BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 10, 2025 | 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, March 10, 2025, 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: Town Council Member Alice Berry, Town Council Member Ryan Stone, Town Council Member Pam King, Town Council Member Doug Hay. Vice Mayor Archie Pertiller was absent.

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

The Mayor led those in attendance in the Pledge of Allegiance, a moment of silence, then read the ethics statement.

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2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

Proclamation Honoring Roberta Flack- The Mayor read the proclamation honoring musician and humanitarian Roberta Flack and then asked the Town Clerk to play two videos about Black Mountain from local news stations, one about Roberta Flack, and the other about citizens spreading love with signs.

Proclamation for 2025 International Transgender Day of Visibility (TDOV), March 31, 2025- The Mayor read a proclamation for 2025 International Transgender Day of Visibility which is held on March 31st. Several Council Members asked that the minutes reflect that an addendum to this proclamation was added in by the Mayor compared to the proclamation in the agenda packet that was approved by Council at the Agenda Work Session meeting on March 6th, 2025.

3. CITIZEN COMMENTS

Mark White, Town citizen and former Town employee, spoke about the Town's water system, water quality and testing requirements.

Alma Bush, 115 Ash. St., spoke about the Senior Center, senior meal sites, and spoke about a future vision for the Senior Center.

Joyce Miles, 1182 Old US 70 W., spoke on the Senior Center's lower level and asked that the Town re- open the top level for senior center activities as soon as possible.

Alice Sherman, 88 Mountain View Rd., wanted to thank the Town for beginning to improve its facilities after the storm. She stated she would like to see a schedule of progress for fixing this area. She stated she is willing to volunteer to assist the Town with improvements if needed.

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4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Storm Recovery Updates. Assistant Town Manager Jessica Trotman gave a presentation on Helene Storm Recovery Updates. Mayor Sobol asked about repair timelines for the golf course irrigation panels and asked for additional information on this from staff. This presentation is attached at the end of these minutes as Appendix A.

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5. CONSENT AGENDA

5.A. Adoption of Meeting Minutes from February 6, 2025 Agenda Work Session, February 10, 2025 Regular Monthly Meeting and February 17, 2025 Special Called Meeting. ***Council Member Ryan Stone made a motion to approve the meeting minutes as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

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5.B. Monthly Tax Collector Report. ***Council Member Ryan Stone made a motion to approve the tax collector report as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

CURRENT YEAR TAX -ADVALOREM TAXES		
Billed	$	5,324,247.84
Collected	$	5,087,590.55
Adjustments and Releases	$	5,392.66
Outstanding real and personal property taxes	**$**	**242,049.95**
TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR		95.46%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH		
Collected	$	958.83
Adjustments and Releases	$	-

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

Ad Valorem	$ 7,929.09
Motor Vehicle	$ 307.78

5.C. **Consideration of Budget Amendments.** ***Council Member Ryan Stone made a motion to approve the FY24-25 budget amendments as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

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5.D. **Consideration of Interlocal Agreement with Buncombe County for Hazard Mitigation Grant Program.** ***Council Member Ryan Stone made a motion to approve the Interlocal Agreement with Buncombe County for the Hazard Mitigation Grant Program as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.*** **Interlocal Agreement number is R-25-14.** A copy of this Interlocal Agreement is included as Appendix B.

6. PUBLIC HEARING – NONE

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7. UNFINISHED BUSINESS

7.A. A Resolution Amending Resolution #R-24-40 Ratifying and Approving an Agreement for Professional Services for Disaster-Related Property Restoration Services.

