BLACK MOUNTAIN TOWN COUNCIL MINUTES

January 12, 2026 | 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, January 12, 2026, 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: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, Town Council Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Chris Kuhn, Deputy Police Chief; Jamey Matthews, Public Works Director; Doug Morrow, Fire Marshal; Christopher Carlock, Deputy Fire Marshal.

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

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

2.A. Recognition of Outgoing Town Manager Josh Harrold. Each Council Member read a portion of the resolution recognizing Town Manager Josh Harrold who will be leaving at the end of January 2026.

Town Council Member Pam King made a motion to approve the resolution recognizing outgoing Town Manager Josh Harrold as presented. A vote of 5-0 in favor.

RESOLUTION IN RECOGNITION OF OUTGOING TOWN MANAGER JOSH HARROLD
RESOLUTION NO. # R-26-04

WHEREAS, Josh Harrold served this community with honor and distinction as Town Manager from 2018 to 2026, guiding the work needed to endure and thrive during the extraordinary challenges of

both the COVID pandemic and the natural disaster of Hurricane Helene and its aftermath; and the leadership of Mr. Harrold was instrumental in fostering sound governance practices and service delivery and community spirit during these challenging times as recognized by:

- The Robert E. Shepherd Excellence in Local Government Award awarded by the Land of Sky Regional Board of Delegates "for his dedication and service to greatly enhance the quality of life for the citizens of the town of Black Mountain and our region."
- The Government Business Review Top 10 Town Managers 2025 Award recognizing Mr. Harrold's focus on many areas of staff professionalism, including strengthening staff teamwork by ensuring they have the tools, support, and knowledge to succeed.
- Election by his peers as the President of the North Carolina Association of Zoning Officials.
- Ongoing professional credentialing by the International City Management Association; and

WHEREAS, Mr. Harrold fostered a spirit of advancement including a multi-year process to replace outdated software with platforms crucial for modern governance in a digital age, including financial/accounting software; digital and searchable document storage; a new, more user friendly, comprehensive town website; the creation of a Stormwater Utility resulting in a comprehensive, searchable, database of the town's stormwater drainage assets and needs; the creation of an in-house Sanitation Department to manage costs and service delivery. In addition, Mr. Harrold's commitment to transparency is evidenced by working with Council to create a six-month public budget process annually; and

WHEREAS, Mr. Harrold continued his leadership in the aftermath of Hurricane Helene as evidenced by:

- The creation of the first Citizen's Emergency Response Team (CERT) in western North Carolina.
- The establishment of an office of Recovery and Resiliency in the Town of Black Mountain.
- The receipt of $35 million in grant funding for critical water and stormwater projects and parks and recreation projects.
- The training of all employees through National Incident Management to be prepared for the next emergency.
- The donation of state-owned property to the Town of Black Mountain for a future emergency services building; and

WHEREAS, Mr. Harrold worked in accord with the Town Council to prioritize environmental stewardship, including:

- The installation of solar panels as funding allowed, including the Carver Center and the Public Safety Building.
- Installation of energy efficient lighting in town buildings.
- Installation of four new EV charging stations, resolution to prioritize electric vehicles whenever the town is purchasing vehicles if an appropriate EV is available.
- Expanding partnerships to host rain garden education and installation, rain barrel distribution, seedling tree distribution.
- The elimination of single use plastics in town purchasing.
- The expansion of the town's waste reduction efforts with the purchase of recycling carts for each household.

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- The development of the Upper Swannanoa River Watershed Management Plan.
- The creation of the first section of the Fonta Flora State Trail in Buncombe County; and

WHEREAS, Mr. Harrold fostered collaboration and cooperation between the town and non-profit organizations and faith communities to better serve the citizens; and formed strong partnerships with organizations such as the Black Mountain-Swannanoa Chamber of Commerce, the Land of Sky Regional Council, the NC League of Municipalities, NC Department of Transportation, the Metropolitan Planning Organization, and many other state and federal entities; and Mr. Harrold encouraged our staff to do the same, much to the betterment of our community; and

WHEREAS, Mr. Harrold prioritized professionalism in all departments and in particular, the Fire and Police Departments resulting in, among other things, the Black Mountain Police Department becoming the first in the state to be accredited by the NC Dept. of Justice. Because of his efforts, our Public Safety staff have:

- Implemented a schedule for vehicle fleet replacement.
- Professional, well-trained staffing on all shifts.
- Embedded counseling services available to first responders.
- Revised pay grades and salaries to address equity and retention.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain, upon a motion by Council Member King, recognizes and expresses our appreciation for the service of outgoing Town Manager Josh Harrold.

