BLACK MOUNTAIN TOWN COUNCIL MINUTES

August 11, 2025 | 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, August 11, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the August 11, 2025 Town Council meeting to order at 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King and Council Member Ryan Stone. *Mayor C. Michael Sobol was absent.*

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; Tammy Heide, Finance Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Michelle Kennedy, Planning Director; Josh Henderson, Parks & Recreation Director; Angela Reece, Project & Facilities Manager.

Vice Mayor Pertiller 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. **Pool Lifesaving Award.** Resident Anna Beth Lewis was recognized with a Pool Lifesaving Award for heroic actions taken on July 21, 2025 in response to a life-threatening emergency at the Black Mountain Pool, where she saved the life of another.

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3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. **Recreation & Parks Department Annual Report.** Recreation & Parks Director Josh Henderson presented the department's annual report to the Town Council and those in attendance.

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3.B. **Wildfire Risk Update from Fire Chief John Coffey.** Fire Chief John Coffey

gave a short presentation to the Town Council and those in attendance about the risk for wildfires in our area, with a much higher risk following the vast tree damage from Hurricane Helene. Chief Coffey stated with the fallen trees caused by Helene last year, it has greatly increased the wildfire risk in our area and urged residents to take precautions to eliminate fire risks around their home, be prepared for possible wildfires, and to sign up for Town alerts to stay informed. Chief Coffey also stated public education sessions would be held soon to keep the community educated on wildfire risks.

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3.C. **Recovery & Resiliency Update.** Assistant Town Manager Jessica Trotman provided the Town Council an update on the Town's recovery and resiliency efforts post-Helene.

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3.D. **200 NC-9 Hwy Landscape Presentation.** Planning and Development Director Michelle Kennedy provided the Town Council and those in attendance with an update on the status of the proposed Circle K gas station, that will be located at 200 NC-9 Hwy, and the timeline leading up to present day on their development plans as well as upcoming construction and landscaping plans.

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4. CITIZEN COMMENTS. Vice Mayor Archie Pertiller opened the citizen comment at 6:55 p.m. The following citizens spoke:

- **Marilyn Sobanski** spoke about Lake Tomahawk Park closure times, and about discrepancies on various signage at the Park.
- **Eric Manos**, 9 Fay Jones Ln., read a statement by Kirk & Ami Wood at 1 Fay Jones Ln. to Town Council requesting the Town to accept Fay Jones Ln. and Rantis Ln. as Town streets.
- **Sikes Ragan**, Village of Cheshire developer, spoke to the Council about the Fay Jones ln. and Rantis Ln. road acceptance and asked Council to reconsider their May 13, 2024, decision to deny the dedication of these roads as public streets.
- **Cydney Joyner**, Tennant on Ridgeway Ave., spoke to the Council on the consideration of turning S. Ridgeway Ave. and a portion of Sutton Ave. to one-way, speaking in favor of this proposal.
- **Charissa Gulotta**, 901 Hwy-9, co-owner of Louise's Kitchen spoke on the effects of the Circle K development related to her business, and the effects of cutting the large maple tree as proposed by Circle K's development plans.
- **Mandie Carter** spoke about the Circle K gas station project and the proposal to cut down the large maple tree located on that property. She spoke in opposition on this tree being cut down, and also stated she had created a petition on saving this tree from being cut down, which had over 1785 signers.
- **Reid Pomeroy** spoke in opposition to the cutting of the large maple tree at the new Circle K gas station property.
- **Emily Sampson**, 701 Padgettown Rd., spoke in opposition of cutting the sugar maple tree down at the Circle K property.

- **Mark Henegan**, owner of the Bush Farmhouse, spoke about the fencing recently installed at the former Railyard property and spoke about cleanup efforts near the railroad rights-of-way.
- **Stephanie Wilde**, 55 Middle Mountain Rd., shared concerns over the Circle K development location and suggest it relocate elsewhere.

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5. CONSENT AGENDA

5.A. **Adoption of Meeting Minutes from the June 5, 2025 Agenda Work Session, June 9, 2025 Regular Meeting and June 25, 2025 Special Meeting.** ***Town Council Member Ryan Stone made a motion to approve the minutes as presented. A vote of 5-0 in favor. Mayor Sobol was absent.***

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5.B. **Monthly Property Tax Report - May 2025 & June 2025**
Town Council Member Ryan Stone made a motion to approve monthly property tax report as presented. A vote of 5-0 in favor. Mayor Sobol was absent.

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5.C. **Acceptance of Donation - Friends of the Community Garden.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION TO ACCEPT EQUIPMENT DONATION FROM FRIENDS OF THE COMMUNITY GAREDEN

Resolution # R-25-43

WHEREAS, the Friends of the Community Garden, a 501(c)(3) nonprofit, operating under the Black Mountain Parks and Greenway Foundation, has been awarded a $20,000 grant from the Endowment Fund set up after the sale of the Swannanoa Valley Medical Center; and

WHEREAS, Friends of the Community Garden intends to use these grant funds to purchase and donate several pieces of equipment to the Dr. John Wilson Community Garden which includes the following:

- Weedeater
- Hedge trimmer
- Riding mower with a trailer
- Chainsaw
- A storage shed or shipping container
- Electrical hookup for the barn

- If funds are still available, a walk-in cooler for storing produce before transport to Bounty & Soul; and

WHEREAS, the total value of the donated equipment will total $20,000.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous equipment donation from the Friends of the Community Garden to the Town's Dr. John Wilson Community Garden.

This the 11th day of August 2025.

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5.D. **Acceptance of Bench Donations - Lake Tomahawk Park.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION TO ACCEPT DONATION OF BENCHES TO BE PLACED AT LAKE TOMAHAWK PARK

Resolution # R-25-44

WHEREAS, two metal benches have been donated by community members Paul Petrequin and Sandy Axelson; and

WHEREAS, these metal benches will be installed at Lake Tomahawk Park, and will begin phasing out the existing older wooden benches; and

WHEREAS, the total value of the two donated benches are $500.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Black Mountain formally accepts this generous donation by Paul Petrequin and Sandy Axelson for these new benches.

This the 11th day of August 2025.