Project and Facilities Manager Angela Reece provided the Council with some information regarding Belfor Property Restoration Group, Inc. Under the authority granted in Town Resolution #R-24-34, and with guidance from emergency personnel and FEMA guidelines, staff secured a contract with Belfor Property Restoration Group, Inc. on October 18, 2024, for emergency property restoration services who immediately began remediation work on town owned facilities to address flood damage efficiently and within the necessary federal compliance framework. Due to the nature of emergency property remediation, the scope of the work was developed with authorization by the town as identified by Belfor's Project Managers, in accordance with local, state, and federal codes and FEMA funding guidelines. In other words, town staff identified the most critical sites for remediation and then worked with Belfor professionals to determine a nominal scope of work for each site. All but one site, the Carver Center, were remediated to the point of only making the facility safe and free of mold. This meant that no reconstruction took place in any facility except the Carver Center. Due to the nature of activities which take place within the Carver Center (Montessori School and Art in the Afternoon Program), this facility received new flooring in the flooded areas to allow the school to open back up.

Over the last several weeks, the Town's insurance company, NC League of Municipalities (NCLM), assigned claims adjusters and an insurance clerk to review all the remediation work and associated costs and repairs conducted by Belfor to ensure the invoices matched the requested work and that costs were within reason. The total fees and costs are in line with similar fees and costs for services of this nature across the state and are found to be reasonable for emergency remediation and repairs. The initial resolution (R-24-40) approved and ratified selection of the firm (Belfor) and their itemized rate, materials schedule, and authorized 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 resulted in additional fees or services were to come back to the Council for approval. We received the invoices for a total amount of **$1,289,975.62,** which is **$289,975.62** more than the initial authorized amount. Staff have prepared this amendment to reflect authorization of the total fees for services and to amend the initial resolution, paragraph 5, to reflect approval of a total amount of **$1,289,975.62.** Staff have applied for and received emergency expedited funding from FEMA to cover this expense.

Council Member Doug Hay made a motion to approve the Resolution amending Resolution #R-24-40, paragraph 5, to approve a total fee not to exceed $1,289,975.62 to mitigate water intrusion and implement emergency repairs to prevent further degradation and restore town facilities to a safe, usable condition. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

RESOLUTION TO AMEND RESOLUTION R-24-40, 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-25-13

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 total fee not to exceed ~~**$1,000,000.00**~~ $1,289,975.62. Any subsequent amendments that result in additional fees or services will come back to the Council for approval.

This AMENDMENT is adopted by the Town Council of the Town of Black Mountain, North Carolina on the 10th day of March 2025.

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8. CITIZEN COMMENTS- none.

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9. NEW BUSINESS

9.A. Consideration of Donation of Surplus Police Vehicles to McDowell Tech.

The Black Mountain Police Department requests donating two fleet vehicles that are scheduled for decommissioning due to age, mileage, and maintenance costs. The department proposes donating the following 2013 Dodge Chargers:

- Vehicle 1 – VIN: 2C3CDXAT2DH742635. Currently inoperable with 130,345 miles. Over its service life, it has incurred $13,055.33 in maintenance costs.
- Vehicle 2 – VIN: 2C3CDXAT4DH742636. Experiencing electrical issues with 92,938 miles.

Over its service life, it has incurred $20,308.26 in maintenance costs.

The department has researched the potential resale value using Kelley Blue Book and CarMax estimates. If sold through GovDeals, the maximum expected payout for both vehicles combined is $4,900. However, before selling, each vehicle must be decommissioned and stripped of police equipment, which costs $1,048 per vehicle, totaling $2,100. This would result in a net gain of only $2,800, assuming we receive the highest estimated offer, which is unlikely. Instead, it is requested that the Town donate these vehicles to McDowell Technical Community College to support law enforcement driver training for new officers. These vehicles would also be available for BMPD's annual driver training, providing a valuable resource for officer skill development. In accordance with N.C.G.S. 160A-280, the Town has posted a public notice at least five days prior to this consideration of this resolution approving the donation at this Town Council meeting. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. Town Council will consider the attached resolution and vote.

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

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING DONATION

Resolution: R-25-11

WHEREAS, the Town of Black Mountain Police Department desires to dispose of certain surplus property; and

WHEREAS, the Town believes the McDowell Technical College BLET program could benefit from the surplus property; and

WHEREAS, the Town would like to donate the following 2013 Dodge Chargers:

- **Vehicle 1** – VIN: 2C3CDXAT2DH742635 Currently inoperable with **130,345 miles**.
- **Vehicle 2** – VIN: 2C3CDXAT4DH742636 Experiencing electrical issues with **92,938 miles**.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. The above stated described property (vehicles) are hereby declared surplus to the needs of the Town.