Adopted the 12th day of January 2026.

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3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Project Updates. Town Manager Josh Harrold provided the following updates to ongoing Town projects:

EB5547-A

- Plans are at 60%
- Bus stop has been ordered and will be delivered mid- to late January
- Bus stop will have a bike rack
- Staff met with NCDOT to mark off new bus stop location
- This location will be added to the revised plans

EB5547-B

- Plans are at 90%

SRP-SW-ARP-0055 – Stormwater Asset Mapping

- Project is complete
- Final report will be presented at January 8th agenda meeting

SRP-SW-ARP-0026 – Floodbench Project

- Have secured all access agreements except for Ingles (Kimley-Horn is reaching out to them)
- Still waiting to hear back from Norfolk Southern
- Should have all permits back by early June
- Start date pending NSE availability, but currently set for August 7th
- Work estimated to be completed by December
- Plans and specs have been submitted to DEQ

HL-0013 – Ninth Street Bridge

- All easements have been secured
- Duke utility relocation to begin January 20th and last through January 29th and then ATT to follow after
- Revised plans submitted in December
- No issues with Wildlife Commission
- DOT will begin advertising in February for March letting

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3.B. Senior Center Update. Assistant Town Manager Jessica Trotman provided an update on the Senior Center and stated there were no submittals and staff is contacting contractors to take on the project.

Mayor Sobol then read a personal written statement aloud regarding the Senior Center.

4. CITIZEN COMMENTS

- David Bilstrom, 825 N. Occoneechee Ave. - wanted to express appreciation to Town staff who get the work done and the leadership provided.
- Cheryl Hyde, 501 Kentucky Ave. in Montreat, Exec. Director of Chamber of Commerce. spoke about the community and what she likes about working and living here.
- Lisa Jennings spoke about aftermath of Helene and leadership that Josh Harrold had for the community and getting water for its citizens.
- Libba Fairleigh spoke in appreciation for Josh Harrold and other Town leadership. Spoke about pickleball efforts and successes.
- Mark Henegan, Bush Farmhouse, asked for removal of railroad ties on Sutton Ave. for pedestrians to walk safely, and would like an update on removal of these ties.
- John Richardson, 111 Church St., read a statement regarding Black Mountain Brewing asked that this be made part of the public record. Mr. Richardson asked Council to authorize reopening upper deck and aligning historic district with fire district.
- Kathy Phillips, 26 Hi View Dr., Member of Planning Board, spoke about Josh

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Harrold's leadership and wishes him well.

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Alice Berry offered comments and thanked Josh Harrold for his leadership with the Town over his tenure. Alice also read aloud a prepared statement on unity within the community. Doug Hay offered comments regarding the appointment of interim Town Manager, Richard Hicks, who will begin on January 20th. Doug spoke about the Senior Center and urgency to move forward to get the upper level open.

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Attorney Craig Justus spoke about legislative updates. Spoke about land use changes about a waiting period when denied a rezoning or development approval, that the waiting period has been eliminated.
Town Manager Josh Harrold speaking at his last meeting, spoke about the staff and expressed appreciation to all staff members.

7. CONSENT AGENDA

7.A. Adoption of Minutes for September 8, October 9, October 13, October 28, November 1, November 6, November 10, December 4, December 8, 2025, Council Meetings.

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

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7.B. Monthly Tax Collector Report.

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

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7.C. Acceptance of Bench Donations for Lake Tomahawk Park.

Vice Mayor Archie Pertiller made a motion to accept the bench donations as presented. A vote of 5-0 in favor.

RESOLUTION TO ACCEPT DONATION OF BENCHES TO BE PLACED AT LAKE TOMAHAWK PARK
RESOLUTION NO. # R-26-01

WHEREAS, new metal benches have been donated by the following:

- Lorre Diamond, the Hopey Family and Hopey & Company staff in memory of Jane Hopey

- Mary Lavoie in memory of Louis Guialdo; and

WHEREAS, these metal benches will be installed at Lake Tomahawk Park, with a commemorate plaque attached to each with the name of the honoree, and will begin phasing out the existing older wooden benches; and

WHEREAS, the total value of the donated benches is approximately $500 each.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by these citizens for these new benches in memory of their loved ones.
This the 12th day of January 2026..