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5.E. **Request to Pursue Grant Funding for Part-Time Assistant Garden Manager.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

A RESOLUTION AUTHORIZING.THE PURSUIT OF GRANT FUNDING FOR A PART-TIME ASSISTANT GARDEN MANAGER AT THE DR. JOHN WILSON COMMUNITY GARDEN
Resolution# R-25-47

WHEREAS, the Dr. John Wilson Community Garden, operated through the Town of

Black Mountain Recreation and Parks Department, provides vital community programming, food donation efforts, and educational opportunities; and

WHEREAS, the scope of operations, combined with increased community needs following Tropical Storm Helene, has created a critical staffing need to support the Garden Manager in daily operations, program delivery, and infrastructure improvements; and

WHEREAS, staff seek to apply for a grant through the Community Foundation of Western North Carolina's Human Services and Education Fund, in an amount up to $25,000, to fund a part-time Assistant Garden Manager position for FY2026-2027; and

WHEREAS, the position would provide 25 hours per week of staffing for one year, enabling the Garden to sustain food donation programs, rental plots, volunteer coordination, and infrastructure projects while enhancing resilience to community needs.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that staff are hereby authorized to apply for grant funding through the Community Foundation of Western North Carolina: Human Services and Education Fund, in an amount up to $25,000, to support a part-time Assistant Garden Manager position at the Dr. John Wilson Community Garden for FY 2026-2027.

Adopted this 11th day of August 2025.

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5.F. **Resolution to Apply for NC Department of Commerce Small Business Infrastructure Program for Downtown Stormwater Improvements.** Staff recommends approval of a resolution authorizing the submission of a grant application to the North Carolina Department of Commerce under the Small Business Infrastructure Program. This funding opportunity is designed to support public infrastructure improvements that benefit small businesses. There is no match required. The grant allows 1.5% administration cost. The proposed project would increase the efficiency of stormwater inlets in the downtown commercial district. During recent storm events, these inlets have been overwhelmed, leading to localized flooding that negatively impacts business operations, pedestrian safety, and property access. Upgrading and optimizing these inlets will directly support downtown business continuity, reduce risk, and enhance resilience to future storm events. Approval of this resolution is a necessary step to allow staff to move forward with the application process. If awarded, the project will return to Council for approval of the grant agreement and any associated local match requirements.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA
RESOLUTION OF SUPPORT FOR SMALL BUSINESS INFRASTRUCTURE GRANT APPLICATION

Resolution No: R-25-33

WHEREAS, the Town of Black Mountain Town Council has indicated its desire to assist in Hurricane Helene recovery efforts within the Town of Black Mountain; and

WHEREAS, the Council fully supports the proposed project titled Downtown Stormwater Infrastructure Improvement Project, which will result in the repair, upsizing, and relocation of stormwater inlets to improve the efficiency of the downtown stormwater system and support the resilience and sustainability of small businesses located in the downtown corridor; and

WHEREAS, the Council wishes to pursue a formal application in the amount of $1,000,000 from the North Carolina Department of Commerce, Small Business Infrastructure Grant Program (SmBIZ) Rural Engagement & Investment Program.

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council that the Town of Black Mountain is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Engagement & Investment Program, in order to provide assistance to benefit the Downtown Stormwater Infrastructure Improvement Project.

This Resolution shall take effect immediately upon its adoption.

Adopted this the 11th day of August 2025.

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5.G. **Selection of Multiple Grant Writing & Consulting Professional Services.**

Town Council Member Ryan Stone made a motion to approve the resolution authorizing staff to enter into contracts and execute on-call professional service contracts with the seven qualified firms that responded to the Grant Writing and Consulting Services RFQ, not to exceed $20,000 per firm. A vote of 5-0 in favor. Mayor Sobol was absent.

A RESOLUTION AUTHORIZING ON-CALL CONTRACTS FOR GRANT WRITING AND CONSULTING SERVICES IN SUPPORT OF RECOVERY AND RESILIENCE FUNDING OPPORTUNITIES

Resolution #: R-25-45

WHEREAS, the Town of Black Mountain continues to respond to the impacts of Tropical Storm Helene and is pursuing long-term recovery and resilience initiatives; and

WHEREAS, the number and complexity of available state and federal grant opportunities have increased significantly in the wake of the storm, requiring additional capacity to pursue, manage, and implement these funding opportunities effectively; and

WHEREAS, the Town issued a Request for Qualifications (RFQ) seeking qualified firms to provide grant writing and consulting services to support recovery and resilience efforts; and

WHEREAS, the Town received seven (7) responses from highly qualified firms, each demonstrating unique strengths and specialized experience beneficial to the Town's grant activities; and

WHEREAS, the following firms responded to the RFQ and are recommended for on-call contracting:

- ASI
- McGill
- Raftelis
- McAdams
- GTC 360
- CRCS
- Catalyst Project Development; and

WHEREAS, staff recommends entering into on-call agreements with each of the seven firms, with a not-to-exceed amount of $20,000 per firm, to allow the Town to efficiently match projects with the appropriate expertise, respond quickly to time-sensitive funding opportunities, and enhance the competitiveness of grant applications; and

WHEREAS, most costs associated with these contracts are expected to be offset by administrative overhead allowed within grant awards, thereby minimizing fiscal impact to the Town; and

WHEREAS, this structure provides the Town with the flexibility and responsiveness necessary to advance strategic recovery and development goals in the aftermath of Tropical Storm Helene.

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

1. The Town Manager, or designee, is hereby authorized to execute on-call agreements with each of the seven firms named above for grant writing and consulting services, with a not-to-exceed amount of $20,000 per firm.

2. This resolution shall become effective upon adoption.

Adopted this the 11th day of August, 2025.

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5.H. **Resolution Supporting Submission of a Hazard Mitigation Grant**

Application for Diesel Pump at Water Booster Station.

Town Council Member Ryan Stone made a motion to approve the resolution that authorizes the Town Manager, or their designee, to submit the letter of interest for an estimated $250,000 to the State for consideration of this project as presented. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR A DIESEL PUMP AT A WATER BOOSTER STATION

Resolution #: R-25-35

WHEREAS, critical pumps at a Town of Black Mountain water booster station failed during Tropical Storm Helene, causing widespread service disruptions and public health risks; and

WHEREAS, the Town of Black Mountain seeks to install a diesel-powered backup pump to ensure water service continuity in during emergencies; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has provided funding opportunity through the Hazard Mitigation Grant Program (HMGP), and the State of North Carolina will cover the 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain Town Council authorizes the Town Manager or designee to submit the letter of interest for an estimated $250,000 to the State for consideration of this project.