Section 2. Said surplus property be approved for donation to the **McDowell Technical College BLET program.**

Section 3. A public notice was duly published in accordance with N.C.G.S. 160A-280, prior to the consideration of this resolution.

Section 4. Upon conclusion of the published notice period and adoption of this resolution, said surplus property shall be released to the **McDowell Technical College BLET program**.

READ, APPROVED AND ADOPTED this 10th day of March 2025.

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9.B. Cragmont Park Project Viability Determination. In the Fall of 2023, the Town Council identified Cragmont Park as a capital project and began discussions for budget and plans. In 2024, Council subsequently authorized a capital improvement project for Cragmont Park Renovations (O-24-09 & O-24-10) pursuant to N.C. Gen. Stat. § 143-128.1A, to construct, repair, rehabilitate, or replace existing park infrastructure along two (2) adjoining parcels of land totaling 5.14 acres along Swannanoa Avenue. Staff conducted a qualification-based selection process, and the Town Council approved contracting with Harper General Contractors Inc. to perform this work (R-24-10 & R-24-22). Harper General Contractors has completed concept plans which were provided to Council.

Because of the impacts of Hurricane Helene on September 27, 2024, the town must now examine all financial obligations and realign its priorities in order to facilitate continued recovery from this disaster. The current approved capital project budget is $492,000 with a total of $15,685.80 in expenditure. The remaining funds are **$476,314.20**. Harper General Contractors and project stakeholders are aware of the fluid nature of this project and understand any decisions the Council must make regarding the future of this project.

To assist Council with this decision, some options that could be considered are as follows:

1. Terminate the project for convenience in accordance with the contract.
2. Modify the project scope and budget as determined by Council.
3. Continue with the project and budget as planned with no changes.

Council members expressed their thoughts about terminating this project but felt that it was the best decision to make at this time as there were important issues to address and funding needs to recover from the storm. ***Council Member Ryan Stone made a motion that the Council authorize and direct the Town Manager to draft a letter for termination of convenience as outlined in the contract subject to Town Attorney approval, and provide a copy to Harper General Contractors Inc. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

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9.C. Approval of Phase II Design Build Construction Contract for SRP-SW-ARP-0026 (Floodbench).

The Town received a $5 million-dollar Local Assistance for Stormwater Infrastructure Investments (LASII) grant from the American Rescue Plan Act (ARPA) in March 2023 to design, construct, repair, rehabilitate, and/or replace existing stormwater infrastructure to control stormwater quantity to mitigate flooding, improve water quality, and enhance the stability and function of the river and its riparian buffers along a section of the Swannanoa River as identified in the Stormwater Master Plan. The Council subsequently approved R-24-14 to accept the grant funding, R-24-03 establishing design build criteria, R-24-04 authorizing design build delivery method, and R-24-15 to enter into the initial contract (Phase I) for services with North State Environmental (NSE). The project is on track and is ready to

move into the permitting and construction phases. The proposed resolution is to approve the Phase II construction contract for this project in the amount of $4,700,000.00.

Council Member Alice Berry made the motion that the Town Council of the Town of Black Mountain approve the resolution and Phase II design-build contract with North State Environmental Inc. in the amount of $4,700,000 for the Swannanoa River Floodbench and Wetland Construction Project# SRP-SW-ARP-0026. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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

Resolution #R-25-12

WHEREAS, The State of North Carolina passed Session Law 2013-401 authorizing local governmental entities in North Carolina to utilize the design- build method for construction contracting pursuant N.C. Gen. Stat.§ 143- 128.1A; and

WHEREAS, the Town received a $5 million-dollar Local Assistance for Stormwater Infrastructure Investments (LASH) grant from the American Rescue Plan Act (ARPA) in March 2023; and

WHEREAS, on January 8, 2024, the Town Council of the Town of Black Mountain passed a Resolution to establish criteria to be utilized by the Town when considering the design-build delivery method for Town projects ("Town of Black Mountain Design-Build Criteria"); and

