BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 8, 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, June 8, 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 Council Members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Council Member Larry Harris, Council Member Ryan Stone. *Council Member Doug Hay was absent.*

The following staff members were present: Brian Gulden, Attorney; Richard Hicks, Interim Town Manager; Scott Buffkin, Interim Assistant Town Manager; Wesley Barker, Town Clerk; Steve Parker, Police Chief; John Coffey, Fire Chief; Jamey Matthews, Public Works Director; Jacob Guiot, Recreation & Parks Director; Matt Begley, Budget Analyst; Chad Goins, Interim Project Manager; Greta Gibson, Revenue & Customer Service Supervisor.

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- none.

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Active Mobility Commission (AMC) Presentation on Pedestrian Path Proposal

Jeremy Claeys, Active Mobility Commission (AMC) member, spoke to Council on a proposal that includes creating a pedestrian path from the Ingles sidewalk that is located along Hwy 9, up to Cheshire Village and was seeking Council support. Discussion ensued, and AMC members would begin talks with property owners along the proposed route. Council was in consensus for AMC to move forward with this proposal.

3.B. Golf Maintenance Building Presentation by McGill Associates

Representatives from McGill Associates and Moseley gave a presentation to the Town Council on preliminary design concepts, layout, and estimated cost for a replacement golf maintenance building. The recommendation from staff is the placement of this facility off Tomahawk Ave. near Ross Dr. The building size would be approximately 3,700 square feet, noting that the building that was destroyed during Helene was around 5,000 square feet. A

grant application has been submitted to Buncombe TDA for funds to go toward this project in the amount of $1.5 million and $1 million from a state grant has been awarded. Further discussion ensued between Council, staff, and consultants. The next step in the process would be to start the actual design of the building, with estimated cost per square foot at $270. ***Council Member Larry Harris made a motion to proceed with moving forward with building design as recommended. After further discussion on gathering firm numbers and the status of the TDA grant award, Council Member Harris withdrew his motion. No action taken.***

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4. CITIZEN COMMENTS

- Melinda Hester, 404 Kerlee Heights Rd., spoke about the recent public meeting about black bears and was in favor of town ordinances that would enforce and penalize those who feed bears and do not secure their trash. Ms. Hester also expressed support for the Fire Department.
- Mary Merritt, Llama Way, the Chairwoman of the local Fraternal Order of Police and expressed appreciation of all public services agencies in the Town and spoke on importance of a safe space for BMPD employees/officers to work, and for citizens who need assistance to have secure spaces for evidence, and an overall need of support for the BMPD.
- David Galloway, 103 Brookhaven Dr., spoke on Brookhaven Drive's street acceptance request stating it was properly constructed and encouraged the Council to approve acceptance of this street.
- Lisa Raleigh, 21 Dyer Dr., spoke about the Town, the perks of living here and what is offered, and encouraged everyone to embrace the Town, bringing people together and not tearing them apart.
- Weston Hall, 100 Portmanvilla Dr., spoke about the Fire Department and Police, referencing their dedication during COVID and showing up for the community. Mr. Hall also spoke in favor of compensation for the BMFD employees.
- John Richardson, 111 Church St., spoke and stated he was delivering a second lawsuit against the Town for a complaint for damages to his local business by town staff (and former staff), and spoke about payment amounts to Town attorneys for legal services. He also spoke about restoring trust and accountability and bringing people together.
- Frank Cappelli, 1120 Montreat Rd., stated he was in support of the Fire Department. He also spoke on comments he provided last month with concerns from the Planning Department. He called on Town Council to authorize an independent third-party audit of employees' email metadata and draft folders.

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5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- Mayor Sobol read a statement on the FY26/27 budget process. No other comments provided by Council.

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6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER- None.

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7. CONSENT AGENDA. After discussion of the consent agenda, ***Council Member Larry Harris made a motion to amend the consent agenda and remove the item entitled "Consideration of Oak Tree Planting at Lake Tomahawk." A vote of 4-0 in favor. Council Member Doug Hay was absent.***

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

7.B. WNC Passenger Rail Service Appropriation Resolution of Support.
The Land of Sky Regional Council has requested local governments to send letters of support to legislators to help support a proposed State Budget appropriation for $28 million to develop the WNC Passenger Rail Service. The Town Council is being asked to consider approving a resolution of support for a proposed $28 million state appropriation for the expansion of passenger rail service between Salisbury and Asheville. Governor Josh Stein has included this funding request in the State's FY 2026-2027 budget proposal as part of ongoing efforts to extend passenger rail service into Western North Carolina. The proposed funding would represent a significant step toward advancing the Asheville-to-Salisbury passenger rail corridor and would strengthen North Carolina's ability to secure additional federal funding through the Federal Railroad Administration (FRA). The state investment could help leverage more than $530 million in potential federal grant funding for the project.

