BLACK MOUNTAIN TOWN COUNCIL MINUTES

December 9, 2024 | Regular Meeting | Time: 6:00 P.M.

Black Mountain Presbyterian Church | 117 Montreat Rd., Black Mountain, NC 28711

The Black Mountain Town Council held a regular monthly meeting on Monday, December 9, 2024, at 6:00 p.m. at Black Mountain Presbyterian Church, 117 Montreat Rd., Black Mountain, NC 28711. *This is a temporary meeting location of the Council due to Hurricane Helene.*

1. CALL TO ORDER

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

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

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

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2. ORGANIZATIONAL MEETING

a. Oath Of Office For Elected Council Members Doug Hay, Pam King, Archie Pertiller & Ryan Stone by the Honorable Ward D. Scott

The Council then entered into an Organizational Meeting. N.C.G.S. 160A-68, states an organizational meeting should be held not later than the date and time of the first regular meeting of the council in December, after the results of the municipal election have been certified. At the organizational meeting, the newly elected council members shall take the oath of office. The oaths of office were each given to the elected council members Doug Hay, Pam King, Archie Pertiller and Ryan Stone by the Honorable Ward D. Scott.

b. Election of Mayor Pro Tempore

NC General Statute 160A-70 states, "At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A member of council serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a member of council for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor." The term

"mayor pro tempore" is otherwise referred to as "vice mayor." With no discussion, Council Member Alice Berry made a motion to nominate Archie Pertiller to serve as mayor pro tempore (vice mayor) . A vote of 5-0 in favor.

c. Approval of November 5, 2024, General Election Abstract of Votes Results

The Town has received the certified abstract of votes from November 5, 2024, General Election from the Buncombe County Board of Elections with a certified statement dated November 15, 2024. The certified statement states "The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named." Historically, the Town Council has voted to accept the results of an election and votes cast, and the information is entered into the Town's record via the meeting minutes. With no discussion, Council Member Archie Pertiller made a motion to approve the November 5, 2024 General Election Abstract of Votes as presented. A vote of 5-0 in favor. ***A copy of the abstract of votes is included at the end of these minutes as Appendix A.***

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3. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

None were presented at this meeting.

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4. CITIZEN COMMENTS

- Vickie Miller, 40 Hunting Lodge Dr., spoke on the garbage pickup issues of residents along the garbage scout routes and accessibility.
- Melinda Hester, Executive Director of the Black Mountain-Swannanoa Chamber, thanked the Town for their assistance with Holly Jolly and Christmas Parade.
- Lauren Dodgin, 34 Western View St., spoke on the garbage truck scout routes and the concern on if fire trucks can access these smaller roads if the regular sized garbage trucks are unable to access.
- Lisa Milton, 105 Border St., spoke on garbage pickup concerns and timeline for replacement of the scout truck.
- Libba Farleigh, spoke on the Deck the Trees program and the donations that are used for the fuel fund needs for residents.

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5. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

No updates were provided under this agenda item.

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6. CONSENT AGENDA

A. Adoption of Meeting Minutes from August 8, August 12, and September 5, 2024.

With no discussion, Council Member Ryan Stone made a motion to approve these meeting minutes as presented. A vote of 5-0 in favor.

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B. Call for Public Hearing to Amend Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.11, Uses; Section 4.7.14, Table of Permitted Uses; and Chapter 5, Section 5.18, Emergency Housing to add definitions and text for emergency temporary housing.

With no discussion, Council Member Ryan Stone made a motion to Call for Public Hearing to Amend Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.11, Uses; Section 4.7.14, Table of Permitted Uses; and Chapter 5, Section 5.18, Emergency Housing to add definitions and text for emergency temporary housing, to be held on Monday, January 13, 2025 at 6:00 p.m. in the Town Hall Council Chambers, 160 Midland Ave. A motion of 5-0 in favor.

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C. Adoption of the 2025 Town Council Meeting Schedule.