This the 11th day of August, 2025.

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5.I. **Resolution Supporting Submission of a Hazard Mitigation Grant Application for Generators at Public Facilities.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR GENERATORS AT PUBLIC FACILITIES

Resolution #: R-25-36

WHEREAS, Tropical Storm Helene resulted in power outages at the following Town of Black Mountain public facilities: Town Hall, Public Safety (Police and Fire) building, Public Services building, and Lakeview Senior Center, disrupting essential services; and

WHEREAS, the Town of Black Mountain proposes to install permanent backup generators, potentially including hybrid battery systems, at these critical government facilities; and

WHEREAS, the State of North Carolina has committed to covering the 25% local cost share required by Federal Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain authorizes the Town Manager, or their designee, to submit a letter of interest to the State of North Carolina for an estimated $700,000 in Hazard Mitigation Grant Program funding to support generator installation and enhance continuity of operations.

This the 11th day of August, 2025.

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5.J. **Resolution Supporting Submission of a Hazard Mitigation Grant Application for Installation of SCADA Panels.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR SCADA PANELS

Resolution #: R-25-37

WHEREAS, three critical sites in the Town of Black Mountain's water system lack Supervisory Control and Data Acquisition (SCADA) capability, limiting real-time monitoring and emergency response capacity; and

WHEREAS, the Town proposes to install three (3) new SCADA panels to improve disaster response, reduce overtime, and prevent infrastructure damage; and

WHEREAS, the Federal Emergency Management Agency has made funding available under Hazard Mitigation Grant Program, with the State of North Carolina providing the 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council authorizes the Town Manager, or their designee, to submit a letter of interest to to the State of North Carolina for an estimated $10,000 in funding for this SCADA upgrade.

This the 11th day of August, 2025.

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5.K. **Resolution Supporting Submission of a Hazard Mitigation Grant Application for Standby Generators at Water Pump Stations.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR STANDBY GENERATORS AT WATER PUMP STATIONS

Resolution #: R-25-38

WHEREAS, the Town of Black Mountain experienced significant water service disruptions during Tropical Storm Helene due to power outages at water pump stations; and

WHEREAS, the Town proposes to install nine standby generators at critical water system pump stations to ensure operational continuity during future hazard events; and

WHEREAS, this project aligns with the Buncombe-Madison Hazard Mitigation Plan and will reduce public health risks, infrastructure damage, and emergency response burdens; and

WHEREAS, the Federal Emergency Management Agency has made funding available through the Hazard Mitigation Grant Program, and the State of North Carolina will provide the required 25% cost share.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Black Mountain authorizes the Town Manager, or their designee, to submit the required letter of interest to the State for this project in the amount of an estimated $1,500,000.

This the 11th day of August, 2025.

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5.L. **Resolution Supporting Submission of a Hazard Mitigation Grant Application for Reducing & Hardening Waterline Stream Crossings.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION TO REDUCE AND HARDEN STREAM CROSSINGS

Resolution #: R-25-39

WHEREAS, exposed and eroding waterline stream crossings in the Town of Black Mountain's water distribution system have failed in past storm events, including Tropical Storm Helene; and

WHEREAS, the proposed project will harden or remove an estimated twelve (12) vulnerable crossings to prevent service interruptions, and infrastructure damage; and

WHEREAS, the State of North Carolina has committed to providing the required 25% local match for the Federal Emergency Management Agency's Hazard Mitigation Grant Program applications.

NOW, THEREFORE, BE IT RESOLVED that the Town of Black Mountain Town Council supports the submission of an estimated $1,700,000 letter of interest to the State of North Carolina for stream crossing mitigation and authorizes the Town Manager, or their designee, to submit the letter of interest to the State.

This the 11th day of August, 2025.

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5.M. **Resolution Supporting Submission of a Hazard Mitigation Grant Application for relocating aging and exposed waterlines that are located in streambanks and floodways.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

SUPPORTING SUBMISSION OF A HAZARD MITIGATION GRANT APPLICATION FOR WATERLINE RELOCATION

Resolution #: R-25-40

WHEREAS, aging and exposed waterlines located in streambanks and floodways are at high risk of erosion and flood-related damage; and

WHEREAS, the Town of Black Mountain proposes to relocate these lines to safer locations outside active floodways to prevent repeated damage and service disruption; and

WHEREAS, the Town has developed routing plans and budget estimates, and the project is ready for design and permitting upon grant award;

WHEREAS, the Federal Emergency Management Agency has provided funding through the Hazard Mitigation Grant Program, with the State of North Carolina providing the 25% match.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council authorizes submission of a $3,000,000 Hazard Mitigation Grant Program letter of interest to the State of North Carolina, and authorizes the Town Manager, or their designee, to submit the letter of interest to the State.

This the 11th day of August, 2025.

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5.N. **Amended System Development Fee Capital Reserve Fund.** On April 13th, 2020, the Town of Black Mountain governing board adopted Resolution R-20-04 establishing the System Development Fee Capital Reserve Fund in accordance with the General Statues of the State of North Carolina 159-18 and Chapter 162A, Art. 8. System Development Fees shall be collected and allocated for future expenses related to the cost of construction or acquisition of capital improvements, professional

fees, and to make debt service payments on existing debt related to past capital projects incurred for the construction or acquisition of capital improvements of the Town's water system. The System Development Fee (SDF) Capital Reserve Fund may be amended from time to time by adopting an amended resolution. The attached amended resolution establishes system development fees as a funding source and accounts for SDF's collected for current projects and/or debt service associated with current projects as defined within the resolution. Any projects that are allocated within the resolution that are not currently in progress will remain as restricted fund balance in the capital reserve fund until funding is needed. **Recommended amendment is an amended resolution to Transfer:** 1) Collected SDF Fees in the amount of $233,427 were collected within the Water Enterprise Fund and will be transferred to the SDF Capital Reserve Fund. 2) Transfer out of Reserve Funds to the Automated Meter Capital Project Fund for the purpose of completing the AMR Project in the amount of $185,000. Upon approval of this amendment the total amount of funds contained within the Capital Reserve Fund will remain within the SDF Capital Reserve Fund within the restricted fund balance for future water capital projects.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION AMENDING THE SYSTEM DEVELOPMENT FEE (SDF) CAPITAL RESERVE FUND (CRF) FOR PUBLIC UTILITIES
Resolution # R-25-32