Vice Mayor Archie Pertiller made a motion to approve the resolution of support for WNC Passenger Rail Service appropriation as presented. A vote of 4-0 in favor. Council Member Doug Hay was absent.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN SUPPORTING STATE FUNDING FOR THE WESTERN NORTH CAROLINA PASSENGER RAIL CORRIDOR

RESOLUTION NO. R-26-46

WHEREAS, the Town of Black Mountain recognizes the importance of a safe, efficient, and connected transportation network that serves residents, businesses, and visitors throughout North Carolina; and

WHEREAS, the Governor's proposed Fiscal Year 2026-2027 budget includes $28 million as the first installment of the State's required matching funds to advance passenger rail service between Salisbury and Asheville; and

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WHEREAS, the proposed Western North Carolina passenger rail corridor would connect Asheville and surrounding communities to Salisbury and North Carolina's existing passenger rail network, providing access to destinations throughout the Southeast and beyond; and

WHEREAS, this initial state investment would position North Carolina to leverage approximately $532 million in federal funding through the Federal Railroad Administration, resulting in an estimated return of four federal dollars for every one state dollar invested; and

WHEREAS, without the required state matching funds, North Carolina would be unable to access these significant federal transportation investments; and

WHEREAS, communities throughout Western North Carolina have long supported expanded passenger rail service as an important component of a multimodal transportation system that enhances mobility, economic development, workforce access, tourism, and regional connectivity; and

WHEREAS, existing passenger rail service in North Carolina has demonstrated increasing public demand while supporting downtown revitalization, economic activity, and sustainable transportation options; and

WHEREAS, Western North Carolina destinations have consistently ranked among the most requested expansion opportunities identified by NC By Train customers; and

WHEREAS, investment in the Western North Carolina passenger rail corridor represents a strategic opportunity to strengthen transportation connections, expand travel choices, support economic growth, and reinforce North Carolina's statewide passenger rail network; and

WHEREAS, the Town Council appreciates the continued leadership of the North Carolina Department of Transportation in advancing passenger rail initiatives and aligning transportation investments with the needs of communities across the state.

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

1. The Town of Black Mountain hereby expresses its strong support for the Governor's proposed Fiscal Year 2026-2027 funding of $28 million to advance passenger rail service along the Western North Carolina corridor between Salisbury and Asheville.
2. The Town Council encourages the North Carolina General Assembly to approve the proposed funding and continue supporting investments necessary to expand passenger rail service throughout North Carolina.
3. The Town Council recognizes the significant transportation, economic, tourism, and regional connectivity benefits that expanded passenger rail service would provide to Western North Carolina and the State as a whole.
4. The Town Clerk is directed to transmit a copy of this Resolution to members of the North Carolina General Assembly representing the region, and other appropriate officials.

ADOPTED this 8th day of June, 2026.

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7.C. Consideration of Budget Amendment for BMPD Donations Received.
The Black Mountain Police Department (BMPD) received donations in the amount of $8,500.00 and a budget amendment is needed to recognize and move these funds from the contributions/donations line item, 235-0000-47070, to the community outreach/public relations expense line item, 235-4510-55023.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment as presented and recommended. A vote of 4-0 in favor. Council Member Doug Hay was absent.

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET FOR BMPD DONATIONS

RESOLUTION NO. R-26-47

WHEREAS, the Black Mountain Police Department has received donations totaling $8,500.00; and

WHEREAS, the donations received are recommended to be moved to the Community Outreach/Public Relations Expense line item; and

WHEREAS, the Fiscal Year 2025–2026 budget should be amended to recognize and appropriate the funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Budget Amendments

The following accounts are hereby amended as follows:

Account Number	Account Description	Increase	Decrease
235-0000-47070	Contributions/Donations	-	$8,500.00
235-4510-55023	Community Outreach/Public Relations Expense	$8,500.00	-

Section 2. Effective Date

This resolution shall become effective upon adoption.

Adopted this the 8th day of June 2026.

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7.D. Consideration of an Oak Tree Planting at Lake Tomahawk. *The item was removed from the Consent Agenda.*

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7.E. Renewal of Shared Use Agreement for Parking Facilities at 101 West Street.

