinance and Budget Amendment.
Council Member Pam King made a motion to approve as presented. A vote of 5-0 in favor.

Town of Black Mountain
Flat Creek Stream Restoration Grant Project Ordinance
Ordinance No. O-24-11

BE IT ORDAINED by the Town Board 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; the following Grant Project Ordinance is hereby adopted as follows:

Section 1. Project Defined
The Town of Black Mountain defines a "Grant Project" as a project financed in whole or in part by revenues received from the Federal and/or State Government for operating or capital proposed as defined by the grant contract. The project may include expenditures that span across multiple fiscal years.

Section 2. Project Authorization
The project authorized is Flat Creek Steam Restoration. Funding received through the StRAP grant are intended to support projects that restore and protect drainage infrastructure of both natural streams and small watershed structural projects to prevent future flooding, restore streams, and reduce risks to life and property. The Town of Black Mountain will use funding to stabilize and restore the Flat Creek Stream and Streambank.

Section 3. Funding
This project is to be funded in whole by the NC Department of Agriculture and Consumer Services Division of Soil and Water Conservation, 2024 Streamflow Rehabilitation Assistance Program (StRAP). A grant award directive in the amount of $317,054 with no Town Match, was awarded to the Town of Black Mountain, during the June 27th, 2024 NC Soil and Water Conservation Commission Meeting.

Section 4. Directives
The officers of the Town of Black Mountain are hereby directed to proceed with the federal and/or state grant project within the terms of the rules and regulations of those grants and the budget contained. 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 funds appropriated.

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

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
NC StRAP Grant	$317,054.00
Total Funds	**$317,054.00**

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

Budgeted Expenditures	
Expense Type	***Anticipated Expenditures***
Professional Services	$60,000.00
Construction	$257,054.00
Total Expenditures	**$317,054.00**

Section 7. Funding
Funds may be advanced from other Town of Black Mountain fund accounts for the purpose of making payments as due. Reimbursement requests should be made to any applicable grantor agency following the regulations and rules of the grant.

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. Official Copies
Copies of this Capital Project Ordinance shall be furnished to the Town Clerk and shall be held in the Finance Department for the direction in carrying out this project.

Section 9. Project Expiration
This project ordinance expires when the project has been completed and Project Funds have been obligated and expended for all project expenditures by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 12th day of August 2024.

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Call for Public Hearing to Amend Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses to Add Section 5.17 Mobile Retail Vendors and to Amend Chapter 4, Section 4.7.14, Table of Permitted Uses to Add Mobile Retail Vendors.

Council Member Pam King made a motion to call for a public hearing to amend Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Additional Use Standards for Specified Uses to add mobile retail vendors to be held on Monday, September 9, 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 5-0 in favor.

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Consideration of Resolution to Amend the System Development Fee (SDF) Capital Reserve Fund.

RESOLUTION AMENDING THE SYSTEM DEVELOPMENT FEE (SDF) CAPITAL RESERVE FUND (CRF) FOR PUBLIC UTILITIES

Resolution# R-24-26

WHEREAS there is a need in the Town of Black Mountain to provide funds for future capital projects related to. its water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system; and

WHEREAS NCGS 159-18 authorizes the creation of a capital reserve fund; and

WHEREAS NCGS 162A, Art. 8 requires that all system development fee (SDF) proceeds be accounted for in a capital reserve fund,

WHEREAS, on April 13, 2020, the Town created a capital reserve fund to account for such system development fee proceeds and fund water capital projects ("System Development Fee Capital Reserve Fund" or "SDF CRF") within ordinance R-20-04; and

WHEREAS, the Town wishes to amend the System Development Fee Capital Reserve Fund to account for additional system development fee proceeds received and appropriate certain amounts; and

NOW, THEREFORE, BE IT RESOLVED that the governing board of Town of Black Mountain hereby adopts and enacts the following:

Section 1. The following additional system development fee revenues were collected within FY2024 and are to be transferred into the CRF fund from the Water Enterprise Fund:

System Development Fees $233,427.00

Section 2. The Governing Board hereby creates a Capital Reserve Fund (CRF) for the purpose of funding the following capital projects related to the Town's water and wastewater system:

RESERVE FOR WATER CAPITAL PROJECTS. Reserve funds for the purpose of funding capital projects that are considered eligible for recoverable cost through system development fees. Items to be included within this capital project category are:

- current and future capital waterline improvements and replacements throughout the Town.
- future water line extensions.
- upgrade and replacement of existing pumps. Pumps will help safeguard the town's ability to provide a consistent supply of water for years to come.
- future System Development Fee Study required every five years.

Reserve Funds Available for Water Capital Projects:	
Capital Reserve Fund Balance	$153,254.88
Transfer of SDF Revenues FY2024	$233,427.00
Total SDF CRF funds reserve funds available as of June 30th, 2024	**$386,681.88**

Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 12th day of August, 2024.