WHEREAS there is a need in the Town of Black Mountain to provide funds for future capital projects related to its water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system; and

WHEREAS NCGS 159-18 authorizes the creation of a capital reserve fund; and

WHEREAS NCGS 162A, Art. 8 requires that all system development fee (SDF) proceeds be accounted for in a capital reserve fund,

WHEREAS, on April 13, 2020, the Town created a capital reserve fund to account for such system development fee proceeds and fund water capital projects ("System Development Fee Capital Reserve Fund" or "SDF CRF") within ordinance R-20-04; and

WHEREAS, the Town wishes to amend the System Development Fee Capital Reserve Fund to account for additional system development fee proceeds received and appropriate certain amounts; and

NOW, THEREFORE, BE IT RESOLVED that the governing board of Town of Black Mountain hereby adopts and enacts the following:

Section 1. The following additional system development fee revenues were collected within FY2025and are to be transferred into the CRF fund from the Water Enterprise Fund:

System Development Fees $233,427.00

Section 2. The Governing Board hereby creates a Capital Reserve Fund (CRF) for the purpose of funding the following capital projects related to the Town's water and wastewater system:

AUTOMATED METER READING (AMR) PROJECT. Automatic meter reading, or AMR, includes automatic collecting consumption, diagnostic, and status data from a water meter (or other utility meter) and transferring that data to a central database for billing, troubleshooting, and analyzing. With AMR, the meter readers can collect meter readings much quicker by simply driving by meter locations. The new meters will assist customers in detecting leaks and will assist utility staff in detecting malfunctioning or tampered meters. Additionally, this timely information coupled with analysis can help both utility staff and customers better manage the Town's potable water usage. The Town has acquired all of the AMR utility meters to complete this project but has struggled with allocating staff to complete the project. Due to the additional workload on staff stemming from normal growth as well as the staff time required to complete the additional projects created by Helene, outsourcing of the meter install to complete this project will be necessary. Staff hope to complete the project within FY 2026.
The FY 25-26 appropriations from the CRF to the Water Automated Meter Capital Project for this purpose is $185,000.

RESERVE FOR WATER CAPITAL PROJECTS. Reserve funds for the purpose of funding capital projects that are considered eligible for recoverable cost through system development fees. Items to be included within this capital project category are:

- current and future capital waterline improvements and replacements throughout the Town.
- Future water line extensions
- upgrade and replacement of existing pumps. Pumps will help safeguard the town's ability to provide a consistent supply of water for years to come.
- Future System Development Fee Study required every five years

Reserve Funds Available for Water Capital Projects:	
Capital Reserve Fund Balance	$386,681.88
Transfer in SDF Revenues FY2025	$233,427.00
Total SDF CRF funds reserve funds available as of June 30th, 2025	**$620,108.88**
Transfer Out Reserve Funds to Automated Meter Capital Project	($185,000.00)
Remaining SDF CRF reserve funds	**$435,108.88**

Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 11th day of August 2025.

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5.O. **Tropical Storm Helene Stormwater Infrastructure Enterprise Capital Project Ordinance and Budget Amendments.** This agenda item is to authorize and budget for the Helene Stormwater Capital Project. The Town is authorizing and budgeting for the $535,500 of funds to be received and expenditures incurred for the Helene Stormwater Infrastructure Project. 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.

Council Member Ryan Stone made a motion to approve the following ordinance as presented. A vote of 5-0 in favor. Mayor Sobol was absent.

Town of Black Mountain Tropical Storm Helene Stormwater Infrastructure Enterprise Capital Project Fund Ordinance

Ordinance No: O-25-19

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 Stormwater Infrastructure. This project includes but is not limited to the mitigation and reconstruction of the Town of Black Mountain's stormwater 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***
FEMA Public Assistance Grant Reimbursement Funds (90%)	$48,200.00
NCEM Public Assistance Funds (10%)	$5,350.00
Total Funds	**$53,550.00**

Section 6. Expenditures

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

Budgeted Expenditures		
Expense Type	***FEMA category***	***Anticipated Expenditures***
Water Control Facilities	D	$53,550.00
Total Expenditures		**$53,550.00**

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 11th day of August 2025.

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5.P. **Annual Property Tax Settlement for Fiscal Year 2025 & Adoption of the Order of Collection of Taxes for Fiscal Year 2026.** Annual Property Tax Settlement. Pursuant to N.C.G.S. § 105-373, After July 1, and before being charged with taxes for the current fiscal year, the tax collector must provide an annual settlement of current and delinquent property tax collected in the previous fiscal year for approval. The annual settlement provides in detail the tax collection of The Town of Black Mountain's Real Property, Personal Property, and Motor Vehicles. This report also includes the details regarding collection of the East Buncombe Fire District tax collections. Also, Pursuant to NCGS § 105-321, following the approval of the Tax Collector's Annual Statement of the preceding year, the governing board shall adopt an order of collection directing the tax collector to collect the taxes charged in the tax records and receipts. The order of Collection authorizes the collection of current fiscal year property taxes and charging the tax collector with the obligation to "employ all lawful means" to collect taxes.

Town Council Member Ryan Stone made a motion to approve the Property Tax Settlement for FY25, and adoption of the Order of Collection of Taxes for FY26. A vote of 5-0 in favor.

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5.Q. **Consideration of Art in the Afternoon Lease Renewal (one-year).** The lease agreement for Art in the Afternoon will expire August 31, 2025. Stephanie Bly, Tenant, plans to continue to operate the program and would like to execute another lease for 2025-2026. They plan to continue to use approximately 2,577 square feet at the Carver Center known as the annex. There are no changes from the previous lease and the amount stays at $1,000 per month.

Town Council Member Ryan Stone made a motion to approve the lease agreement for Art in the Afternoon for an additional year to expire August 31, 2026. A vote of 5-0 in favor.

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5.R. **HL-0013 Right of Way Acquisition & Services.** HL-0013 (Ninth Street

Bridge) is an ongoing bridge replacement project which is now moving into the right of way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for right of way acquisition and negotiations with affected parcels. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This agreement reflects the authorization of Vaughn & Melton to conduct right of way acquisition services on behalf of the town for five (5) parcels. The agreement reflects a flat fee for the services (which has been approved and deemed appropriate by NCDOT) as well as provides estimates of the costs projected to purchase the remaining four (4) right of way(s) from affected property owners.