N.C. General Statute 143-318.12, Public Notice of Official Meetings, states that public bodies must publish and keep on file a copy of a schedule of regular meetings that also shows the time and place of its regular meetings. For city governments, this is to be kept on file with the city clerk and in a central location. The schedule of regular meetings must also be published on the public body's website. This agenda item is the proposed meeting schedule of the Town Council's agenda review and regular meetings for calendar year 2025. Town Council Agenda Work Session meetings will be held at 5:00 p.m. on the Thursday before the second Monday of each month (unless otherwise noted). Town Council Regular Session meetings will be held at 6:00 p.m. on the 2nd Monday of each month (unless otherwise noted). ***With no discussion, Council Member Ryan Stone made a motion to approve the 2025 Town Council Meeting Schedule as presented. A vote of 5-0 in favor.***

D. Consideration of 2025 Town Holiday Schedule.

With no discussion, Council Member Ryan Stone made a motion to approve the 2025 Town Holiday Schedule as presented. A vote of 5-0 in favor.

E. Monthly Property Tax Collector Report.

With no discussion, Council Member Ryan Stone made a motion to approve the October 2024 Tax Collector Report as presented. A vote of 5-0 in favor.

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CURRENT YEAR TAX -ALL TAXES, LIENS, LATE LIST PENALTIES, INTEREST AND FEES	
Billed	$ 5,283,610.54
Collected	$ 840,133.06
Adjustments and Releases	$ (2,755.31)
Outstanding real and personal property taxes	**$ 4,440,722.17**
TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR	15.91%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH	
Collected	$ 18.42
Adjustments and Releases	

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

Ad Valorem	$ 0.13
Motor Vehicle	$ 17.33

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F. Resolution to Accept Donated Equipment to the Town.

The Town has received several donations of equipment from organizations after Hurricane Helene. One item donated was a 2022 four-wheeler ATV from Rockingham County, NC and the other was an AXIS 750cc crew UTV from Lowes Home Improvement. The Council will consider a resolution acknowledging and accepting these items donated to the Town for Town-use purposes.

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

Resolution to Accept Donation of Equipment to Town of Black Mountain

Resolution # R-24-41

WHEREAS, the Town of Black Mountain was significantly impacted by Tropical Storm Helene, which caused extensive damage to the town's infrastructure and equipment; and

WHEREAS, multiple groups and organizations have offered a donation of equipment to the Town; and

WHEREAS, the donation includes motorized equipment that includes:

- AXIS 750cc crew UTV (donated by Lowe's Home Improvement)
- A 2022 Suzuki King Quad four-wheeler ATV (donated by Rockingham County, NC); and

WHEREAS, this donation reflects the donators' commitment to supporting the Town's needs and its commitment to provide high-quality services for its residents in town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts the generous donations of equipment with deep appreciation to all groups and individuals involved in contributing to the Town's recovery.

This the 9th day of December 2024.

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7) PUBLIC HEARING

A. PUBLIC HEARING TO AMEND CHAPTER 4, SECTION 4.7.11, USES, AND CHAPTER 5, ADDITIONAL USE STANDARDS FOR SPECIFIED USES, SECTION 5.17 MOBILE RETAIL VENDORS TO ADD A MAXIMUM NUMBER OF MOBILE RETAIL VENDORS PER PERMITTED DISTRICT.

Town Council asked that Planning Board reconsider a maximum number of mobile retail vendors for each of the permitted zoning districts. Planning Board considered these items at their September 23, 2024 meeting and have recommended a maximum number of mobile retail vendors per each permitted zoning district. ***Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 6:38 p.m. No public comment was provided. Council Member Alice Berry then made a motion to close the public hearing. A vote of 5-0 in favor.***

Assistant Town Manager Jessica Trotman gave an overview on this item, stating the Planning Board had reviewed additional proposals to add a maximum number of mobile retail vendors per zoning district.

