BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 9, 2025 | Regular Session Agenda | Time: 6:00 PM

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

The Black Mountain Town Council held their regular session agenda on Monday, June 9, 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 June 9, 2025 Town Council 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, and Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessican Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Jamey Matthews, Public Works Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Tammy Heide, Finance 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. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

2.A. Resolution for Pride Month - June 2025

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

PRIDE MONTH RESOLUTION 2025

Resolution No. R-25-26

WHEREAS, all are welcome in the Town of Black Mountain to live, work, and play, and everyone deserves a place to call home where they are safe, happy, accepted, and supported; and

WHEREAS, the month of June was chosen as Pride Month to commemorate those who led the 1969 uprising at the Stonewall Tavern in Greenwich Village, which sparked the modern, ongoing LGBTQ+ movement to protect the dignity and rights of sexual and gender minorities;

and

WHEREAS, June 2025 marks the 55th annual celebration throughout the United States of LGBTQ+ Pride Month and recognizes the meaningful contributions made by our LGBTQ+ community that enhance our country's diverse history and culture and will shape its future; and

WHEREAS, the Town of Black Mountain adopted a Resolution R-25-18 on April 14, 2025 entitled A Resolution Of The Town Council Of Black Mountain, North Carolina Proclaiming That All Are Welcome In Our Community, Regardless Of Sexual Orientation, Gender, Ethnicity, Religion, National Origin, Race, Ability, Socioeconomic Status, Age Or Any Other Characteristic, And That All Individuals Will Be Treated Equally In The Name Of The Law; and the Town of Black Mountain joins the LGBTQ+ community in a celebration of diversity and unity and remains committed to treating all people with fairness and respect; and

WHEREAS, the Town of Black Mountain believes in working together with all members of our community to facilitate strong relationships and provide safety, dignity, and a welcoming environment for our residents and visitors.

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Black Mountain does hereby proclaim the month of June as Pride Month in Black Mountain and encourages all residents, businesses, and community organizations to join in celebrating the history, culture, and contributions of the LGBTQ+ community.

Adopted this the 9th day of June, 2025.

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2.B. **Resolution for Juneteenth 2025.**

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

RESOLUTION RECOGNIZING JUNETEENTH 2025

Resolution No. R-25-27

WHEREAS, on September 22, 1862, President Abraham Lincoln issued the Emancipation Proclamation, declaring that as of January 1, 1863, all enslaved people in the rebellious states would be thenceforward and forever free; and

WHEREAS, it took almost three more years of conflict and loss to bring about the end of the Civil War and the ratification of the Thirteenth Amendment to the United States Constitution in December 1865 to officially end slavery in the United States; and

WHEREAS, as the news of freedom spread gradually throughout the nation; on June 19, 1865, two months after the official surrender of the Confederacy at Appomattox, Union Soldiers arrived in Galveston, Texas, and issued General Order No. 3 announcing freedom to some of the last enslaved people in the United States; and

WHEREAS, June 19th, or Juneteenth, also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, celebrates the emancipation of those who had been enslaved in the United States and became a federally recognized holiday in 2021, observed annually on June 19th; and

WHEREAS, on this anniversary each year, organizations and individuals throughout North Carolina and our nation celebrate African American heritage, history, freedom, and culture with events and ceremonies that reflect the power of community, family, art, and tradition in the face of oppression; and

WHEREAS, observing Juneteenth encourages all residents to learn from the past, engage in meaningful dialogue, and continue working toward a community that values diversity and ensures the dignity and rights of every individual.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Black Mountain does hereby proclaim June 19th, 2025, as "**JUNETEENTH"** in the Town of Black Mountain and encourages residents, organizations and institutions to commemorate this historic occasion through education, reflection, and celebration.

Adopted this 9th Day of June 2025.

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3. CITIZEN COMMENTS

Mark White, 487 Lakey Gap Rd., spoke on misinformation by NCDEQ concerning the Town's water system and water quality reporting.

Jamey Matthews, Public Works Director, addressed the statements issued by Mr. White to the Town Council.

David Galloway, 103 Brookhaven Dr., who is a member of the Recreation Commission, spoke on the disc golf course maintenance post-Helene and requested mowing.