Town Council Member Ryan Stone made a motion to approve the ratification of the agreement with Vaughn & Melton Engineering, as executed by Town Manager Josh Harrold on June 16, 2025, for right of way acquisition services and fees as part of the Ninth Street Bridge (HL-0013) project. A vote of 5-0 in favor. A copy of this agreement is included at the end of these minutes as Appendix A.

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5.S. **HL-0013 Right of Way Acquisition Acceptance Parcel #3.** HL-0013 (Ninth Street Bridge) is an ongoing bridge replacement project which is now moving into the right of way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for right of way acquisition and negotiations with affected parcels. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This DEED OF RIGHT OF WAY reflects the town acquiring its own property along the golf course located along Ninth Street at a cost of $10.00 for the Ninth Street Bridge replacement project HL-0013. This is known as parcel #3 in the right of way acquisition agreement with Vaughn and Melton.

Town Council Member Ryan Stone made a motion to approve the ratification and to accept the donation of right of way of town-owned property as outlined in Tax Parcel 0700-9011-6500-000 for an amount of $10.00 as presented. A vote of 5-0 in favor. A copy of this agreement is included at the end of these minutes as Appendix B.

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5.T. **HL-0013 Utility Relocation Agreement Approval.** HL-0013 (Ninth

Street Bridge) is an ongoing bridge replacement project which is now moving into the right-of-way acquisition and utility line relocation phases. Construction is scheduled to commence in 2026. Early in the project, the town requested NCDOT administer the project due to federal highway requirements and regulations. Since this is a town-owned bridge and is a town-initiated project, the Town of Black Mountain is responsible for utility relocation in the project area. These costs are reimbursable at 80% within the grant guidelines but do require separate agreements with the town. This agreement reflects the necessary utility line relocation by Duke Energy Progress LLC for this project in the amount of $103,424.27. This agreement has been vetted and approved by NCDOT.

Town Council Member Ryan Stone made a motion to approve the agreement with Duke Progress LLC., as presented, for utility line relocation in the amount of $103,424.27 as part of the Ninth Street Bridge (HL-0013) project and to authorize the Town Manager to execute the agreement. A vote of 5-0 in favor. A copy of this agreement is included at the end of these minutes as Appendix C.

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5.U. **EB-5547B (Greenway) Temp Construction Easement Donation.** EB5547 A and B (formerly known as the River Walk Greenway) is an ongoing bike and pedestrian project which is broken down into two sections. Section B begins at Black Mountain Ave. and ends at the existing trailhead of The Oaks Trail. This section includes significant improvements to the intersection of Midland Ave. and E. State St., bike lanes on NC-9 Hwy to Vance Ave. and Black Mountain Ave. Construction is projected to commence at the end of 2025 or early 2026 depending on Section A factors. The town has been working with Michael Baker International Engineering and Tellix to procure right of way and construction easements for this project. This deed of right of way reflects Montreat College donating a temporary construction easement to the town.

Town Council member Ryan Stone made a motion to accept the donation of a temporary construction easement for property owned by Montreat College as presented, dated July 24, 2025, for Section B of the River Walk Greenway for an amount of $0.00. A vote of 5-0 in favor. A copy of this agreement is included at the end of these minutes as Appendix D.

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5.V. **Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of New Wells**.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA
RESOLUTION TO APPLY FOR DRINKING WATER STATE REVOLVING FUND (SRF) FUNDING FOR DRILLING OF WELLS
Resolution #: R-25-41

WHEREAS, The Town of Black Mountain has need for and intends to construct, plan for, or conduct a study in a project described as the drilling new wells to connect to the Town's water system in an attempt to prevent interruption in the event of a flood or natural disaster, and enhance resiliency; and

WHEREAS, The Town of Black Mountain intends to request State Revolving Loan Funds with 100% principal forgiveness for the project at an estimated amount of $2,500,000.

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

1. That the Town of Black Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

2. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

3. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

4. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Black Mountain to make a scheduled repayment of the loan, to withhold from the Town of Black Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

5. That Josh Harrold, Town Manager; and Jessica Trotman, Assistant Town Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above, at an estimated amount of $2,500,000.

6. That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained

above; and to execute such other documents as may be required in connection with the application.

7. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 11th day of August 2025 at Black Mountain, North Carolina.

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5.W. **Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines within High-Risk Hazard Areas.**

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 5-0 in favor. Mayor Sobol was absent.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA RESOLUTION TO APPLY FOR DRINKING WATER STATE REVOLVING FUND (SRF) FUNDING FOR RELOCATION OF WATER LINES WITHIN HIGH-RISK HAZARD AREAS
Resolution #: R-25-42

WHEREAS, The Town of Black Mountain has need for and intends to construct, plan for, or conduct a study in a project described as relocation of water lines located within high-risk hazard areas in an attempt to prevent interruption in the event of a flood or natural disaster, and enhance resiliency; and

WHEREAS, The Town of Black Mountain intends to request State Revolving Loan Funds with 100% principal forgiveness for the project at an estimated amount of $2,500,000.

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

1. That the Town of Black Mountain, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

2. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

3. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

4. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Black Mountain to

make a scheduled repayment of the loan, to withhold from the Town of Black Mountain any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

5. That Josh Harrold, Town Manager; and Jessica Trotman, Assistant Town Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above, at an estimated amount of $2,500,000.

6. That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 11th day of August 2025 at Black Mountain, North Carolina.

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6. PUBLIC HEARING- ***none***

7. CITIZEN COMMENTS

- Kathy Phillips, 26 Hi View Dr., spoke about the Circle K development and also spoke about the Planning Board appointment considerations and current member's work with the draft Unified Development Ordinance.
- James and Anna Tomasik, 132 & 134 S. Ridgeway Ave. property owners, 1 Cliffledge Trl., spoke on the proposal to turn S. Ridgeway Ave. one way. They spoke about concerns of vehicular and pedestrian travel and safety on this road and are in favor of this proposal of one-way.