Council Member Doug Hay made a motion to approve the proposed text amendments to Chapter 4, Section 4.7.11, Uses, and Chapter 5, Additional Use Standards for Specified Uses, Section 5.17 Mobile Retail Vendors 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 4, SECTION 4.7.11, USES, AND CHAPTER 5, SECTION 5.17, MOBILE RETAIL VENDORS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD A MAXIMUM NUMBER PER ZONING DISTRICT

ORDINANCE #O-24-16

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is

consistent with the comprehensive plan and reasonable in the public interest because it promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community.

WHEREAS, after notice duly given, a public hearing was held on November 11, 2024, as part of the regularly scheduled Town Council meeting at 6:00 p.m. at Black Mountain Presbyterian Church, 117 Montreat Rd., Black Mountain, NC 28711.

NOW, THEREFORE, BE IT RESOLVED that Chapter 4, Section 4.7.11, Uses, and Chapter 5, Section 5.17, Mobile Retail Vendors, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 4

Section 4.7.11 Uses.

A. Permitted uses shall be based on the general category of use that has been established for a lot or group of lots in the master plan. The general land use categories are listed below with particular uses allowed and suggested amounts for each, expressed as a percentage of the total gross area of the neighborhood.

Use	Amount	Allowable Uses
Public	At least 5%	Parks, squares, greenbelts, sidewalks/walkways, streets, alleys, and civic uses
Civic	At least 2%	Community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing arts buildings, and municipal buildings
Shop front	2% to 20%	Residential and commercial uses; approximately 50% of the building area shall be designated for residential use*
Attached Homes (Multi-Family)	15% to 30%	Buildings for residential use and limited commercial uses, such as a coffee house, home occupation or bed and breakfast inn
Detached Homes	30%	Buildings for residential uses, customary home occupational uses and bed and breakfast inns

Business	5% to 15%	Office, bar/brewery, restaurant, brew pub/tavern, retail, including eating establishments, mobile retail vendors***, and other commercial uses provided they produce little or no noise, odor, dust, or vibration**

* Residential uses are not permitted on the ground floors of shop front buildings

** Business uses shall be grouped together as follows: office and retail may be grouped with shop front buildings to form town centers. All other business uses shall be grouped together outside town and neighborhood center.

***Mobile retail vendors shall allow up to 6 vendors per parcel and there is ~~no~~ **a** limit of **ten (10)** mobile retail vendors allowed in the district.

Chapter 5

Section 5.17 Mobile Retail Vendors

B. Operating Location and Requirements

8. Number of Mobile Retail Vendors
   a. In the central business, highway business, and neighborhood mixed use districts, mobile retail vendors will be limited to one per parcel.
   b. In the light industrial, heavy industrial, and traditional neighborhood districts, mobile retail vendors will be limited to six per parcel.
   c. In the central business, neighborhood mixed use, light industrial, and light industrial districts, there will be a maximum of five mobile retail vendors per district.
   d. In the highway business and traditional neighborhood district, there will be a maximum of ten mobile retail vendors per district.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 9th day of December 2024.

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B. PUBLIC HEARING TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS, TO ADD A DEFINITION FOR MOBILE RETAIL VENDORS.

Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 6:42 p.m. No public comment was provided. Vice Mayor Archie Pertiller then made a motion to close the public hearing. A vote of 5-0 in favor.

Assistant Town Manager Jessica Trotman stated the Planning Board was asked to review and has suggested two definitions for mobile retail vendors; "mobile retail vendor," and "mobile retail vendor, artisan." Each definition excludes the sell of firearms, ammunition,

tobacco and vaping products. A statement of consistency has been incorporated into the proposed motion for this text amendment.

Vice Mayor Archie Pertiller made a motion to approve the proposed text amendments to Chapter 1, Section 1.2.3, Definitions 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 1, SECTION 1.2.3, DEFINITIONS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD DEFINITIONS FOR MOBILE RETAIL VENDORS

ORDINANCE #O-24-17

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community.