A current shared use agreement for parking facilities at 101 West Street was approved on July 8, 2024 by the Town Council for a two-year term which will expire on July 10, 2026. The parking area at this address represents 14 parking spaces and is available for public parking after 5:00 p.m. Monday through Friday, and on Saturday and Sunday. Council will consider renewing this shared use agreement for an additional two years and under the same guidelines as the current lease agreement, which would expire July 10, 2028.

Vice Mayor Archie Pertiller made a motion to approve the shared use agreement for parking facilities at 101 West St. as presented. A vote of 4-0 in favor. Council Member Doug Hay was absent.

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7.F. Acceptance of Water Line Infrastructure within Sweet Birch Commons for Public (Town) Ownership & Maintenance.

This item was presented at the May 11, 2026 Council meeting but was tabled for further review. The purpose of this item is for Town Council to consider acceptance of ownership and maintenance responsibility of the completed water line infrastructure located within the Sweet Birch Commons Subdivision. The water system has been designed and constructed in accordance with all applicable municipal standards, engineering specifications, and regulatory requirements. All required inspections have been successfully completed, and the infrastructure has been assessed to ensure proper operation, safety, and compliance. Staff recommends that Council approve the acceptance of the water line infrastructure, thereby transferring ownership and ongoing maintenance responsibilities to the municipality.

Vice Mayor Archie Pertiller made a motion to approve the acceptance of water line infrastructure within Sweet Birch Commons for Town Ownership as recommended. A vote of 4-0 in favor. Council Member Doug Hay was absent.

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8. PUBLIC HEARING – NONE

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9. CITIZEN COMMENTS

- Jill Bielawski, 64 Melissa Dr., spoke to the Council stating she is one of the leaders of the newly formed Black Mountain BearWise Community committee. She spoke about the creation of a recognized BearWise Community here in Black Mountain which would involve the creation of ordinances, fines, enforcement, and education. A community meeting will be held on June 23, 2026 at 6:00 pm about the BearWise program and encouraged citizens to visit the Black Mountain BearWise community Facebook page.

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10. UNFINISHED BUSINESS

10.A. Adoption of Revised Street Dedication Application and Policy.

Staff have made the requested changes from the May 11, 2026 Council meeting. This includes the following: a sentence has been added that the final decision of acceptance rests with Town Council and a checklist has been added for the Public Works Director and Fire Marshal to confirm items have been met and recommend the dedication or not. Council will consider the application and policy based on the amendments made and vote to adopt. Discussion ensued with the Town Attorney on language clarifications.

Town Council Member Alice Berry made a motion to adopt the revised street dedication application and policy. A vote of 4-0 in favor. Council Member Doug Hay was absent.
A copy of this policy is included at the end of these minutes as Appendix A.

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10.B. Petition to Dedicate Brookhaven Drive.

The owners of the residences on Brookhaven Drive have filed a petition to dedicate Brookhaven Drive and the subsequent sidewalk to the Town for maintenance and ownership. Public Works and the Fire Marshal have inspected the road and are recommending that the Town take over this road and sidewalk with one provision: A No Parking sign to be installed at the end of the turn-around.

The mileage is approximately .12 miles. Dedication and acceptance of this road and sidewalk will include accepting all maintenance of both the street and the sidewalk to include paving, snow removal, and any general maintenance of said street and sidewalk within the 20-foot right-of-way.

The following statement was submitted by Council Member Doug Hay and read aloud by Council Member Berry: *Good evening, Council. I apologize for being unable to attend tonight's meeting but wanted to weigh in on the dedication request for Brookhaven Drive. After multiple rounds of discussion, I would encourage us to accept the request and take over Brookhaven Drive as a town road. I'm fully aware of the long-term costs that come with accepting new roads, and I believe we should discuss a formal moratorium on future acceptances. However, we have not done that yet, and in fact have accepted all petitions over the past few years. The residents of Brookhaven Drive built the road to our standards,*

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passed town inspections, and submitted this request months ago. I believe that it would not be right to arbitrarily make them the first denial. We should set any new policy or moratorium so that it applies to future applicants only. Please consider these thoughts when voting on tonight's motion. Thank you, Doug Hay, Town Councilmember.

Discussion ensued among Council and staff that also included discussion of a moratorium on street dedications for one year. Council asked staff to consult with the Attorney on a possible moratorium.

Vice Mayor Archie Pertiller made a motion to accept Brookhaven Drive and the subsequent sidewalk into the Town for maintenance and public use. A vote of 4-0 in favor. Council Member Doug Hay was absent.