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4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Hurricane Helene Storm Recovery Update.

Assistant Town Manager Jessica Trotman provided an update regarding Hurricane Helene recovery efforts. ***A copy of the presentation is included at the end of these minutes as Appendix A.***

4.B. Morehead-Cain Civic Collab Scholars - Introduction & Project

Summary Presentation.

Assistant Town Manager Jessica Trotman introduced the Morehead-Cain Civic Collab Scholars from UNC- Chapel Hill who are interning with the Town for the summer and working on a Hurricane Helene report. The students gave a brief overview of the project they are working on over the summer.

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5. CONSENT AGENDA

5.A. **Adoption of Meeting Minutes: May 8, 2025 Agenda Work Session & Budget Meeting; May 12, 2025 Regular Meeting; May 15, 2025 Special Called Meeting (FY26 Budget Presentation & Golf Course Discussion)**

Vice Mayor Archie Pertiller made a motion to adopt the meeting minutes as presented. A vote of 5-0 in favor.

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5.B. **Monthly Tax Collector Report**.

Vice Mayor Archie Pertiller made a motion to adopt the tax collector report as presented. A vote of 5-0 in favor.

CURRENT YEAR TAX -ADVALOREM TAXES		
Billed	$	5,324,247.84
Collected	$	5,280,569.02
Adjustments and Releases	$	4,755.36
Outstanding real and personal property taxes	**$**	**48,434.18**
TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR		99.09%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH		
Collected	$	134.44
Adjustments and Releases	$	-

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

Ad Valorem	$	74.95
Motor Vehicle	$	241.89

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5.C. **Resolution to Recognize Grant Funds for Carver School Drainage Mitigation**.

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

RESOLUTION TO ACCEPT GRANT FUNDS FROM 'SMART START HELENE RECOVERY GRANT' FOR CARVER CENTER DRAINAGE MITIGATION

Resolution # R-25-19

WHEREAS, the Carver Center experienced flooding from Hurricane Helene due to the existing drainage system being overwhelmed by the amount of rainfall; and

WHEREAS, due to this flooding, water entered the Carver Center and damaged 6,000 square feet of flooring; and

WHEREAS, a complete overhaul of the drainage system that handles the water runoff from the Fortune Ave. down toward the Carver Building would mitigate future heavy rain drainage and hopefully prevent future flooding to the building. The total cost of this estimated project is $25,950; and

WHEREAS, a Smart Start Helene Recovery Grant through the NC Partnership for Children was applied for by the Black Mountain Montessori School, who is housed at the Carver Center, and a grant has been awarded for these needed repairs; and includes the following guidelines:

1. Helene-related expenses already incurred and properly documented will be paid at 100%.
2. For work or purchases estimated at more than $5,000 that have yet to be done, these funds will front 50% of the written quote so you can get work started.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain permits moving forward with this awarded grant and the mitigation project as proposed in order to protect the Montessori School's investment in the Carver Center, and to protect Black Mountain Montessori's investment in all the furniture and materials that had to be replaced due to flood damage.

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

This the 9th day of June 2025.

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5.D. **Memorial Bench Donation for Carver Center Playground.**

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

RESOLUTION TO ACCEPT DONATION OF BENCH FOR CARVER CENTER PLAYGROUND
Resolution # R-25-20

WHEREAS, The New Mercies After-School and Mentorship Program took place at the Carver Center from 2005-2019, founded and led by Bishop Angela Young and her husband, Lee R. Young; and

WHEREAS, to honor the work and memory of the late Mr. Lee R. Young, their family has donated a bench with a small plaque to be placed at the Carver Center Playground. One of Mr. Young's main duties was to see children off the bus and take them to the playground; and

WHEREAS, the total value of the donated bench and plaque is $698.00.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Mr. Young's family, with appreciation for his dedication and work with the New Mercies After-school and Mentorship Program.

This the 9th day of June 2025.

