BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 25, 2025 | Special Meeting Agenda | Time: 5:00 PM

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

Black Mountain Town Council held their special meeting agenda on Wednesday, June 25, 2025, at 5:00 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 special meeting to order at 5:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay. Town Council Members Pam King and Ryan Stone were absent.

The following staff members were present: Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Tammy Hiede, Finance Director; Doug Morrow, Fire Marshal.

2. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES – none.

3. UNFINISHED BUSINESS

3.A. Consideration of Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project.

As a result of severe flooding during Tropical Storm Helene, a landslide occurred on Hilltop Road approximately 1,600 feet from its intersection with Fairway Drive. The event removed roughly half the roadway and rendered the remaining portion unstable. Emergency stabilization is necessary to prevent further erosion, protect adjacent property, and prepare the site for future roadway reconstruction.

The Town solicited proposals for professional engineering services. Only two firms submitted qualifications. McAdams received the highest score and is determined to be the most qualified firm to complete the scope of work. These services include surveying (UAS), subsurface utility engineering, roadway and hydraulic design, geotechnical investigation and consultation, erosion control planning, and bid support. As a reminder, these repairs are reimbursable through FEMA-PA.

This proposal is focused on slope stabilization and drainage repair only. Reconstruction of the full roadway is not included in this phase of work. The deliveries from this contract will enable the Town to bid the stabilization project for construction. The estimated total cost is $142,287.

Vice Mayor Archie Pertiller made a motion to approve the Professional Engineering Services Agreement with McAdams for the Hilltop Road Stabilization Project. A vote of 3-0 in favor. A copy of the agreement is attached at the end of these minutes as Appendix A.

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4. NEW BUSINESS

4.A. Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Enterprise Capital Project Fund.

This agenda item is to consider the creation of a new Capital Project Ordinance for the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Enterprise Capital Project Fund. This capital project is being created to ensure compliance with the NCDEQ Bridge Loan. Previously, these funds and expenses were included in the Helene Grant Project Ordinance. The Town must separate out the projects that result in major capital assets from items that are considered emergency and/or non-capital,

Council Member Alice Berry made a motion to approve the following Capital Project Fund Ordinance as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

TOWN OF BLACK MOUNTAIN TROPICAL STORM HELENE WATER INFRASTRUCTURE MITIGATION AND RECONSTRUCTION ENTERPRISE CAPITAL PROJECT FUND ORDINANCE
Ordinance: O-25-18

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

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

Section 2. Project Authorization
The project authorized is Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction. This project includes but is not limited to the mitigation and reconstruction of the Town of Black Mountain's water infrastructure that was damaged during Tropical Storm Helene.

Section 3. Funding
This project is to be funded in whole or part by FEMA-4827-DR. 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.

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

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

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
NCDEQ Bridge Loan	$3,000,000.00
NCDEQ Infrastructure Tech Assist Grant	$200,000.00
Total Funds	**$3,200,000.00**

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

Budgeted Expenditures	
Expense Type	***Anticipated Expenditures***
Capital Outlay - Distribution Lines and Connections	$1,500,000.00
Capital Outlay - Plants, Pump Stations, Sub Stations, Wells	$1,500,000.00
Professional Services - Engineering and Design	$200,000.00
Total Expenditures	**$3,200,000.00**

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

Section 8. 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 all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever occurs sooner.

Duly adopted this 25th day of June 2025.

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4.B. Resolution to Approve Amendment to Round One Cash Flow Loan Program Agreement.

At the March 10, 2025 Council Meeting, the Town Council moved to approve Resolution R-25-08, accepting funding from the State of NC Dept of State Treasurer Cash Flow Loan Program for Disaster Response Activities in the amount of $705,703.37 (Round One). The State Treasurer's Office has since provided a voluntary amendment to the Loan Agreement that provides for more flexible repayment terms and to ease the burden of the repayment obligations of the initial agreement. The Council is requested to approve the attached resolution and authorize staff to execute the amendment to the Round One State Cashflow Loan Program Agreement.

