TOWN OF BLACK MOUNTAIN
TOWN COUNCIL

July 13, 2026 | **REGULAR SESSION AGENDA** | **Time: 6:00 PM**

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

Agendas and agenda packets may be accessed electronically from your laptop or smartphone. Visit the Town's website at www.townofblackmountain.org. **Click** on **Government** and select **Town Council** to access agenda materials for Town Council meetings. You can also scan this QR code with your smartphone to access agenda materials.

Conserve Resources; print only when necessary.

The Town of Black Mountain is committed to providing accessible facilities, programs, and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Wesley Barker at: town.clerk@tobm.org, or **(828) 419-9300 / TDD (800) 735-2962**

1. CALL TO ORDER

1.A. Welcome

1.B. Pledge of Allegiance

1.C. Moment of Silence

1.D. Announcements

1.E. Ethics Statement

In accordance with the Code of Ethics adopted by the Council, all Council Members have a duty to conduct the affairs of the governing board in an open and public manner free of conflicts of interest. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Council Member, his or her family or close business associates? Does any Council Member have a financial interest in any public contract coming before this Council today? There being none, all Council

Members have a duty and obligation to vote.

2. ORGANIZATIONAL MEETING

2.A. Appointment to Fill the Vacant Seat on the Town Council

2.B. Administration of the Oath of Office to the Appointed Council Member

2.C. Appointment to the Black Mountain-Swannanoa Chamber of Commerce Executive Board- Primary Member

2.D. Appointment to Land of Sky Regional Council Board of Directors - Alternate Delegate

2.E. Appointment to the Friends of Fonta Flora State Trail Board of Directors - Alternate Delegate

3. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

3.A. Resolution Recognizing Doug Hay for his service to the Town of Black Mountain

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Salvation Army of Buncombe County Presentation

4.B. Update on the BearWise Recognized Community Program - Michelle Kennedy, Planning Director

Motion: n/a- presentation and update only.

4.C. Presentation on the Fairway Dr. / Tomahawk Ave. Stormwater Project - Matt Begley, Recovery & Capital Programs Director

Motion: n/a- presentation only.

5. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a public hearing scheduled for this meeting, please reserve your comment for the applicable public hearing. Note: Council will not respond during the citizen comment period.

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

7. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

8. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion

without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.

8.A. Adoption of Meeting Minutes

8.B. Monthly Tax Collector Report

8.C. Resolution to Adopt 2026 Buncombe Madison Hazard Mitigation Plan - Michelle Kennedy, Planning Director

Motion: I move to adopt the resolution to adopt the 2026 Buncombe Madison Hazard Mitigation Plan.

8.D. Call for Public Hearing for One-Year Moratorium for Street Dedications to the Town - Michelle Kennedy, Planning Director

Motion: To call for a public hearing to amend Chapter 3, Section 3.6.3, of the Land Use Code to impose a one-year moratorium on the dedication of streets to the town, to be held on Monday, August 10, 2026, at 6:00 p.m. in the Council Room of Town hall, 160 Midland Avenue, N.C. or as soon thereafter as possible.

8.E. Resolution to Award Town Drinking Water Resiliency Improvements Project A&E to McGill Associates - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution to award Town Drinking Water Resiliency Improvements Project A&E to McGill Associates

8.F. Resolution Authorizing Town Staff to Pursue the Design for Decommissioning the Lower Watershed Dam - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to Approve the Resolution Authorizing Town Staff to Pursue the Design for Decommissioning the Lower Watershed Dam.

9. PUBLIC HEARING - NONE

10. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a public hearing scheduled for this meeting, please reserve your comment for the applicable public hearing. Note: Council will not respond during the citizen comment period.

11. UNFINISHED BUSINESS - NONE

12. NEW BUSINESS

12.A. Request from Baptist on Mission for One-Year Extension of Temporary Use

Emergency Housing at 1114 Montreat Road - Michelle Kennedy, Planning Director

Motion: I move to grant a one-year extension to Baptist on Mission for temporary use of emergency housing at 1114 Montreat Road.

12.B. Consideration of Resolution Approving the Financing Terms for the Purchase of a Fire Truck - Richard Hicks, Interim Town Manager

Motion: Motion to adopt the resolution approving the financing terms for the purchasing of a fire truck as presented.

12.C. Technical Response Regrading Alleged Use of Email Draft Folders to Avoid Public Records Request - Richard Hicks, Interim Town Manager

Motion: Motion to approve conducting a limited, well-scoped Microsoft 365 Technical Review as presented.

12.D. Consideration of Award of Bid for Highway 70 Waterline Project -

Motion: I move that Council award the bids for the Highway 70 Waterline Project to Cooper Construction Company, Inc. in the amount of $796,345.

12.E. Concur with NCDOT Award of Bid for Ninth Street Bridge Project - Richard Hicks, Interim Town Manager

Motion: I move that Council concur with the award of bids on the Ninth Street Bridge Project to Kemp Sigmon Construction in the amount of $1,184,032.

12.F. Update on Reactiviating Town Wells - Richard Hicks, Interim Town Manager

Motion: Motion to approve the initial testing of the two (2) inactive wells.

12.G. Advisory Boards & Commissions Appointments

1) ABC Board Appointment & ABC Board Chair Appointment

2) Planning Board Appointment

3) Board of Adjustment Appointments

4) Active Mobility Commission Appointments

5) Historic Preservation Commission Appointment

13. CLOSED SESSION - NC GENERAL STATUTE 143-318.11(A)(3) TO CONSULT WITH AN ATTORNEY EMPLOYED OR RETAINED BY THE PUBLIC BODY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE ATTORNEY AND THE PUBLIC BODY, WHICH PRIVILEGE IS HEREBY ACKNOWLEDGED., AND 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.

14. ADJOURNMENT