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5.E. **Acceptance of Dr. John Wilson Community Garden Barn Roofing Donation by Best Buy Metals Asheville.**

The barn at the Community Garden has needed roofing panels replaced and additional wind bracing support for several years now, since before Hurricane Helene. Helene did not contribute to the damage to the roof. The materials are being 100% donated to the community garden by Best Buy Metals Asheville, along with installation labor by one of their subcontractors. The roof repair will keep the inside of the barn much drier (the current one leaks in several places), which will benefit the community gardeners, interns, volunteers, educational program participants, staff, etc. by providing a much more effective structure should a rain and/or wind event occur in the Community Garden while people are there. A new roof that drains properly will also better ensure the building's structural integrity, as moisture that penetrates the roof can begin the rotting process of the beams, walls, foundation, etc. of the structure. Also, several panels of the current metal roof are partially unmoored, and worst-case scenario, could fly off and injure someone during a high-wind event. The new roof will also ensure sensitive supplies such as organic fertilizer, seeds, electronic tools, etc., will not be spoiled by becoming moist. Finally, by having a moisture-free environment inside the barn, it can better prevent the presence of harmful mold,

which is especially important in terms of food safety, as the plan is to install a produce-washing station inside the barn within the next year or so.

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

RESOLUTION TO ACCEPT DONATION FOR ROOFING MATERIALS AND REPAIR FOR BARN AT DR. JOHN WILSON COMMUNITY GARDEN
Resolution # R-25-25

WHEREAS, the barn at the Dr. John Wilson Community Garden has needed roofing repairs and wind bracing support for several years now; and

WHEREAS, these roof repairs will better ensure the building's structural integrity and drainage, preservation of stored supplies by eliminating moisture, preventing mold growth, and overall safety; and

WHEREAS, the company Best Buy Metals Asheville is willing to donate the roofing materials for these repairs at 100%, at a cost of $1,087.38, as well as donation of the installation labor costs by their subcontractors.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain accepts this donation for the barn materials and repairs at the Community Garden by Best Buy Metals Asheville and expresses their sincere appreciation for this donation.

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

This the 9th day of June 2025.

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5.F. **Community Foundation of Western NC (CFWNC) Grant and Creation of Special Revenue Grant Fund Project for Community Garden.**

This agenda item is to consider the creation of a new Special Revenue Grant Ordinance and budget amendment for the Community Garden Restoration. The Community Foundation of WNC approved a grant award directive in the amount of $50,000 with no Town match, to the Town of Black Mountain. These funds were made available through the Emergency and Disaster Response Fund Grant Program from the Foundation. These funds are intended to support projects that restore and strengthen the Dr. John Wilson Community Garden Post-Helene efforts. The Town of Black Mountain will use funding to establish a well for the Town Community Garden.

Vice Mayor Archie Pertiller made a motion to approve the following Special Revenue Grant Fund Ordinance. A vote of 5-0 in favor.

THE COMMUNITY FOUNDATION EMERGENCY AND DISASTER RESPONSE FUND GRANT SPECIAL REVENUE GRANT FUND ORDINANCE
Ordinance No: O-25-14

WHERAS, the Community Foundation of Western North Carolina, has awarded a grant in the amount of $50,000 to the Town of Black Mountain Parks and Rec Department through the Emergency and Disaster Response Fund Grant – Local Agency; and

WHEREAS, grant funds will be used to help support the Town in the restoring and strengthening of the Dr. John Wilson Community Garden due to impacts of Helene. This will be funding with local grant proceeds requiring no local match.

Section 1. Authorizing the Acceptance of the Community Foundation Emergency and Disaster Response Grant Funds.

Section 2: The officers of this unit are hereby directed to proceed with the special revenue project within the terms of the grant documents, and the budget contained herein.

Section 3. The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
CFWNC Grant	$50,000.00
Total Funds	**$50,000.00**

Section 4. The following anticipated appropriations are hereby adopted:

Budgeted	
Expense Type	***Anticipated Expenditures***
Capital Outlay - Land Improvements	$50,000.00
Total Expenditures	**$50,000.00**

Section 5. The Finance Director is hereby directed to maintain within the Special Revenue Grant Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6. Copies of this Special Revenue Grant Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 7. Authorized project expenditures represent appropriations necessary for the

completion of projects and therefore do not require re-appropriation in any subsequent fiscal year.