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7.D. Consideration of Amendment to Agreement for Professional Services for Hilltop Road Repairs (Change Order No. 2).

The Town Council has been asked to approve Change Order No. 2 to the professional services agreement with McAdams for the Hilltop Road Emergency Repairs project under the approved master service agreement which was adopted on June 9th, 2025 (#R-25-24).

This amendment authorizes additional engineering, permitting, bidding, and construction administration services necessary to complete final roadway, drainage, erosion control design, FEMA documentation, bidding support, and construction administration for Phase II repairs. The total not-to-exceed amount of this change order is $124,079, billed on an hourly basis per the contract rate schedule, and is required to advance the project to construction and support FEMA Public Assistance reimbursement. This will be reimbursed by FEMA and obligation of funds may occur before services are needed.

Vice Mayor Archie Pertiller made a motion to approve the amendment to the agreement for professional services for Hilltop Rd. Repairs (Change Order No. 2) as presented. A vote of 5-0 in favor.

A RESOLUTION OF THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL AUTHORIZING APPROVAL OF CHANGE ORDER NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH McADAMS FOR PHASE II ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE HILLTOP ROAD EMERGENCY REPAIRS PROJECT (FEMA PROJECT #811550)

RESOLUTION NO. # R-26-06

WHEREAS, on September 27, 2024, Tropical Storm Helene caused a landslide on Hilltop Road in the Town of Black Mountain, resulting in significant slope failure, damage to public infrastructure, destruction of a stormwater pipe system, and rendering the roadway impassable; and

WHEREAS, the Town of Black Mountain has received Federal Emergency Management Agency (FEMA) Public Assistance funding under FEMA Project #811550 for emergency stabilization and repair activities associated with the Hilltop Road Emergency Repairs Project; and

WHEREAS, on June 9, 2025, the Town Council adopted Resolution No. R-25-24 authorizing the Town Manager to enter into a professional services agreement with McAdams for engineering, design, permitting, and construction administration services related to emergency stabilization of Hilltop Road; and

WHEREAS, the professional services agreement with McAdams was executed under the Town's approved master services agreement adopted on June 9, 2025; and

WHEREAS, the Hilltop Road Emergency Repairs Project is proceeding into **Phase II**, which includes final roadway, drainage, and erosion control design, FEMA documentation, bidding assistance, and construction administration necessary to advance the project to construction; and

WHEREAS, Town staff have negotiated **Change Order No. 2** to the professional services agreement with McAdams to provide the additional engineering, permitting, bidding, and construction administration services required for Phase II repairs; and

WHEREAS, Change Order No. 2 authorizes services in a **not-to-exceed amount of $124,079**, billed on an hourly basis in accordance with the contract rate schedule; and

WHEREAS, the costs associated with Change Order No. 2 are eligible for reimbursement through FEMA's Public Assistance Program, and obligation of FEMA funds may occur prior to the services being performed; and

WHEREAS, approval of this change order is necessary to advance the project to construction and to support FEMA Public Assistance documentation and reimbursement requirements.

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

1. **Change Order No. 2** to the professional services agreement with McAdams for the Hilltop Road Emergency Repairs Project is hereby approved in a **not-to-exceed amount of $124,079** for Phase II engineering, permitting, bidding support, FEMA documentation, and construction administration services.
2. The Town Manager is hereby authorized to execute Change Order No. 2 and any related documents consistent with the terms of the master services agreement, this Resolution, and the Town's purchasing policies, subject to review and approval by the Town Attorney.
3. This Resolution supplements and does not supersede Resolution No. R-25-24, and all actions previously taken in furtherance of the Hilltop Road Emergency Repairs Project remain in full force and effect.

Adopted by the Town Council of the Town of Black Mountain, North Carolina, this 12th day of January, 2026.

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7.E. Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Maintenance Facility at the Black Mountain Golf Course.

Assistant Town Manager Jessica Trotman updated Town Council stating that confirmation has been received that this PARTF Helene Recovery Fund would not apply to this project's nature and would no longer be eligible for the funding from the Helene Recovery Fund with PARTF, but that other funding avenues were being explored. **This item was struck from the consent agenda.**

7.F. Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering & Construction of a New Combined Restroom & Concession Facility at Veterans Park (Amended).