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8. UNFINISHED BUSINESS

8.A. **Ordinance Granting Public Service Company of NC, Inc. the use to construct, operate and maintain a gas utility system within the Town of Black Mountain for a period of thirty (30) years.** Dominion Energy (Enbridge Gas) has sent over the proposed franchise agreement renewal for natural gas. The original franchise agreement was adopted by the Town Council in 1995 for 30 years, expiring July 2025. When this franchise agreement was first adopted in 1995, a public hearing was held before the franchise ordinance was adopted by the Council. Attorney Justus has

advised a public hearing be held if any citizen wishes to speak on the item. This hearing will be held at the next meeting on Monday, June 9th, 2025 at 6:00 p.m. in the Council Chambers. Following the public hearing on June 9th, the Council will then consider adoption of the franchise renewal. A draft of the franchise agreement to be renewed is attached, which was sent to the Town Attorney's office for review.

Attorney Brian Gulden spoke on the revisions made that has been sent to Enbridge's legal team for their response to the revisions. The Town is still waiting to hear back from Enbridge, therefore, Attorney Gulden suggested the Council extend the timeline one more month, 30-35 days, in order to receive feedback from Enbridge before any final approval is granted by the Council.

Town Council Member Doug Hay made a motion to extend the current agreement with Public Service Company of NC for an additional thirty-five days until final reviews of the revised agreement are completed. A vote of 5-0 in favor.

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9. NEW BUSINESS

9.A. **Petition for Town to Take Over Maintenance of Fay Jones Lane and Rantis Lane.** The owners of the residences on Fay Jones Lane and Rantis Lane have filed a petition to dedicate both Fay Jones Lane and Rantis Lane to the Town for maintenance and ownership. Public Works has viewed the petition and inspected the roads and are not recommending that the Town take over these roads for the following reasons: 1) future expense to maintain roads with no extra funding from the state (Powell Bill funds), and concern that existing funding may be cut due to Helene, and 2) this would require more staffing for maintenance such as snow removal. A similar request for the Town to dedicate these two roads as public streets was brought before the Council at its May 13, 2024, when the Council denied the dedication request.

Attorney Brian Gulden gave some remarks on this item to the Council suggesting to table this item until the September meeting in order to give time to review historical documents of when the development's plan was originally approved, and other supporting documents regarding streets in this area. ***Town Council Member Pam King made a motion to postpone the petition for the Town to take over maintenance of Fay Jones and Rantis Lanes until the September 8, 2025 meeting. A vote of 4-1 in favor. Council Member Doug Hay opposed.***

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9.B. **Discussion of Turning S. Ridgeway Avenue and a Portion of Sutton Avenue to One-Way.** McAdams, formerly Traffic, Planning and Design, conducted a study in April of 2023, to look at turning S. Ridgeway Avenue southbound to Sutton Avenue at the intersection of Sutton Avenue and S. Richardson Blvd into one-way traffic. Based on the report, it was recommended that traffic be directed one-way southbound on S. Ridgeway

Avenue and to re-time the signals at the intersection of S. Richardson Blvd and State Street. Due to the rising foot traffic that is being seen on Sutton Avenue and S. Ridgeway Avenue, staff are recommending that Council approve the traffic be redirected to one-way southbound on S. Ridgeway Avenue to the intersection of Sutton Avenue and S. Richardson Blvd. This will allow for marked pedestrian space along both streets. The recommended signage from the engineer report will cost approximately $400.00. Discussion ensued around a policy for notifying residents and business owners along a street for any proposed road changes, and review by the Active Mobility Commission. ***No action was taken by the Council on this item at this time.***

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9.C. **Text Amendments to Amend Ch. 1, Sec. 1.2.3, Ch. 4, Sec. 4.7.7.2, Ch. 4, Sec. 4.7.14, and Ch. 5, Sec. 5.18 in the Land Use Code; and Ch. 4, Alcoholic Beverages, Sec. 4-1 in the Town Code of Ordinances, to add provisions for sidewalk seating.** The current ordinance regarding sidewalk seating is vague and not clear on what can be included with sidewalk seating. The proposed text amendment will strengthen and clarify the allowance of sidewalk seating by adding a definition of sidewalk seating, adding a barrier requirement, adding sidewalk seating to the Table of Uses by Zoning District, implementing an annually-renewed permit requirement, and providing new standards.

Discussion ensued among Council members and staff. Defining "Outdoor Dining" specifically was discussed as an addition to this ordinance and to have the item come back before the Council at the next meeting for approval. ***The Council was in consensus to table the item until September's meeting.***

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9.D. **Ordinance Prohibiting Construction of New Town-Owned Buildings in the Regulatory Floodplain.** Staff recommends adoption of an ordinance that prohibits the construction of new public facilities within the regulatory floodplain. If no practicable alternative exists, these public facilities would require a level of design that exceeds NFIP (National Flood Insurance Program) requirements and is subject to the approval of the Town Council. This aligns with State Executive Order No. 266, which directs state agencies, and strongly encourages local governments, to avoid placing public infrastructure in flood-prone areas to reduce long- term risk and promote community resilience. This ordinance would be added to the Flood Damage Prevention Ordinance within the Town's Land Use Code under Chapter 2, Section 2.3, Article 5, as Section G. This proactive policy builds on lessons learned from Tropical Storm Helene, and other recent flood events, where public infrastructure suffered repeated damage due to its location within flood-prone areas. By adopting this ordinance, the Town demonstrates

leadership in risk-informed development and strengthens its eligibility for future resilience and mitigation funding. Some discussion ensued about floodplain restriction areas, and restricting these buildings in the 100-year floodplain (Special Flood Hazard Area) only, and not also in the 500-year floodplain (Moderate Flood Hazard Area).

Town Council Member Doug Hay made a motion to Approve the Land Use Ordinance amendment prohibiting construction of new town-owned buildings in the 100-year floodplain (Special Flood Hazard Area) only, and not including the 500-year floodplain (Moderate Flood Hazard Area). A vote of 5-0 in favor.