WHEREAS, on March 2, 2024, the Town Council of the Town of Black Mountain passed a Resolution (R-24-15) selecting North State Environmental Incorporated as the most advantageous and negotiated general fees for
services to provide Phase I engineering, design, permitting, and construction administration services to support the project in the amount of $1,001,600.00; and

WHEREAS, Resolution R-24-15 further authorized the Town Manager and Town Attorney to negotiate and execute a final contract with North State Environmental Incorporated not to exceed a total amount of$5,000,000.00; and

WHEREAS, the project is on track and is entering into the permitting and construction phase (Phase II) and requires additional design build agreements to be approved. Although Resolution R-24-15 previously authorized staff to execute the final design build contract, staff feel it is prudent and in the best interest of transparency to ensure proper review of these documents is adhered to and that they comply with all federal, State of North Carolina (State), and
local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto.

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

1. The phase II design build contract, general conditions, and permit list (attached as Exhibit A) for design, permitting, and construction services fees from North State Environmental Incorporated are approved in the amount $4,700,000.00.

2. That the Town Manager and Town Attorney are authorized to negotiate any final revisions, other than price, to the contract which are consistent with the Town's purchasing terms and conditions and any state or federal requirements.

Adopted by the Town Council of the Town of Black Mountain, North Carolina on the 10 day of March 2025.

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9.D. Acceptance of Donation From Asheville Fence for Fencing Components at Veteran's Park.

To support recovery efforts at Veteran's Park from Hurricane Helene, Asheville Fence has offered to donate the following fencing components to the park totaling a value of $37,000:

- A new barrier gate and timber guardrail at the park entrance to prevent after-hours vehicular access. The gate can be either galvanized or black powder-coated and will include a locking mechanism and a hold-open feature. This would replace the temporary barrier currently installed at this location. Valued at $14,500.
- Replacement of the missing or damaged split rail fence at the parking area perimeter with a two- rail wood fence constructed of 4x4 posts and horizontal deck boards. Valued at $12,000.
- Installation of a black chain link fence around the playground area to enhance security for families with young children. Valued at $10,500.

Recreation and Parks Director Josh Henderson stated there was no requirement of fencing around playgrounds, but it is a good measure of safety for children and parents alike to have this installed. Mayor Sobol asked about the restrooms at Veterans Park and engineering needs. Staff stated that FEMA was involved with facility damages and because the restroom facility was flooded, it may have to be torn down and rebuilt in order to comply with floodplain regulations.

Council Member Doug Hay made a motion to approve the resolution to accept the donation from Asheville Fence as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

RESOLUTION TO ACCEPT DONATION FROM ASHEVILLE FENCE FOR FENCE COMPONENTS AT VETERAN'S PARK

Resolution # R-25-09

WHEREAS, the Town of Black Mountain was significantly impacted by Tropical Storm Helene, which caused extensive damage to the town’s baseball fields and equipment, used by the community for recreation, youth sports, and community events; and

WHEREAS, various fencing and guardrail components were damaged by Tropical Storm Helene at Veteran's Park; and

WHEREAS, Asheville Fencing wishes to donate the following to the Town of Black Mountain for the reasons described below:

- A new barrier gate and timber guardrail at the park entrance to prevent after-hours vehicular access. The gate can be either galvanized or black powder coated and will include a locking mechanism and a hold-open feature. This would replace the temporary barrier currently installed at this location. Valued at $14,500.
- Replacement of the missing or damaged split rail fence at the parking area perimeter with a two-rail wood fence constructed of 4x4 posts and horizontal deck boards. Valued at $12,000.
- Installation of a black chain link fence around the playground area to enhance security for families with young children. Valued at $10,500.