Note: The initial resolution (R-25-90.3) was adopted on November 10, 2025 by Town Council that authorized staff to apply for PARTF funding for the restrooms & concession stand facility at Veterans Park.

Assistant Town Manager Jessica Trotman updated Town Council stating that confirmation has been received that this PARTF Helene Recovery Fund would not apply to this project's nature and would no longer be eligible for the funding from the Helene Recovery Fund with PARTF, but that other funding avenues were being explored. **This item was struck from the consent agenda.**

7.G. Amendment to Loan Agreements for State Cashflow Loans with NC State Treasurer.

This agenda item considers approval of an amendment to the Town of Black Mountain's existing State of North Carolina Cashflow Loan Agreements and related promissory notes for disaster response activities associated with Hurricane Helene. The amendment, authorized under Session Law 2025-97, modifies repayment terms for three previously issued, interest-free cashflow loans totaling approximately $2.4 million and extends the repayment deadline until the later of June 30, 2030, final FEMA reimbursement determination, or receipt of FEMA funds. The amendment also confirms the Town's eligibility under the updated statute, maintains program requirements administered by the North Carolina Department of State Treasurer, and authorizes designated Town officials to execute the amended agreements and take all necessary actions to administer the disaster recovery loan funding.

Vice Mayor Archie Pertiller made a motion to approve the amendment to the loan agreements for State Cashflow Loans with the NC State Treasurer as presented. A vote of 5-0 in favor.

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A RESOLUTION APPROVING AMENDMENTS TO EXISTING STATE OF NORTH CAROLINA CASHFLOW LOAN AGREEMENTS AND PROMISSORY NOTES RELATED TO HURRICANE HELENE DISASTER RESPONSE

RESOLUTION NO. # R-26-07

WHEREAS, the Town of Black Mountain experienced significant impacts from Hurricane Helene and has undertaken disaster response and recovery activities eligible for federal and state assistance; and

WHEREAS, pursuant to authority granted by the State of North Carolina, the Town previously applied for and received interest-free cashflow loans administered by the North Carolina Department of State Treasurer to support disaster response activities while awaiting federal reimbursement; and

WHEREAS, the Town has previously adopted the following resolutions related to State of North Carolina cashflow loans for Hurricane Helene disaster response:

- **Round 1 ($705,703.37):** Resolution No. R-25-08, adopted March 10, 2025;
- **Round 2 ($465,661.06):** Resolution No. R-25-28, adopted June 9, 2025;
- **Round 1 Amendment:** Resolution No. R-25-29, adopted June 9, 2025; and
- **Round 3 ($1,233,911.31):** Resolution No. R-25-49, adopted September 8, 2025; and

WHEREAS, the Town has received three previously issued, interest-free cashflow loans totaling approximately **$2.4 million** under these programs; and

WHEREAS, the North Carolina General Assembly enacted **Session Law 2025-97**, which authorizes amendments to existing disaster-related cashflow loan agreements and promissory notes, including modifications to repayment terms; and

WHEREAS, the proposed amendment to the Town's existing State of North Carolina Cashflow Loan Agreements and related promissory notes extends the repayment deadline to the later of June 30, 2030, the final FEMA reimbursement determination, or the receipt of FEMA reimbursement funds**;** and

WHEREAS, the amendment confirms the Town of Black Mountain's continued eligibility under the updated statute and maintains all applicable program requirements administered by the North Carolina Department of State Treasurer; and

WHEREAS, approval of the amendment will support the Town's ongoing disaster recovery efforts while ensuring compliance with state law and sound financial administration.

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

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1. The Town Council hereby approves amendments to the Town of Black Mountain's existing State of North Carolina Cashflow Loan Agreements and related promissory notes for disaster response activities associated with Hurricane Helene, as authorized under Session Law 2025-97.
2. The amended agreements shall modify repayment terms for the three previously issued, interest-free cashflow loans totaling approximately $2.4 million by extending the repayment deadline until the later of June 30, 2030, final FEMA reimbursement determination, or receipt of FEMA reimbursement funds.
3. The Town Council confirms the Town's eligibility under the amended statute and acknowledges that all program requirements administered by the North Carolina Department of State Treasurer shall remain in effect.
4. The Town Manager, or their designee, is hereby authorized and directed to execute the amended loan agreements and promissory notes and to take all actions necessary or appropriate to administer the disaster recovery loan funding in accordance with applicable state and federal requirements.
5. This resolution shall be effective upon adoption.