AN ORDINANCE AMENDING THE SPECIAL FLOOD HAZARD MITIGATION ORDINANCE OF THE TOWN OF BLACK MOUNTAIN TO PROHIBIT NEW TOWN-OWNED BUILDINGS IN THE REGULATED FLOODPLAIN

Ordinance No. O-25-20

WHEREAS, the Town of Black Mountain is committed to fiscal responsibility, public safety, and climate resilience; and

WHEREAS, recent flood events, including Tropical Storm Helene in 2024, have highlighted the vulnerability of public facilities located within regulated flood hazard areas; and

WHEREAS, North Carolina Executive Order No. 266 prohibits new state-owned buildings in flood hazard areas unless no feasible alternative exists, aligning with best practices in risk reduction and infrastructure resilience; and

WHEREAS, it is in the interest of the Town to adopt a similar policy framework to reduce long-term public exposure to flood risk and ensure responsible stewardship of taxpayer resources.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

The Black Mountain Land Use Code (Appendix A) within the Town of Black Mountain Code of Ordinances, Chapter 2- Building Regulations, Section 2.3 - Flood Damage Prevention Ordinance, Article 5 - Provisions for Flood Hazard Reduction be amended to the following (additions are underlined in bold and deletions are shown as red struck text):

Article 5:

Section G. - Prohibition on New Town-Owned Buildings in the Regulated Floodplain.

A.

1) **Purpose.**
   To reduce the risk of flood-related losses to public infrastructure and align capital investment decisions with best practices in floodplain management and climate adaptation, the Town of Black Mountain establishes a prohibition on the construction of new town-owned buildings within regulated floodplains.

2) **Applicability.**
This section applies to any new building that will be constructed, owned, and operated by the Town of Black Mountain, including but not limited to administrative buildings, public works facilities, parks and recreation buildings, emergency services buildings, and utility structures.

3) **Floodplain Restrictions.**
No new town-owned building shall be constructed within a FEMA-designated Special Flood Hazard Area (100-year floodplain) unless the following four conditions are met:

   a. **No Feasible Alternative Site Exists.**
   The Town demonstrates, through site selection analysis, that there is no feasible alternative location outside the 100-year floodplain.

   b. **Flood Risk Assessment.**
   A qualified flood risk assessment is completed by a professional engineer or certified floodplain manager, and the assessment findings are submitted to the Town Council.

   c. **Enhanced Resilient Design.**
   The proposed building incorporates design elements that exceed the minimum requirements of this ordinance by one additional foot in addition to BFE+2 and the North Carolina Building Code, including but not limited to freeboard, floodproofing, and elevated utilities. The proposed improvements will be recommended by the Town Manager and approved by the Town Council.

   d. **Written Justification.**
   A written justification is submitted to and approved by the Town Council in an open meeting, prior to any final site or construction approvals.

4) **Exemptions.**
   a. This section shall not apply to the repair, rehabilitation, or retrofit of existing town-owned buildings, provided such activities do not result in a substantial improvement as defined by this ordinance.

5) **Consistency with State Policy.**
   a. This policy is intended to align with the principles of North Carolina Executive Order No. 266 and shall be interpreted to promote eligibility for state and federal disaster recovery and mitigation funding.

B. Severability.

If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

C. Effective Date. This ordinance shall become effective upon adoption.

READ, APPROVED AND ADOPTED, this the 11th day of August, 2025.

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9.E. **Amendment to the Town's Personnel Policy Manual to add an Emergency Lodging & Meal Support Policy.** Following Tropical Storm Helene, the Town incurred expenses to provide lodging and meals for essential staff and emergency personnel required to maintain operations and support response efforts. FEMA Public Assistance and other reimbursement programs require a formal policy to support such expenditures in order for them to be eligible for reimbursement. The proposed Emergency Lodging and Meal Support Policy establishes the authority and framework for the Town to provide or reimburse meals and lodging during emergency declarations—whether presidentially declared, state declared, locally declared, or determined by the Town Manager or Assistant Town Manager. The policy outlines who may be eligible, under what conditions, and how expenses will be documented and managed to meet reimbursement standards. The policy, once adopted, will be added to the Town's Personnel Policy Manual and will strengthen our emergency preparedness and continuity of operations efforts while aligning with federal and state emergency reimbursement requirements.

Town Council Member Alice Berry made a motion to approve the following resolution adding an amendment to the Town's Personnel Policy to add an Emergency Lodging and Meal Support Policy, as presented. A vote of 5-0 in favor. Mayor Sobol was absent.

RESOLUTION TO AMEND THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA PERSONNEL POLICY

Resolution #: R-25-34

WHEREAS, the Town of Black Mountain recognizes the importance of maintaining an up-to-date and effective personnel policy to guide its employees and ensure a fair and consistent workplace; and

WHEREAS, it is the desire of the Town Council to amend certain provisions within the existing Personnel Policy Manual to address current needs, improve clarity, or ensure compliance with applicable laws and regulations; and

WHEREAS, the proposed amendments have been reviewed by appropriate staff and departments and are deemed to be in the best interest of the Town and its employees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following changes be made to the Town of Black Mountain Personnel Policy Manual, effective as of the date of this Resolution (additions are underlined in bold and deletions are shown as red struck text):

Article VI: Work Conditions and Expectations, Section 24.

Section 24. Emergency Lodging and Meal Support Policy

(a) **Purpose**

(1) **The purpose of this policy is to establish formal authorization for the Town of Black Mountain to provide lodging and meals for town staff, emergency workers, contractors, and essential personnel during an emergency situation in which remaining onsite or in proximity to critical operations is necessary to protect health, safety, or the continuity of government operations.**

(2) **This policy ensures compliance with requirements of federal and state reimbursement programs, including but not limited to FEMA Public Assistance (PA), the North Carolina Emergency Management (NCEM) reimbursement programs, and any future applicable relief mechanisms.**

(b) **Authority**

(1) **This policy shall apply during:**

- **A presidentially declared disaster or emergency;**
- **A state-declared disaster or emergency;**
- **A locally declared state of emergency by the Mayor;**
- **A determination by the Town Manager or Assistant Town Manager that an emergency situation exists that threatens the safety of personnel or significantly disrupts essential services.**

(c) **Policy**

(1) **The Town of Black Mountain may provide or reimburse reasonable costs for lodging, meals, and related subsistence expenses for:**

- **Town employees required to remain onsite or within close proximity to their assigned emergency duties;**
- **Mutual aid responders and contracted emergency personnel supporting the Town's response and recovery;**
- **Other individuals whose housing or meal support is deemed necessary to maintain critical operations or ensure health and safety during the event.**

This includes:

- **Hotel or short-term lodging accommodations when safe on-site shelter is unavailable or inappropriate;**
- **Meals provided onsite or through per diem reimbursement consistent with federal and state guidance;**
- **Extended support if recovery or response efforts continue beyond the duration of the declared event.**

All expenditures must be:

- **Pre-approved by the Town Manager or Assistant Town Manager;**
- **Reasonable, necessary, and directly related to the emergency;**

- **Documented with itemized receipts and justification, including names of those housed or fed and their roles in the response.**

(d) **Implementation**
The Town Manager, Assistant Town Manager, or their designee shall be responsible for implementing this policy during a qualifying emergency. Finance staff will ensure all documentation meets standards required for reimbursement by external funding agencies.