WHEREAS, the value of this donation would total approximately $37,000 and this reflects Asheville Fence's commitment to supporting local recreational facilities and their donation aligns with the Town's mission to provide high-quality public spaces for residents and visitors.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Asheville Fence, with deep appreciation for the company's commitment of restoration to Veteran's Park; and

BE IT FURTHER RESOLVED that the Town Council directs town staff to coordinate with the donor to ensure timely and effective completion of the repairs, with oversight to ensure compliance with any applicable town policies and procurement regulations.

This the 10th day of March 2025.

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9.E. Approval to Pursue Grant Funding for the Dr. John Wilson Community Garden through Community Foundation of Western NC.

Community Garden Manager Leonora Stefanile spoke on this grant opportunity for the Community Garden to install an irrigation system. Until July 2024, the community garden sourced unfiltered surface water from the Swannanoa River for irrigation. At that time, data emerged that stated that E. Coli was found in unsafe levels in samples taken from the Swannanoa River upstream of the community garden. Due to food safety concerns, the community garden ceased sourcing irrigation water from the Swannanoa River, which left the garden with very limited access to irrigation, which quickly led to crop decline both in the community garden rental plots, and the donation plots where the manager and interns grow food that can be given to the community.

To respond to this situation, staff began to look at a filtration system to be placed in line with the irrigation pump that would filter and treat pathogenic bacteria potentially present in the

Swannanoa River. Additionally, flooding caused by Hurricane Helene occurred, after which many more contaminants, in addition to E. Coli, were found in the river water, creating potentially even greater instances of unsafe conditions in the river water. River water contamination is still under investigation. Given this ongoing investigation of additional contaminants present in the Swannanoa River, the filtration system attached to the river pump was no longer viable for the community garden as method of ensuring that the water was safe to use for irrigation. The only other water available for irrigation and general use at the community garden is rainwater collected from the roof of the Grey Eagle building and from leftover water from the fire department, which has been hauled in via tanker truck. These sources simply do not supply enough water to irrigate the entire garden and created a huge increase in labor for the manager, interns, and gardeners to distribute the water to where it was needed.

Staff are exploring the possibility of installing a well to source irrigation. Elena Rogers, food safety specialist with NCSU's Cooperative Extension, was consulted and agreed that given the recreational nature of the garden, and the distribution network that involves the garden distributing food to the public via food banks such as Bounty and Soul, a well would make the most sense as an irrigation source.

Staff have been in touch with the Community Foundation of Western North Carolina and were told that this irrigation well project is eligible for receiving funds from their Emergency and Disaster Response Fund and been encouraged to apply for the grant.

Council Member Pam King made a motion to approve staff to pursue grant funding through the Community Foundation of Western North Carolina Emergency Disaster Response Fund (EDRF). A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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9.F. Authorization for Staff to Explore Town's Eligibility for a USDA Community Facilities Direct Loan.

The Town of Black Mountain experienced significant damage to several public facilities and equipment due to Tropical Storm Helene. To explore potential funding options for recovery, staff requests authorization to determine the Town's eligibility for a USDA Community Facilities Direct Loan. The Town does not qualify for a grant through this program. This process would not authorize acceptance of any loan offer but would allow staff to gather information and assess financing options for the following damaged assets:

- Public Works Building
- Public Safety Building
- Lakeview Center
- Shooting Range
- Public Works and Police Department Equipment and Vehicles

The USDA Community Facilities Direct Loan Program provides financing to develop essential community facilities in rural areas, including municipal buildings and public safety

infrastructure. If eligible, staff will return to Council with findings and recommendations before any loan application or acceptance is pursued. Parks and golf course facilities are not eligible to be included in the loan program.

Council Member Doug Hay made a motion to authorize staff to explore the Town's eligibility for a USDA Community Facilities Direct Loan and report findings back to the Town Council. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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9.G. Request for Council Direction on EPA's Lead and Copper Rule Improvements. Discussion ensued. ***Consensus was to table this item until April until more information could be researched.***

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9.H. Amended Project Ordinance and Resolution to Accept Funding for Hurricane Helene.

The Town of Black Mountain periodically establishes grant project ordinances for endeavors that involve funding in whole or in part by revenues received from the Federal and/or State Government. The operating or capital expenditure defined within the grant contract may require a period greater than one fiscal year to complete. Consequently, the adoption of a grant project ordinance allows the governmental entity to appropriate funds for the life of the project without the governing board having to reallocate funding each fiscal year.