ADOPTED this 12th day of January, 2026.

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8. PUBLIC HEARING – NONE

9. CITIZEN COMMENTS

Sharon Hill, spoke about intersection of Sutton Ave., & Black Mountain Ave. safety, asking for a traffic study at this intersection, and she also offered suggestions for intersection improvements by showing some renderings.

10. UNFINISHED BUSINESS – NONE

11. NEW BUSINESS

11.A. 2026 Green Tee Grill Lease Renewal.

The Green Tee Grille Lease expires January 14, 2026. The tenant, Karen Davis, would like to renew the lease for the golf course snack shop (Green Tee Grille) for an additional year. The 2025 approved lease amount was $400 per month. A draft revised lease document for 2026 is attached for Council to review and offer any amendments.

Town Council Member Doug Hay made a motion to approve the lease renewal for an additional year as presented. A vote of 5-0 in favor.

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11.B. Consideration of pursuing a Traffic Study at the intersection of Sutton Ave. and Black Mountain Ave. to enhance safety.

Several citizen comments have been received to the Town and Town Council asking about improved safety at the intersection of Sutton Ave. and Black Mountain Ave. Council will discuss the possibility of directing staff to pursue a traffic study at this intersection and on ways to enhance safety for pedestrians and motorists.

Discussion ensued among Council members about this intersection. Suggested to update in the interim with fresh painting of lines and signage.

Town Council Member Pam King made a motion to approve pursuing a traffic study as presented at the intersection of Sutton Ave. and Black Mountain Ave., with a traffic study cost not to exceed $10,000. A vote of 5-0 in favor.

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11.C. Selection of Firm for the Town Manager Recruitment Process.

Town Council will make a selection of the search firm for the Town Manager recruitment. In total, the Council received seven proposals from various firms and have narrowed it down to two. At a special meeting held on January 8, 2026, Town Council viewed videos from these two search firm candidates; Piedmont Triad Regional Council and MGT. Proposals from each firm have been received by Council detailing the scope of services from each.

The Council was also given proposals on adding the finance director recruitment process as well from firms Piedmont Triad Regional Council, MGT, and Raftelis. Discussion ensued among Council Members on both proposals for Town Manager & Finance Director. Council was in consensus to include the finance director proposal consideration at the same time as the town manager proposal.

After some discussion, Town Council Member Ryan Stone made a motion to select Piedmont Triad Regional Council for the Town Manager Recruitment Process and Finance Director Recruitment Process as presented by their proposals. A vote of 5-0 in favor.

A copy of the two search firm candidate proposals, Piedmont Triad Regional Council, and MGT, are attached at the end of these minutes.

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11.D. Discussion of Adjusting Town Park Hours.

Town Council has requested they would like to discuss park hours at Town Parks, including Lake Tomahawk Park, Veterans Park and Town Square, and the possible adjustment of these hours. This will be a discussion item among the Council & staff. Police Chief Steve Parker spoke to the Council and offered comments about these park hours, including crime,

vandalism, and safety. This centers around Town Square and Lake Tomahawk. Veterans Park hours are to remain as they are currently listed. Currently, the times are dawn-dusk. Chief Parker stated some municipalities use 10pm and a closure. Discussion of a 5am-10pm time frame took place, or using same hours year-round, considering daylight savings. This would be a Town Code amendment and would be brought back to the Council for formal adoption at a next meeting.

Council Member Hay asked staff to bring Council a draft amendment for the February meeting to the Town Code, with the hours of 5am-10pm, for Lake Tomahawk and Town Square.

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12. CLOSED SESSION - NCGS 143-318.11 (A)(3) CONSULT WITH ATTORNEY, ATTORNEY-CLIENT PRIVILEGE.

Town Council Member Alice Berry made a motion to enter into closed session per NCGS 143-318.11 (a)(3). A vote of 5-0 in favor. The time was 7:30pm.

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13. ADJOURNMENT

Vice Mayor Archie Pertiller made a motion to return to open session from closed session. A vote of 5-0 in favor. The time was 7:45pm

With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting.

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C. Michael Sobol, Mayor

Attest:

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Wesley M. Barker, Town Clerk

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