WHEREAS, after notice duly given, a public hearing was held on November 11, 2024, as part of the regularly scheduled Town Council meeting at 6:00 p.m. at Black Mountain Presbyterian Church, 117 Montreat Rd., Black Mountain, NC 28711.

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3, Definitions, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1

Section 1.2.3 Definitions

Mobile retail vendor: A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers, excluding firearms, ammunition, tobacco and vaping products.

Mobile retail vendor, artisan: Artists or craftspersons who produce originally designed unique hand-crafted products and of high-quality, including crafts, inedible products, beauty and body products, excluding firearms, ammunition, tobacco and vaping products, and sell using a motor vehicle, or trailer towed by another vehicle.

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 9th day of December 2024.

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8. CITIZEN COMMENTS – *No additional citizens comments were given.*

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9. UNFINISHED BUSINESS

A. RESOLUTION RATIFYING AND APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES FOR DISASTER RELATED PROPERTY RESTORATION SERVICES.

Project & Facilities Manager Angela Reece gave an overview to the Council. In order to facilitate ongoing response and recovery staff sought out professional property restoration services to mitigate further disaster related damage sustained by several public facilities during Tropical Storm Helene. Approval of these services is enabling the town to recover and restore essential public buildings, ensuring they are safe and functional for the community. Property restoration service firms have the necessary qualifications, education, experience, resources, and expertise to deal with restoration of property related to disasters of this magnitude and will assist the town to mitigate water intrusion and implement emergency repairs to prevent further degradation and restore facilities to a safe, usable condition. Under the authority granted in Town Resolution #R-24-34, and with guidance from emergency personnel and FEMA guidelines, the Project & Facilities Manager secured a contract with Belfor Property Restoration Group, Inc. on October 18, 2024, for emergency property restoration services. Given the urgent need for these services, the town has followed FEMA's guidelines to secure qualified professionals who immediately began remediation work. The contract is in compliance with FEMA's procurement regulations for emergency operations. This contract ensures that the town is addressing flood damage efficiently and within the necessary federal compliance framework.

Due to the nature of the project and federal regulations the scope of the work is developed with

authorization by the town as identified by the selected firm in accordance with local, state, and federal codes and grant funding guidelines. The initial resolution will approve and ratify selection of the firm and the itemized rate and materials schedule (Exhibit B) and will authorize the Town Manager or designee to negotiate the necessary scope of work and fee not to exceed $1,000,000.00. Any subsequent amendments that result in additional fees or services will come back to the Council for approval.

Council Member Doug Hay made a motion to approve the Resolution and Ratify the Agreement with Belfor Property Restoration Group, Inc. (selected firm) to Provide Professional Emergency Property Restoration Services and authorize the Town Manager or his designee to negotiate and execute the necessary scope of work and a fee not to exceed $1,000,000.00 to mitigate water intrusion and implement emergency repairs to prevent further degradation and restore town facilities to a safe, usable condition. A vote of 5-0 in favor.

RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO APPROVE AND RATIFY A CONTRACT FOR PROFESSIONAL EMERGENCY PROPERTY RESTORATION SERVICES FOR THE BLACK MOUNTAIN FEDERAL DISASTER 4827- TROPICAL STORM HELENE

Resolution #R-24-40

WHEREAS, on September 25, 2024, Governor Roy Cooper signed a State of Emergency declaration in anticipation of impacts from Tropical Storm Helene; and

WHEREAS, on September 25, 2024, the Buncombe County Commissioners signed a Local State of Emergency declaration by and with the consent of the mayors of the municipalities within Buncombe County; and

WHEREAS, on September 30, 2024, the Town Council signed Local State of Emergency declaration and on October 7, 2024, the Town Council adopted Resolution #R-24-34 authorizing emergency contracting measures; and