This agenda item is to consider the approval of the Resolution to accept funding, amendment of the Grant Project Ordinance and budget amendment for Hurricane Helene. The Town of Black Mountain is included in FEMA-4827-DR, North Carolina Disaster Declaration. The following items are recognized within the amended project ordinance and budget amendments.

- North Carolina Department of State Treasurer Loan Acceptance for Cashflow aid due to Hurricane Helene, in the amount of $705,703.37.
- Insurance Claims paid to date for Vehicles and Equipment from NCLM equaling to $716,452.40.
- Transfer from the General Fund in the amount of $200,000 and the Powell Bill in the amount of $100,000 to address Hilltop Road Damage.

Council Member Alice Berry made a motion to approve the following resolution accepting the funding loan by the NC Department of State Treasurer Cashflow Aid and approve the amended grant project ordinance and budget amendment as presented and recommended. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

TOWN OF BLACK MOUNTAIN RESOLUTION
ACCEPTANCE OF FUNDING FROM THE STATE OF NC DEPT OF STATE TREASURE
STATE CASH FLOW LOAN
Resolution: R-25-08

WHEREAS, the Town of Black Mountain has need for cashflow funding due to impacts by Hurricane Helene; and

WHEREAS, in connection with the State of North Carolina cashflow loan program (Loan Program) authorized by the Disaster Recovery Act of 2024, Session Law 2024-53 (as amended by Session Law 2024-57), the North Carolina Department of State Treasurer has been working with the North Carolina Department of Public Safety-Division of Emergency Management (NCEM), the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM) to formulate a working plan for the disbursement of cashflow loans aimed at assisting local governments affected by Hurricane Helene; and

WHEREAS, the Town of Black Mountain's requested, State loan and/or grant assistance for the State Cashflow Loan, has been approved by The North Carolina Department of State Treasurer; and

WHEREAS, The Department of State Treasurer "NCDST" has offered funding through the State Cashflow Loan Program for disaster response activities for local governments; and

WHEREAS, Local governments wishing to participate in the Loan Program are required to execute a Cashflow Loan Agreement and Promissory Note with the State of North Carolina, by and through the North Carolina Department of the State Treasurer; and

WHEREAS, The Town of Black Mountain has accepted total funding in the amount up to $705,703.37 from the NCDST Cashflow Loan Funds; Hundred Percent of the Loan will be repayable at 0% interest at the following intervals:

- $1 by the first anniversary of the Loan Date
- 10% of the Loan Rounded Amount on June 30, 2027
- 20% of the Loan Rounded Amount on June 30, 2028
- 30% of the Loan Rounded Amount on June 30, 2029
- 40% (less $1) of the Loan Rounded Amount on the earlier of the 5th Anniversary of the Loan Date or June 30, 2030; and

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

- That the Town of Black Mountain, the **Applicant**, does hereby accept the NC Department of State Treasurer Cashflow Loan Funding through the NCDST Department

in the amount of $705,703.37.

- That the Cashflow Loan Agreement and Promissory Note provided by the North Carolina Department of the State Treasurer are hereby approved.

- 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.

- 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.

- 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 10th day of March 2025.

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Council Member Alice Berry made a motion to approve the following amended grant project ordinance and budget amendment as presented and recommended. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

TOWN OF BLACK MOUNTAIN HURRICANE HELENE
AMENDED GRANT PROJECT ORDINANCE
ORDINANCE: O-25-03

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 O-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. 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.

Town of Black Mountain Operating Fund Transfers:

- 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.
- The board approved in the January agenda meeting to Transfer funding from the general fund to the Helene Project to cover costs to Veteran Park Fencing in the amount of $121,000.

FEMA Funding Received to Date:

- The Town has received a payment of 50% of the emergency expenditures submitted. The total amount received was $860,666.18.