Duly adopted by the Town Council of Black Mountain on this the 9th day of June, 2025.

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5.G. **Tomahawk Dam Amended Project Ordinance.**

Vice Mayor Archie Pertiller made a motion to approve the following Capital Project Fund Ordinance amendment as presented. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN TOMAHAWK DAM REPAIRS
CAPITAL PROJECT FUND ORDINANCE AMENDMENT
Ordinance: O-25-11

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; and the following Capital Project Fund Ordinance is hereby amended as follows:

Section 1. Authorizing Capital Project Tomahawk Dam Repairs Capital Project Fund Amendment. Additional funding required for final review fees from NC Dam Safety.

Section 2: 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 3: The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 4. The following anticipated Revenues are hereby adopted:

	Budgeted Revenues		
Budgeted Revenues	***Prior Authorized***	***Change***	***Amended Funding***
General Fund Transfer In	$751,886.65	$424.67	$752,311.32
Total Funds	**$751,886.65**	**$424.67**	**$752,311.32**

Section 5 The following anticipated appropriations are hereby adopted:

Budgeted Expenses			
Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Professional Services-Engineering & Design	$172,912.65	-$5,377.32	$167,535.33
Permits, License, and Fees	$200.00	$5,801.99	$6,001.99
Capital Outlay - Street/Bridget/Swalk/Dam	$578,774.00	$0.00	$578,774.00

Section 6. 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. Copies of this Capital Project Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 8. Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year .

Duly adopted this 9th day of June 2025.

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5.H. **Closure of Tomahawk Dam Capital Project Ordinance.**

Vice Mayor Archie Pertiller made a motion to approve the following ordinance authorizing closure of the Tomahawk Dam Repairs Capital Project Fund Ordinance. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN TOMAHAWK DAM REPAIRS AUTHORIZING CLOSURE OF CAPITAL PROJECT FUND ORDINANCE
Ordinance No. O-25-12

WHEREAS, The Board for the Town of Black Mountain pursuant to Section 13.2 of Chapter 159 of the General Statues of North Carolina adopted a Capital Project Fund Ordinance for the purpose of Tomahawk Dam Repairs; and

WHEREAS, The Tomahawk Dam Repair Project has been completed; and

WHEREAS, $752,311.32 was appropriated to this project from the General Fund; and

Section 1: Actual Revenues of $752,311.32 were received from the General Fund.

Section 2: Actual Expenditures of $752,311.32 were expended during the life of the project.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina:

Section 1. The Council hereby closes the above-mentioned project.

Section 2: This ordinance shall take effect upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 9th day of June 2025.

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5.I. **Hurricane Helene Amended Project Ordinance and Budget Amendments.**

TOWN OF BLACK MOUNTAIN HURRICANE HELENE
AMENDED GRANT PROJECT ORDINANCE
Ordinance No. O-25-15

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 the remaining unreimbursed amounts from FEMA.

Funding may be advanced from other Town of Black Mountain Funds 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-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.
- Board Approved within March 2025 meeting a budget amendment to transfer $300,000 for the Hilltop Road Repairs $100,0000 from the Powell Bill Fund and $200,000 from the General Fund Street Department.
- Requested Funding transfer from the General Fund to make needed repairs to the Dog Park in the amount of $40,000 May 2025 meeting.

NCLM is the Town's insurance carrier. The Town has received insurance proceeds totaling $2,451,190.36 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 buildings.
- Total Insurance Claims paid to date from NCLM equal $951,190.36.

Donations

- The Town has received a donation in the amount of $67,000 from Black Mountain Presbyterian Church to assist in the repairs at Veteran's Park.

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.