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Council Member Pam King made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION BY THE TOWN COUNCIL OF BLACK MOUNTAIN REQUESTING CORE STRATEGIC PLANNING SERVICES

RESOLUTION #R-24-29

WHEREAS, the Creating Outdoor Recreation Economies (CORE) program offers financial support to local governments for training and technical assistance related to the development of rural outdoor recreation economies; and

WHEREAS, the Town of Black Mountain has successfully participated in the CORE program and adopted and resulted in an economic development plan; and

WHEREAS, such training and technical assistance may include webinars, conferences, courses, workshops, group visits to learn best practices from communities with successful outdoor recreation economies, and other similar activities; and

WHEREAS, to receive financial support for training or technical assistance, including reimbursement for expenses, the local government must have adopted a resolution requesting CORE strategic planning services and entered into a memorandum of understanding with the North Carolina Department of Commerce, Rural Economic Development Division, Main Street & Rural Planning Center and/or its Rural Planning Programs.

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

SECTION 1: The Town of Black Mountain hereby requests CORE strategic planning services and commits to entering into a memorandum of understanding with the North Carolina Department of Commerce, Rural Economic Development Division, Main Street & Rural Planning Center and/or its Rural Planning Program.

SECTION 2: The Town of Black Mountain will actively engage in the CORE strategic planning process to qualify for training and technical assistance support.

SECTION 3: The Town of Black Mountain will acknowledge that all expenses for training and technical assistance must receive prior approval from CORE program administrators to be eligible for reimbursement and must adhere to the CORE Guidelines and the N.C. Department of Commerce Travel Expense Policy.

SECTION 4: The Town of Black Mountain authorizes the submission of the CORE Training/Technical Assistance Support Pre-Approval Request Form to obtain prior approval for expenses related to training and technical assistance.

Adopted this the 12th day of August 2024.

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6) PUBLIC HEARING- *none.*

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7) CITIZEN COMMENTS- *none.*

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8) UNFINISHED BUSINESS- *none.*

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9) NEW BUSINESS

A. Consideration of Ordinance to Amend Chapter 2, Section 2.1.2, Plumbing Code Additions, of the Land Use Code to Remove Shut-Off Valve Requirements. Assistant Town Manager Jessica Trotman stated that the NC General Assembly recently passed Senate Bill 166 which includes a provision to eliminate redundant shut-off valves for water lines. The NC Residential Code already requires a shut-off valve. The amendment would only remove the requirement for a second (redundant) shut-off valve three feet from the meter.

Council Member Ryan Stone made a motion to approve the proposed text amendments to Chapter 2, Section 2.1.2, Plumbing Code Additions, as presented and find that the proposed changes are consistent with current state regulations and find that these recommendations promote the general welfare and are in keeping with good zoning practice. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.1.2, PLUMBING CODE ADDITION, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE
Ordinance #O-24-12

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December, 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January, 2010; and

WHEREAS, the NC General Assembly passed Senate Bill 166 which prohibits redundant shut-off valves for water lines in residential dwellings; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 2, Section 2.1.2, Plumbing Code Addition, of the Town of Black Mountain Land Use Code, be amended to the following:

CHAPTER 2
Sec. 2.1.2. – Plumbing code addition.

Water line leak prevention ~~and shut-off valves~~. To minimize leaks and conserve water, the Town of Black Mountain requires a test of 100 pounds of pressure on all water supply piping to

structures in new construction, and on replacement water lines in existing structures. ~~A shut-off valve shall be required between the town meter and the structure it is serving that is externally accessible in order to isolate or shut-off all water to the structure without accessing the town meter per section 48-163. The shut-off valve shall be located within three feet of the town's meter.~~

READ, APPROVED, AND ADOPTED by a vote of 5 to 0 this the 12th day of August 2024.

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B. Consideration of Financing to Purchase Three Police Vehicles. The FY 24-25 budget allocates $194,000 to purchase three police cars with installment purchase financing. The proposal for Truist Bank for financing for a 4-year term is 4.88%. The annual debt payment is $54,794.21 at 4.88%. *Council Member Ryan Stone made a motion to approve the following resolution approving the financing to purchase three police vehicles. A vote of 5-0 in favor.*

Resolution Approving Financing Terms
Resolution: R-24-27

WHEREAS: The TOWN OF BLACK MOUNTAIN ("Borrower") has previously determined to undertake a project for the financing of police vehicles (the "Facility"), 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 Truist Bank ("Lender") in accordance with the proposal dated July 31st, 2024. The amount financed shall not exceed $194,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.88% and the financing term shall not exceed four (4) years 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.

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 12th day of August, 2024.

10) COMMUNICATION.
Attorney Brain Gulden and Assistant Town Manager Jessica Trotman provided a brief update.

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

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12) CLOSED SESSION- *none.*

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13) ADJOURNMENT- ***With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 6:55 p.m.***

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C. Michael Sobol, Mayor

ATTEST:

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Wesley M. Barker, Town Clerk