WHEREAS, under 2 C.F.R. § 200.320(f) and the authority granted in Town Resolution #R-24-34, and with guidance from emergency personnel and FEMA guidelines, the Project & Facilities Manager secured a contract with Belfor Property Restoration Group, Inc. on October 18, 2024, for emergency property restoration services; and

WHEREAS, contracting of disaster remediation services from Belfor Property Restoration Group, Inc. is an eligible expense under FEMA's Public Assistance Program. The services provided will support emergency protective measures and the restoration of damaged public infrastructure, which is necessary for the continued operation of government services and community programs. The expenses align with FEMA's guidelines for the mitigation of disaster-related damage to public buildings and facilities in response to Federal Disaster 4827- Tropical Storm Helene.

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

1. The contract with **Belfor Property Restoration Group, Inc.** (selected firm) is hereby ratified and approved as it was procured during the exigency period of Federal Disaster 4827 in order to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, and to support emergency protective measures and the restoration of damaged public infrastructure, which is necessary for the continued operation of government services and community programs.

2. The town determined that additional formal procurements were not necessary since Belfor provided competitive rates consistent with competitively procured contracts for other sub-recipients, and thus the costs are reasonable per 2 CFR 200. and the use of a competitive procurement proposal would prevent the urgent action required to address the situation.

3. **Belfor Property Restoration Group, Inc.** (selected firm) is most advantageous to provide emergency professional property restoration services for the Town of Black Mountain in response to Federal Disaster 4827- Tropical Storm Helene.

4. **Belfor Property Restoration Group, Inc.** (selected firm) contract and itemized rate and materials schedule (Exhibit B) is consistent with the Town's purchasing terms and conditions, Uniform Guidance, and FEMA's rules and regulations and of this Resolution.

5. The Town Manager or his designee is further authorized to negotiate the necessary scope of work and a fee not to exceed $1,000,000.00. Any subsequent amendments that result in additional fees or services will come back to the Council for approval.

Ratified and Adopted by the Town Council of the Town of Black Mountain, North Carolina on the 9th day of December 2024.

B. AMENDED DEBRIS REMOVAL INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY (TETRA TECH).

Tetra Tech, Inc., the County's disaster-recovery consultant has been tasked with designing and implementing a Private Property Debris Removal (PPDR) intake process. To facilitate the intake process, Tetra Tech will perform PPDR outreach in person at intake centers, online through a PPDR dashboard, and via a call center. The City of Asheville and the Town of Black Mountain have expressed interest in having the County, by and through Tetra Tech, administer the intake process for their residents and businesses. The interlocal agreements would govern the PPDR intake for Asheville and Black Mountain. It is anticipated that FEMA will reimburse the County for these services entirely, but to the extent that they are not reimbursed, the municipalities will reimburse the County for the actual costs incurred by the County to administer the PPDR intake for Asheville and Black Mountain residents. Once the intake process is complete, Asheville and Black Mountain will each engage a third-party entity to remove the debris.

The Town Council approved an interlocal agreement with Buncombe County for debris removal with Tetra Tech at their November 12, 2024 regular meeting, but this amended interlocal agreement would take the place of that interlocal agreement and be noted in the minutes. It was noted that this program is in addition to the current right of way debris removal program already underway. Tetra Tech is only performing the intake portion of

this PPDR process, and the company Ash Britt would be performing the actual removal work from these private properties, after the intake process has concluded. ***Council Member Ryan Stone made a motion to approve the amended interlocal agreement with Buncombe County for debris removal with Tetra Tech as presented. A vote of 5-0 in favor.*** ***A copy of the approved amended interlocal agreement is included at the end of these minutes as Appendix B.***

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C. CONSIDERATION OF AMENDMENT TO HURRICANE HELENE GRANT PROJECT ORDINANCE AND PROJECT BUDGET AMENDMENT.