RESOLUTION TO ACCEPT AND DEDICATE BROOKHAVEN DRIVE TO THE TOWN'S STREET SYSTEM

RESOLUTION NO #: R-26-48

WHEREAS, North Carolina General Statute 160A-296 grants municipalities general authority and control over all public streets within its corporate limits; and

WHEREAS, including a street on a town map does not provide any evidence of intent to accept the street for public use; and

WHEREAS, the Town Council has been petitioned to accept the following street and sidewalk for Town maintenance, and as recorded on the Plat "Chapman's Cove" with the Buncombe County Register of Deeds Office in Book 192, Page 87, dated September 18, 2018; and

Street	**Pavement Width**	**Right-of-Way Width**	**Sidewalk Width**
Brookhaven Drive	20'	20' (10' on each side)	5' (included in the 10' right-of-way)

WHEREAS, a copy of the aforementioned Plat accompanies this resolution as "Exhibit A;" and

WHEREAS, a copy of the aforementioned petition accompanies this resolution as "Exhibit B;" and

WHEREAS, if accepted and dedicated as Town Streets, the Town will be responsible for the road and sidewalk maintenance within the designated road and right-of-way to include paving and snow removal; and

WHEREAS, in accordance with the Street Dedication Policy, the Public Works Director and the Fire Marshal have reviewed and do recommend the dedication; and

WHEREAS, the Fire Marshal requires a "No Parking" sign in the turn-around; and

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council hereby accept Brookhaven Drive and dedicates to the Town's street system.

APPROVED AND ADOPTED by the Black Mountain Town Council this the 8th day of June 2026.

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10.C. Proposal for Black Mountain Ave. & Sutton Ave. Intersection Safety Study.

Safety issues surrounding the intersection of Black Mountain Avenue and Sutton Avenue have been expressed by citizens and discussed by Council. At the January 12, 2026 Council meeting, Council discussed and unanimously voted to pursue a traffic safety study at this intersection with a cost not to exceed $10,000. The Town has received a proposal from J.M. Teague Engineering and Planning in the amount of $4,500 to complete the safety study. Council discussed this proposal with staff as well as a staff recommendation to instead have Public Works make improvements to the intersection that includes new signage and line painting and not proceed with the safety study. ***Vice Mayor Archie Pertiller made a motion to proceed with staff recommendations of improvements at this intersection instead of pursing the safety study. A vote of 4-0 in favor. Council Member Doug Hay was absent.***

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10.D. Discussion of Lower Watershed Dam.

Council heard from Town staff about the Lower Watershed Dam project and discussed potential courses of action regarding the repair, breach, or inaction on the Lower Watershed Dam. Prior discussion outlined the engineering and regulatory considerations for this decision, but further discussion is warranted due to emerging information around budgetary and FEMA considerations. An alternative proposal from S&ME was presented. After discussion, ***Council Member Larry Harris made a motion to instruct staff to continue exploring decommissioning of lower watershed dam and reporting back to Council. A vote of 4-0 in favor. Council Member Doug Hay was absent.***

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11. NEW BUSINESS

11.A. Discussion of Possible Bear-Related Action Plans.

Mayor Sobol discussed action plans due to recent heavy bear activity in Black Mountain neighborhoods. A public meeting was held on May 20, 2026 at the Black Mountain Library with a representative from NC Wildlife providing information to those in attendance. According to BearWise.org, which is a resource that NC Wildlife utilizes, there are action plans available for communities in bear country. These include switching to bear-resistant trash containers and implementing effective ordinances and/or by-laws. Many towns, HOAs and communities have drafted and passed ordinances / regulations that support BearWise behavior. The ordinances can address such issues as wildlife-resistant trash storage, pet food storage, securing attractants, and feeding wildlife. The Planning

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Department was asked to draft some ordinances based on other community examples.

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11.B. Authorization for Staff to Pursue an Order of Abatement and Recovery of Fines for 19 Timber Park Drive for Failure to Correct Zoning Violation.

Planning Director Michelle Kennedy explained that a courtesy letter was issued to 19 Timber Park Drive for illegal storage containers in July of 2025. From July to September of 2025, no actions were taken to correct the violation, and a notice of violation was issued. The owners appealed the zoning violation with the Board of Adjustment in January of 2026, and the Board of Adjustment upheld the zoning violation. The owners provided an update in early March of 2026 that they had secured a place to move the storage containers to and would keep staff updated. As of March 17, 2026, no actions had been taken to correct the violation and notice of violation and citation were sent to the property owner. Fines began accumulating and a notice of fines due was sent to the property owner on May 6, 2026. As of this time, the property owner has taken no action to address the violation or pay the fines. Per Section 1.11.8 (Court Injunctions or Order of Abatement) within the Town's Land Use Code, staff is asking Council to authorize applying to Superior Court for a mandatory injunction to comply with the Board of Adjustment order and applying for an order of abatement for removal of the storage containers. Per Section 1.11.10 (Civil Penalties) within the Town's Land Use Code, staff is asking Council to authorize recovering the penalties (fines) of $500 in the nature of debt collection.