State Funding Has Been Awarded 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	***Prior Authorized***	***Change***	***Amended Funding***
Transfer In From General Fund	2,361,000.00	0.00	2,361,000.00
Transfer In From Powell Bill Fund	100,000.00	0.00	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 Tech Assist Grant	200,000.00	0.00	200,000.00
NCDST - Cashflow Loan	705,703.37	0.00	705,703.37
Contributions/Donations	67,000.00	0.00	67,000.00
Insurance Proceeds	2,255,184.47	196,005.89	2,451,190.36
Total Funds	**$9,549,554.02**	**$196,005.89**	**$9,745,559.91**

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

Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Salaries and Benefits	$501,500.00	-$70,500.00	$431,000.00
Protective Clothing	$10,909.80	$0.00	$10,909.80
Professional Services - Engineering and Design	$204,000.00	$0.00	$204,000.00
Professional and Technical Service	$50,100.00	$5,000.00	$55,100.00
Contract Services	$2,405,793.66	$1,420.00	$2,407,213.66
Technology and Software License	$1,000.00	$0.00	$1,000.00
R&M Buildings	$16,261.58	$28,025.31	$44,286.89
R&M Grounds/Parks/Greenways	$3,500.00	$13,477.51	$16,977.51
R&M Equipment	$21,614.43	$2,284.83	$23,899.26
R&M Vehicle	$2,375.96	$500.00	$2,875.96
R&M Streets/Sidewalks/Curb	$26,989.76	$500.00	$27,489.76
R&M Utility System	$597,500.00	$13,031.93	$610,531.93
Office Supplies	$2,086.54	$1,000.00	$3,086.54
Medical Supplies	$710.49	$0.00	$710.49
Non-Capital Equipment and Furniture	$56,934.34	$76,034.59	$132,968.93
Lease Rental -Equipment	$144,150.00	$31,000.00	$175,150.00
Emergency Preparedness	$1,037.13	-$920.00	$117.13
Miscellaneous Expense	$34,010.03	$0.00	$34,010.03
Capital Outlay - Land Improvements	$228,000.00	$0.00	$228,000.00
Capital Outlay - Vehicles	$2,251,080.30	$0.00	$2,251,080.30

Capital Outlay - Motorized Equipment	$0.00	$56,777.64	$56,777.64
Capital Outlay - Furnishings & Non-Motorized Equip	$95,000.00	$38,374.08	$133,374.08
Capital Street/Bridge/Sidewalk	$350,000.00	$0.00	$350,000.00
Capital Outlay - Dist Lines and Connections	$2,045,000.00	$0.00	$2,045,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations	$500,000.00	$0.00	$500,000.00
Total Expenses	**$9,549,554.02**	**$196,005.89**	**$9,745,559.91**

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 9th day of June 2025.

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5.J. **Consideration of Budget Amendments**.

The following FY24-25 Budget Ordinance Adjustment(s) and Amendment(s) were submitted for approval: 1) Recognize funding to be received from the Settings to be used for the repair and rerouting of waterline due to Helene- $35,149; 2) Recognize funding received from NCLM Safety Grant for the Police Department- $17,640; 3) Recognize Insurance Proceeds received from NCLM for Police Department Vehicle Damage- $17,640; 4) Recognize General Government donations received- $25,030.

Vice Mayor Archie Pertiller made a motion to approve the budget amendments as presented. A vote of 5-0 in favor. A copy of the budget amendments is included at the end of these minutes as Appendix B.

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5.K. **Appointment to Asheville Regional Housing Consortium (ARHC).**

Vice Mayor Archie Pertiller made a motion to appoint Planning Director Michelle Kennedy to the Asheville Regional Housing Consortium in the alternate role, replacing Jessica Trotman. A vote of 5-0 in favor.

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6. PUBLIC HEARING

6.A. **Adoption of Fiscal Year 2026 Budget Ordinance & Fee Schedule**.

The Town Council will first hold a public hearing on the recommended Town Operating Budget for Fiscal Year 2025-26. The recommended budget was submitted to the Town Council on Thursday, May 15, 2025, and has been available for public inspection in the Town Clerk's office at Town Hall and posted on the Town's website. There have been no changes to the recommended budget since its presentation to the Town Council on May 15, 2025. The adoption of the Budget Ordinance for FY 2025-26 will also include the adoption of the FY 2025-26 Schedule of Fees.

Vice Mayor Archie Pertiller made a motion to open the public hearing on the Fiscal Year 2026 Budget. A vote of 5-0 in favor. The time was 6:45 p.m. No public comment was provided. Discussion then ensued among Council members and staff.