Finance Director Tammy Holland spoke to the Council stating this agenda item is to consider the approval of the Resolution to accept funding, amendment of the Grant Project Ordinance, and budget amendments for Hurricane Helene. The Town of Black Mountain is included in FEMA- 4827-DR, North Carolina Disaster Declaration. Initial funding for this Grant project came from the Town's General Fund Balance. This amendment recognizes the following items:
• Advanced payment of $1,500,000 from the North Carolina League of Municipalities "NCLM". NCLM is the provider of the Town's property insurance policy, the payment provided is an immediate needs payment while the Town's numerous insurance claims are processed.
• NC Division of Water Infrastructure project Number HEL-0003 up to the amount of $3,000,000, repayable at 0% interest from the DEQ Water Infrastructure Emergency Bridge Loan Program established in Session Law 2024-53 Section 4C.7 has been awarded to the Town.

The Finance Department requests acceptance from the board of additional funding through the attached resolution, appropriating the additional $3,000,000 of revenue from the NCDEQ; Budget Amendments recognizing the insurance and loan proceeds and expenditures, and the amended grant project ordinance. Tammy stated to date, the Town has spent approximately $1.1 million on hurricane efforts.

Vice Mayor Archie Pertiller made a motion to approve the Hurricane Helene Grant Project Ordinance and Project Budget Amendment as presented. A vote of 5-0 in favor.

Town of Black Mountain
Hurricane Helene
Amended Grant Project Ordinance
Ordinance No.: 0-24-18

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 0-24-15, originally adopted October 7, 2024, is hereby amended and 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 Hurricane Helene. Beginning September 25th, 2024, the Town of Black Mountain entered into a State of Emergency within North Carolina. September 28th, 2024 a Federal Major Disaster Declaration for the State of North Carolina due to Tropical Storm Helene was issued. September 30th, 2024 the Town of Black Mountain declared a State of Emergency. FEMA-4827-DR, North Carolina Disaster Declaration as of September 28, 2024, defines the Incident Period as September 25, 2024 and continuing.

Section 3. Funding

This project is to be funded in whole or part by FEMA-4827-DR. FEMA's Office of Response and Recovery has determined that with the President's Emergency Declaration, exigent and emergency circumstances currently exist. FEMA Assistance for this project has been declared for 100% of approved expenditures. For all permanent expenditures related to the storm FEMA has declared 90% reimbursement. The state of NC Emergency Management has declared funding of 10% to cover remaining unreimbursed amounts from FEMA.

Initial Funding for this project will need to be provided by a budget amendment from the General Fund Balance. In the case of funding that is not needed due to other funding sources, the Town will transfer unneeded funds transferred from the General Fund back to the general fund.

An advanced payment in the amount of$1,500,000 has been received by NCLM to assist in immediate needs while our insurance claims are being completed. This payment will be deducted from the insurance proceeds to be received for flood damage to Town property.

Additional funding received from NC Division of Water Infrastructure project Number HEL-0003 up to the amount of $3,000,000, repayable at 0% interest from the DEQ Water Infrastructure Emergency Bridge Loan Program established in Session Law 2024-53 Section 4C. 7 has been awarded to the Town.

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

Budgeted Revenues		Prior Authorized	Change	Amended Funding
General Fund Transfer In		2,000,000.00	0.00	2,000,000.00
NCDEQ - Infrastructure Loan		0.00	3,000,000.00	3,000,000.00
Insurance Proceeds		0.00	1,500,000.00	1,500,000.00
	Total Funds	**$2,000,000.00**	**$4,500,000.00**	**$6,500,000.00**