NCLM is the Town's insurance carrier. The following payments have been received to date:

- An advanced payment 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.
- Total Insurance Claims paid to date from NCLM equal $716,452.40.

State Funding Has Been Received for the Following Items:

- NC DEQ Division of Water Infrastructure project Number HEL-0003 provides funding up to the amount of $3,000,000, repayable at 0% interest. The DEQ Water Infrastructure Emergency Bridge Loan Program established in Session Law 2024-53 Section 4C.7 has been awarded to the Town.
- The Town has also been awarded an additional $200,000 in grant funds for engineering assessment, planning and design work associated with the Water Infrastructure Emergency Bridge Loan.
- NC Department of State Treasurer has awarded a loan in the amount of $705,703.37 to aid with Cashflow due to Hurricane Helene.

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***
Transfer In From General Fund	2,121,000.00	200,000.00	2,321,000.00
Transfer In From Powell Bill Fund	0.00	100,000.00	100,000.00
Grant Revenue Federal - FEMA Emergency Expenditures	860,666.18	0.00	860,666.18
NCDEQ - Infrastructure Loan	3,000,000.00	0.00	3,000,000.00
NCDEQ - Infrastructure Technical Assist Grant	200,000.00	0.00	200,000.00
NCDST - Cashflow Loan	0.00	705,703.37	705,703.37
Insurance Proceeds	2,159,143.40	57,309.00	2,216,452.40
Total Funds	**$8,340,809.58**	**$1,063,012.37**	**$9,403,821.95**

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

Budgeted Expenses			
Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Salaries and Benefits	$500,000.00	-$2,000.00	$498,000.00
Protective Clothing	$8,009.80	$2,000.00	$10,009.80
Contract Services	$1,722,090.29	$690,703.37	$2,412,793.66
Professional Services - Engineering and Design	$204,000.00	$0.00	$204,000.00
Professional and Technical Service	$50,100.00	$0.00	$50,100.00
Technology and Software License	$25,000.00	-$24,000.00	$1,000.00
Emergency Preparedness	$1,037.13	$0.00	$1,037.13
R&M Buildings	$6,261.58	$10,000.00	$16,261.58
R&M Grounds/Parks/Greenways	$50.00	$0.00	$50.00
R&M Equipment	$6,764.43	$18,500.00	$25,264.43
R&M Vehicle	$2,375.96	$0.00	$2,375.96
R&M Streets/Sidewalks/Curb	$16,289.76	$10,000.00	$26,289.76
R&M Utility System	$135,500.00	$0.00	$135,500.00
Office Supplies	$1,986.54	$0.00	$1,986.54
Medical Supplies	$210.49	$500.00	$710.49

Non-Capital Equipment and Furniture	$55,251.34	$1,683.00	$56,934.34
Lease Rental -Equipment	$144,150.00	$0.00	$144,150.00
Miscellaneous Expense	$39,010.03	$0.00	$39,010.03
Capital Outlay - Land Improvements	$121,000.00	$0.00	$121,000.00
Capital Street/Bridge/Sidewalk	$50,000.00	$300,000.00	$350,000.00
Capital Outlay - Dist. Lines and Connections	$2,500,000.00	$0.00	$2,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations	$500,000.00	$0.00	$500,000.00
Capital Outlay - Vehicles	$2,156,722.23	$55,626.00	$2,212,348.23
Capital Outlay - Furnishings & Non-Motorized Equipment	$95,000.00	$0.00	$95,000.00
Total Expenses	**$8,340,809.58**	**$1,063,012.37**	**$9,403,821.95**

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 10th day of March 2025.

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10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER
Town Council will hold a closed session on Thursday, March 13, 2025 at 5pm at Town Hall to discuss personnel per NCGS 143-318.11(a)(6).

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL
Council Member Ryan Stone made some comments on storm recovery efforts. Council Member Pam King suggested adding in information on storm recovery efforts for next month's presentation addressing the comments made on the water system.

12. CLOSED SESSION - NONE

13. ADJOURNMENT. With nothing further, the Mayor adjourned the meeting at 7:41 p.m.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

Appendices A & B attached.