Council Member Alice Berry then made a motion to close the public hearing on the Fiscal Year 2026 Budget. A vote of 5-0 in favor. The time was 7:08 p.m.

Vice Mayor Archie Pertiller made a motion to approve the Fiscal Year 2026 Budget Ordinance as presented. A vote of 5-0 in favor. A copy of the approved FY26 Budget Ordinance & Schedule of Fees is included at the end of these minutes as Appendix C.

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6.B. **Consideration of an Ordinance granting to Public Service Company of North Carolina, Incorporated, its successors and assigns, the right to use and occupy the public ways of the Town of Black Mountain, North Carolina, for the construction, operation and maintenance of a gas utility system and all necessary means for transmitting and distributing gas within said town for a period of 30 years.**

The current franchise ordinance that grants Public Service Company of NC, Inc. the right to construct, operate and maintain a gas utility system within the Town of Black Mountain was first adopted on July 10, 1995, for a period of thirty (30) years, expiring in July 2025 (Reference Ordinance #: O-95-10). This newly proposed ordinance would approve a new franchise ordinance allowing Public Service Company of NC, Inc. to continue the same operations of a gas utility system within the town for another thirty (30) year period. This company's d.b.a. is Enbridge Gas North Carolina (formerly known as Dominion Energy).
The Council will first hold a public hearing to give citizens an opportunity to speak on this item.
Council Member Ryan Stone made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:10 p.m. No public comments were provided during the public hearing period.
Council Member Doug Hay made a motion to close the public hearing. A vote of 5-0 in favor. The time was 7:11 p.m.

Discussion then followed between Town Council members, the Town Attorney and the Town Manager regarding this proposed ordinance and renewal. The Town Council asked the Town Attorney to work with representatives from the Public Service Company of NC on a few provisions that were not included in the renewal ordinance, but were present in the current ordinance, and also about guidelines when disturbances occur in right-of-way.

Council Member Alice Berry made a motion to extend the existing agreement with Public Service Company of NC for an additional seventy (70) days and direct Town Attorney to work with the company on disturbance of ROW text & provisions removed in new proposed ordinance. A vote of 5-0 in favor.

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7. CITIZEN COMMENTS- No additional citizen comments were given.

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8. UNFINISHED BUSINESS

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9. NEW BUSINESS

9.A. **Resolution to Adopt Fire Department Operational Permits & Fee Schedule.**

The 2018 North Carolina Fire Code (NCFC), as adopted by the State and enforced locally, provides municipalities with the authority under Chapter 1, Section 105, to require optional operational permits for specific uses and activities that pose potential fire risks. The adoption of such operational permit requirements will improve the Town's ability to monitor and regulate hazardous activities, enhance emergency preparedness, improve communication between businesses and emergency services, and generate modest revenue to offset inspection and administrative costs. The Fire Marshal's Office has recommended adopting the following selected operational permits pursuant to Section 105.6 of the NCFC to better track high-risk activities and support community safety. These operational permits, from Section 105.6 of the 2018 NC Fire Code, are recommended to be required to obtain a permit within the jurisdiction of the Town of Black Mountain by the Fire Marshal's Office. A permit fee would be $50.00, and valid for one year, unless otherwise specified. Revenue that is collected from these permits will be used to support fire prevention and life safety activities including inspections, community risk reduction programs, and permit administration. These optional operational permit fees will be added to the existing Fire Department fee schedule.

Fire Marshal Doug Morrow stated these operational permits and fees would be within the Black Mountain city limits, as the East Buncombe Fire District falls under the Buncombe County Fire Marshal's office.