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

Budgeted Expenses

Budgeted Expenses		Prior Anticipated	Change	Amended Expense
Salaries and Benefits		$500,000.00	$0.00	$500,000.00
Contract Services		$1,300,000.00	$0.00	$1,300,000.00
Emergency Preparedness		$200,000.00	-$199,000.00	$1,000.00
Protective Clothing		$0.00	$2,000.00	$2,000.00
R&M Buildings		$0.00	$5,000.00	$5,000.00
R&M Equipment		$0.00	$2,000.00	$2,000.00
R&M Vehicle		$0.00	$1,000.00	$1,000.00
R&M Utility System		$0.00	$500.00	$500.00
Office Supplies		$0.00	$1,500.00	$1,500.00
Non-Capital Equipment and Furniture		$0.00	$50,000.00	$50,000.00
Lease Rental -Equipment		$0.00	$87,000.00	$87,000.00
Capital Street/Bridge/Sidewalk		$0.00	$50,000.00	$50,000.00
Capital Outlay - Dist Lines and Connections		$0.00	$2,500,000.00	$2,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations		$0.00	$500,000.00	$500,000.00
Capital Outlay - Vehicles		$0.00	$1,500,000.00	$1,500,000.00
	Total Expenses	**$2,000,000.00**	**$4,500,000.00**	**$6,500,000.00**

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 8. 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 9. 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 10. 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 9th day of December 2024.

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

RESOLUTION
ACCEPTANCE OF FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY STATE EMERGENCY BRIDGE LOAN
Resolution: R-24-42

WHEREAS, The Town of Black Mountain has need for and intends to construct or repair the Town's drinking water system infrastructure project impacted by Hurricane Helene; and

WHEREAS, The Town of Black Mountain's requested, State loan and/or grant assistance for the State Emergency Bridge Loan, has been approved by The North Carolina Department of Environmental Quality, Division of Water Infrastructure; and

WHEREAS, The DEQ Water Infrastructure Emergency Bridge Loan Program has offered funding to repair the Town's drinking water system; and

WHEREAS, The Town of Black Mountain is eligible to receive a total funding amount up to $3,000,000 from the Emergency Bridge Loan Funds; Hundred Percent of the Loan will be repayable at 0% interest by June 30, 2030 or upon the receipt of federal disaster relief, whichever comes first; and

NOW THEREFORE be it resolved, by the Town Council of the Town of Black Mountain, North Carolina, the following:

1. That the Town of Black Mountain, the Applicant, does hereby accept the State Emergency Bridge loan offer in the amount of $3,000,000.
2. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
3. The Town of Black Mountain does hereby give assurance to the North Carolina Department of Environmental Quality that the Town will adhere to all applicable items specified in the standard "Conditions and Assurances" of the Department's funding offer, awarded in the form of contractual "Offer and Acceptance" documents; and
4. That Josh Harrold, Town Manager and Jessica Trotman, Assistant Town Manager, the Authorized Representative and successors so titled, is hereby authorized to execute and

file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the project described above.

5. That the Authorized Representative, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

6. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Duly adopted this 9th day of December 2024.

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10. NEW BUSINESS

A. Consideration of Art in the Afternoon Lease Renewal (one-year). The lease agreement for Art in the Afternoon expired August 31, 2024. Stephanie Sultzman, Tenant, plans to continue to operate the program and would like to execute another lease for 2024-2025. They plan to continue to use approximately 2,577 square feet at the Carver Center known as the annex. There are no changes from the previous lease and the amount stays at $1,000 per month. ***With no discussion, Council Member Pam King made the motion to approve the lease agreement for Art in the Afternoon for an additional year, to expire August 31, 2025. A vote of 5-0 in favor.***

11. COMMUNICATION FROM TOWN MANAGER & TOWN ATTORNEY

Town Attorney Craig Justus provided a brief update on SB 382 which proposes possible zoning rule changes to municipalities. Town Manager Josh Harrold spoke on a recent recognition of the Fire Chief, Police Chief, Public Works Director, and Town Manager at an event with Orange County, NC Emergency Management.

12. COMMUNICATION FROM MAYOR AND TOWN COUNCIL. E*ach Council member provided brief comments.*

13. CLOSED SESSION – *none.*

14. ADJOURNMENT. ***There being no further business, Mayor C. Michael Sobol adjourned the meeting at 7:27 p.m.***

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk

Attachments: Appendix A, Appendix B