Vice Mayor Archie Pertiller made a motion to authorize staff to proceed with obtaining an order of abatement to remove the illegal storage containers and to collect the incurred fines through debt collection for 19 Timber Park Dr., pursuant to Town's Land Use Code Section 1.11. A vote of 4-0 in favor. Council Member Doug Hay was absent.

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11.C. Bid Proposal Acceptance from CES Engineers Group.

This proposal recommends acceptance of a comprehensive Lead and Copper Inventory project to ensure the Town’s drinking water system complies with current and forthcoming state and federal regulatory requirements, including EPA’s Lead and Copper Rule Revisions. The inventory will identify the material composition of all service lines-public and private-within the water system, with a specific focus on locating any lead or galvanized service lines requiring replacement. Completing this work now will help avoid future enforcement actions, ensure regulatory compliance by mandated deadlines, and support transparent communication with residents regarding drinking water safety.
Council Member Larry Harris made a motion to accept the bid proposal from CES Engineers Group to perform lead & copper line inventory for the Town and to gather information on how to proceed with the other 2/3 homes this does not cover. A vote of 4-0 in favor. Council Member Doug Hay was absent.

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11.D. Consideration of Contract Extension with McAdams Company, Inc. (Traffic Planning and Design, Inc. (TPD)).

The original professional services agreement, executed on January 4, 2024, includes an option for the Town and the Contractor to mutually renew the contract for an additional three-year term through a written renewal agreement. Since the execution of the original contract, Traffic Planning & Design, Inc. (TPD) has been acquired by The John R. McAdams Company, Inc. The proposed contract extension would renew the agreement through June 30, 2029. All terms and conditions contained in the January 4, 2024 agreement will remain in effect, along with an added dispute resolution provision requiring the parties to first attempt to resolve disputes through informal negotiations. If a resolution cannot be reached, any legal action must be filed in the courts of Buncombe County, North Carolina. ***Council Member Larry Harris made a motion to approve the contract extension with McAdams for on-call services for an additional term of three years. A vote of 4-0 in favor. Council Member Doug Hay was absent.***

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11.E. Discussion of Planning Board Member Terms for UDO Completion.

At the May 2026 Planning Board meeting, Town Attorney Craig Justus suggested that the Planning Board members who are due to rotate off the Planning Board in July 2026 consider staying one (1) more year, pending Council approval. The following members stated they would be willing to stay on another year: Pam Norton, Lauronda Teeple and Chris Collins. Originally, Chris Collins had not wanted to be reappointed but had since changed his mind. Council Members Berry & Stone were present at the May Planning Board meeting and were in favor of members serving one more year and suggested the full Council discuss. Planning staff recommends these members remain on for another year so as not to have to have a whole new group of new members who have not been working on the UDO. Council should discuss extending these members' terms for an additional one (1) year. After a quick discussion, ***Council Member Larry Harris made a motion to re-appoint Chris Collins, Pam Norton, and Lauronda Teeple to the Planning Board for one additional year term, expiring in July 2027. A vote of 4-0 in favor. Council Member Doug Hay was absent.***

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11.F. Partnership Proposal with Development Finance Initiative (DFI).

The Development Finance Initiative (DFI) has offered to partner with the Town of Black Mountain to provide economic development and community research services as part of a grant NC DEQ awarded them to perform feasibility analyses on Helene-affected properties. Planning Director Michelle Kennedy presented this information to the Council.

Council Member Larry Harris made a motion to endorse the partnership proposal with Development Finance Initiative (DFI). A vote of 4-0 in favor. Council Member Doug Hay was absent.

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12. CLOSED SESSION

The Town Council would now enter into closed session pursuant to N.C.G.S. § 143-318.11 (a)(6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public

officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. ***Town Council Member Alice Berry made a motion to go into closed session pursuant to the G.S. referenced above. A vote of 4-0 in favor. Council Member Doug Hay was absent. The time was 8:08 p.m.***

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13. ADJOURNMENT

Council returned to open session at 8:40 p.m. With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting.

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C. Michael Sobol, Mayor

Attest: _____
Wesley M. Barker, Town Clerk

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