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

A RESOLUTION TO ADOPT OPERATIONAL PERMITS UNDER CHAPTER 1 OF THE 2018 NORTH CAROLINA FIRE CODE AND TO ESTABLISH A FEE SCHEDULE
Resolution No. R-25-21

WHEREAS, the Town of Black Mountain is committed to promoting public safety and ensuring that fire and life safety hazards are appropriately regulated and mitigated; and

WHEREAS, the 2018 North Carolina Fire Code (NCFC), as adopted by the State of North Carolina and enforced locally, provides municipalities with the authority under Chapter 1, Section 105 to require optional operational permits for specific uses and activities that pose potential fire risks; and

WHEREAS, the adoption of such operational permit requirements will enhance the Town's ability to:

- Monitor and regulate hazardous activities,
- Enhance emergency preparedness,
- Improve communication between businesses and emergency services, and
- Generate modest revenue to offset inspection and administrative costs; and

WHEREAS, the Fire Marshal's Office has recommended the adoption of selected operational permits pursuant to Section 105.6 of the NCFC to better track high-risk activities and support community safety.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT:

Section 1. Adoption of Operational Permit Requirements
The following optional operational permits from Section 105.6 of the 2018 North Carolina Fire Code are hereby adopted and required within the jurisdiction of the Town of Black Mountain:

- Aerosol Products
- Aviation Facilities
- Carbon Dioxide Systems used in Beverage Dispensing Operations
- Cellulose Nitrate Film
- Combustible Fibers
- Compressed Gas
- Cryogenic Fluids
- Cutting and Welding
- Dry Cleaning
- Fire Hydrants and Valves
- Flammable and Combustible Liquids

- Floor Finishing
- Fruit and Crop Ripening
- Hazardous Materials
- HPM Facilities
- High Piled Storage
- Hot Work Operations
- Industrial Ovens
- Lumber Yards and Woodworking Plants
- LP Gas
- Magnesium
- Miscellaneous Combustible Storage
- Motor Fuel-Dispensing Facilities
- Open Burning
- Open Flames and Torches
- Open Flames and Candles
- Organic Coating
- Places of Assembly
- Pyroxylin Plastics
- Refrigeration Equipment
- Repair Garages
- Rooftop Heliports
- Storage of Scrap Tires and Tire By-Products
- Tire Re-Building Plants
- Waste Handling
- Wood Products

Section 2. Permit Fee Schedule
To offset the administrative and inspection costs associated with the issuance of operational permits, the following annual fee schedule is hereby adopted:

Permit Type	Proposed Fee
Basic Operational Permit	$50.00

Note: Permits are valid for one (1) year unless otherwise specified. Re-inspections or expedited reviews may incur additional fees as determined by the Fire Marshal.

Section 3. Administration and Enforcement
The Fire Marshal of the Town of Black Mountain, or their authorized designee, is hereby designated as the Authority Having Jurisdiction (AHJ) for the administration, enforcement, and issuance of the operational permits.

All revenues collected under this resolution shall be directed to support fire prevention and life safety activities, including but not limited to inspections, community risk reduction programs, and permit administration.

ADOPTED this 9th day of June, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

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9.B. **Amendment to the Internal Fund Balance Policy for the General Fund.**

In January 2016, the Town Council adopted a resolution amending the fund balance policy for the general fund, R-16-01, establishing an undesignated fund balance of 30% in contrast to the previous policy adopted in July 2001 of 30.5%. Due to the financial impact of Hurricane Helene, staff recommend the fund balance policy for the general fund be amended to reflect the current cashflow shortages the town is experiencing. Staff recommends the internal fund balance policy be between 10%-15% for FY25-26. Staff believe that as FEMA reimbursements are received by the town, the fund balance will increase to previous levels.

Discussion ensued among Town Council and town staff members regarding the percentage of undesignated fund balance for the upcoming fiscal year.

A motion was made by Council Member Hay to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO AMEND THE FUND BALANCE POLICY OF THE GENERAL FUND
Resolution No. # R-25-22

WHEREAS, the Town Council of the Town of Black Mountain desires for the Town to maintain adequate working capital for the following reasons: (1) unsteady flow of revenue (2) protection from the costs associated with natural disaster or economic downturn (3) as protection from revenue shortfalls and/or expenditure overruns, and (4) the desire to reduce or eliminate completely debt issuance; and,

WHEREAS, the Town of Black Mountain adopted a Fund Balance Policy for the General Fund on July 9, 2001 by Resolution R-01-14, establishing an Undesignated Fund Balance of thirty-and one-half percent (30.5%) of General Fund expenditures; and,