Vice Mayor Archie Pertiller made a motion to motion to approve the resolution to amend the Round One Cash Flow Loan Program Agreement as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent. A copy of this resolution is attached at the end of the minutes as Appendix B.

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4.C. Tropical Storm Helene Amended Grant Project Ordinance, Resolution to Accept State Cashflow Loan Round Two Funding, and Budget Amendments.

This agenda item is to consider the approval of the resolution to accept State Cashflow Loan Round Two funding, amendment of the Grant Project Ordinance and budget amendments for Tropical Storm 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:

- Transfer of Funding received for Water Infrastructure repairs to the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Capital Project in the amount of $3,200,000.
- Insurance Proceeds of $1,327,368.48 from the North Carolina League of Municipalities "NCLM". NCLM is the provider of the Town's property insurance policy.
- NC Department of State Treasurer Cashflow Loans for Disaster Response Activities to Local Governments Round Two in the amount of $465,661.06.
- Transfer of $4,500 from the General Fund to make needed repairs to the Electrical at Lakeview Pavilion.

Council Member Alice Berry made a motion to approve the Helene Amended Grant Project Ordinance, State Cashflow Loan Round Two Resolution and budget amendments as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

Copies of these are included at the end of these minutes as Appendices C (O-25-17- Grant Project Ordinance Amendment) & D (R-25-28- Round Two State Cashflow Loan Resolution).

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4.D. FY26 Fee Schedule Amendment to Add Fire Department Fees.

This proposed amendment to the fee schedule includes updates to the Fire Department Fees under the Fiscal Year 2026 Fee Schedule. Upon review of the existing fee schedule, Fire Department staff determined the fee schedule needed to be updated to be consistent with the permitting and inspections that are being performed. This amendment to the fee schedule includes the following changes:

- Addition of the Optional Operational Permits
- Required Construction Permits
- Plan Review Fees
- Acceptance/ Performance Test Fees
- After hours Inspection Fee.
- Removal of the sprinkler / Fire Alarm tiered rates- these rates are now billed by square footage, plus an additional flat rate, and are listed under the Acceptance/Performance Testing category within the fee schedule.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 3-0 in favor. Council Members King and Stone were absent.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025-26 FEE SCHEDULE TO INCLUDE FIRE DEPARTMENT FEES.
Resolution No. R-25-31

WHEREAS, on June 9, 2025 the Town Council adopted the Fiscal Year 2025-26 Budget Ordinance, O-25-13, which included the Schedule of Fees for Fiscal Year 2025-26, effective July 1, 2025; and

WHEREAS, on June 9, 2025, the Town Council adopted Resolution R-25-21, to require optional operational permits under Chapter 1 of the 2018 NC Fire Code and to set the fees for these permits; and

WHEREAS, these optional operational permit fees are to be made part of the Fiscal Year 2025-26 Schedule of Fees, effective July 1, 2025.

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

Section 1. Adoption of Operational Permit Fees. Fees for the following optional operational permits are hereby adopted and required within the jurisdiction of the Town of Black Mountain, effective July 1, 2025, and are hereby incorporated within the FY 2025-26 Schedule of Fees under the Fire Department:

- 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 Amount. To offset the administrative and inspection costs associated with the issuance of operational permits, the following annual fee of $50.00 is hereby adopted for each of the aforementioned permits, effective July 1, 2025. *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 25th day of June, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

*****A copy of the updated Fiscal Year 2026 Schedule of Fees is attached at the end of these minutes as Appendix E.***

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4.E. Consideration to Cancel the July 14th, 2025 Town Council Meeting .

Due to the possibility of not having a quorum of Council Members at the July 14th, 2025 meeting, it is recommended that this meeting be canceled. ***Vice Mayor Archie Pertiller made a motion to approve cancellation of the July 14, 2025 Town Council meeting. A vote of 3-0 in favor.***

5. **ADJOURNMENT.** With no further business, Mayor Sobol adjourned the meeting at 5:20 p.m.

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C. Michael Sobol, Mayor

Attest:

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Wesley M. Barker, Town Clerk

Attached: Appendices A - E