WHEREAS, the Town of Black Mountain subsequently adopted a Fund Balance Policy for the General Fund on January 11, 2016 by Resolution R-16-01, establishing an Unassigned Fund Balance in the General Fund at a minimum of thirty percent (30%); and,

WHEREAS, Governmental Accounting Standards Board (GASB) Statement No. 54 (Fund Balance Reporting and Governmental Fund Type Definitions) reclassified fund balance reporting in the Governmental Funds balance sheet statements issued by local governments.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the Unassigned Fund Balance Policy for the General Fund be lowered to a minimum of 10%, with a higher target preferred, for FY25-26, and the be re-evaluated prior to FY 27.

Read, Approved and Adopted by a vote of 5 to 0 this the 9th day of June 2025.

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9.C. **Selection of McAdams for Hilltop Road Stabilization Engineering Services.**

Assistant Town Manager Jessica Trotman stated this item is to consider entering into a professional services contract with McAdams for engineering, design, permitting, and construction administration services for the Hilltop Road Stabilization Project. The site was significantly damaged by a landslide during Tropical Storm Helene on September 27, 2024, which compromised the structural integrity of the roadway and drainage systems.

McAdams has proposed a scope of work that includes the following major components:

- UAS-based Survey and Topographic Mapping
- Subsurface Utility Engineering (SUE)
- Roadway and Drainage Design
- Geotechnical Investigation and Design
- Erosion Control Design and Permitting
- Project Administration and Bid Support Services

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

A RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING, DESIGN, PERMITTING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE HILLTOP ROAD STABILIZATION PROJECT (FEMA PROJECT #811550)
Resolution No. #R-25-24

WHEREAS, on September 27, 2024, Tropical Storm Helene caused a landslide on Hilltop Road in the Town of Black Mountain, severely damaging public infrastructure and rendering the road impassable, with slope failure and the destruction of a stormwater pipe system; and

WHEREAS, the Town of Black Mountain has been awarded funding from the Federal Emergency Management Agency (FEMA) through the Public Assistance (PA) Program under **FEMA Project #811550** for the stabilization and repair of Hilltop Road; and

WHEREAS, the Town Council has allocated **$300,000** for the Hilltop Road Stabilization Project to include engineering and construction; and

WHEREAS, the Town will be reimbursed by FEMA for engineering costs; and

WHEREAS, the Town seeks to complete emergency stabilization of the slope and restore drainage capacity, not full roadway restoration, through engineering, design, permitting, and construction administration services; and

WHEREAS, Town staff conducted a qualifications-based selection process and determined that **McAdams** is the most qualified firm to perform the required professional services; and

WHEREAS, staff have reviewed and negotiated the scope and fee proposal submitted by McAdams dated May 23, 2025, for a engineering services of $142,287, including surveying, geotechnical services, utility location, drainage and erosion control design, roadway and hydraulic design, permitting, and project administration.

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

1. **McAdams** is hereby selected as the most qualified firm to provide professional engineering, design, permitting, and construction administration services for the Hilltop Road Stabilization Project resulting from Tropical Storm Helene.
2. The proposal from McAdams, attached hereto as **Exhibit A**, is approved in the total amount **of $142,287**.
3. The Town Manager is hereby authorized to execute an agreement with McAdams, consistent with the Town's purchasing policies and the terms of this Resolution, subject to review and approval by the Town Attorney.

Adopted by the Town Council of the Town of Black Mountain, North Carolina, this 14th day of June 2025.

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9.D. **Consideration of Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project.** No action taken. This item was tabled until a later meeting.

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10. **COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER-** Town Manager Josh Harrold read a statement about the "Hell of High Water" project archive inviting the community to contribute to the archive of Hurricane Helene.

11. **COMMUNICATION FROM MAYOR AND TOWN COUNCIL-** Council Members each offered a few comments.

12. **CLOSED SESSION - NONE**

13. **ADJOURNMENT-** With no further items to be discussed, Mayor Sobol adjourned the meeting at

_____ _____

C. Michael Sobol, Mayor Wesley M. Barker, Town Clerk

Attached: Appendices A - C