(e) **Reimbursement and Funding**
When applicable, the Town will seek reimbursement for these expenses through FEMA Public Assistance, NCEM, insurance, or other sources. Adoption of this policy is intended to support eligibility for current and future reimbursement programs by demonstrating formal procedures.

(f) **Review and Updates**
This policy shall be reviewed periodically and revised as necessary to remain consistent with best practices and federal/state guidance for emergency management and disaster recovery.

BE IT FURTHER RESOLVED that all other provisions of the Town of Black Mountain Personnel Policy Manual shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Town Manager (or other designated authority) is hereby authorized to take all necessary actions to implement these amendments, including updating the electronic and physical copies of the Personnel Policy Manual and communicating these changes to employees.

Adopted this 11th day of August, 2025.

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9.F. **Recommendation of Engineering Firms for FEMA Projects.** The following engineering firms have been recommended by staff for FEMA projects: McAdams (Hilltop Road & Town Roads Projects), Anchor (N. Occoneechee Sinkhole & Flat Creek Greenway Projects), Jennings (Swannanoa River Restoration Project), S&ME (Lake Tomahawk Dam Project), McGill (Watershed & Water System Projects). All firms have been federally procured for FEMA Projects. Once these firms are under contract, they will provide estimates for the work. FEMA will then obligate funds for the project(s), and the firms are paid out of that obligation of funds from FEMA. The next step in the process is for Town Council to approve the recommended firms and direct the Assistant Town Manager to negotiate contracts for these projects.

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

A RESOLUTION APPROVING RECOMMENDED ENGINEERING FIRMS FOR FEMA PROJECTS AND AUTHORIZING CONTRACT NEGOTIATIONS
Resolution No. R-25-46

WHEREAS, staff has completed a federally compliant procurement process for engineering services related to FEMA projects as a result of Tropical Storm Helene; and

WHEREAS, the following firms have been recommended by staff for the respective projects:

Firm	**Project(s)**
McAdams	Hilltop Road; Town Roads
Anchor	N. Occoneechee Sinkhole; Flat Creek Greenway
Jennings	Swannanoa River Restoration
SM&E	Lake Tomahawk Dam
McGill	Watershed & Water System

WHEREAS, all firms have been federally procured for FEMA projects, and upon execution of contracts, will provide estimates for the scope of work; and

WHEREAS, FEMA will obligate funds for each project upon review of the estimates, and payments to the firms will be made from these obligated funds; and

WHEREAS, the next step in the process is for the Town Council to approve the recommended firms and direct the Assistant Town Manager to negotiate and execute contracts for these projects.

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

1. The Town Council hereby approves the above-named engineering firms for the FEMA projects as outlined.
2. The Assistant Town Manager is hereby authorized and directed to negotiate and execute contracts with the approved firms for the listed projects.

Adopted this the 11th day of August 2025.

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9.G. **Appointment to the Black Mountain ABC Board.** Town Clerk Wesley Barker stated the Black Mountain Alcoholic Beverage Control (ABC) Board has a total of three (3) seats, that are appointed by the Town Council. The ABC Board has one seat whose term is expiring. This seat is

currently held by Amanda Nichols. Ms. Nichols has indicated she does not wish to be re-appointed for another term on the ABC Board. Applications to the ABC Board were received by Andrew Tyson, Shawn Slome, and Jack Heinen. Please note that Jack Heinen does not reside within the corporate limits of Black Mountain. The other applicants do reside within the corporate limits of Black Mountain. After researching the guidelines for ABC Board Members, considering this is a board created via State Legislation and ABC Boards in North Carolina are local, independent political subdivisions of the State, SL-1971-457, the legislation text does not indicate any residency requirements for members of Black Mountain's ABC Board. Therefore, all three applicants are eligible.

Because there were multiple applicants to the ABC Board and only 1 vacant seat, Town Council used a ballot method to vote on the applicant to fill this vacant seat. The Town Clerk reported that Jack Heinen received the majority of votes for this seat. ***Town Council Member Doug Hay made a motion to appoint Jack Heinen to the Black Mountain ABC Board for a three-year term. A vote of 5-0 in favor. Mayor Sobol was absent.***

Name	Board/Commission	Term Expires
Jack Heinen	***ABC Board***	***7/1/2028***

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9.H. **Appointments to the Active Mobility Commission.** The Active Mobility Commission (AMC) consists of seven (7) members, who serve three- year (3-year) terms. Members must be full-time residents of the Town, or the East Buncombe Fire District. Currently, the AMC has two seats that are expiring and one vacant seat. Current members Kyle Cole and Michelle Knight's first terms are expiring. Michelle Knight is not interested in being reappointed. Further, there were 6 new applications submitted for AMC. These were from Edwin Aaronson, Jeremy Claeys, Tara Cooke, Janice Rausch, Alan Simmons and Joe Tuohey. Each of these applicants resides within the corporate limits of Town and are eligible. Because there were multiple applicants to this Commission, and only three vacant seats, Town Council used a ballot method to vote on the applicants to fill these seats. The Town Clerk reported that Jeremy Claeys, Kyle Cole and Janice Rausch received the majority of votes for these seats.

Town Council Member Pam King made a motion to appoint Jeremy Claeys, Kyle Cole and Janice Rausch to the Active Mobility Commission. A vote of 5-0 in favor. Mayor Sobol was absent.

Name	Board/Commission	Term Expires
Jeremy Claeys	***Active Mobility***	***7/1/2028***
Kyle Cole	***Active Mobility***	***7/1/2028***
Janice Rausch	***Active Mobility***	***7/1/2028***

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9.I. **Appointments to the Board of Adjustment**. The Board of Adjustment consists of 5 members each serving a 3-year term, and 3 alternate members without expiring terms. When a vacancy occurs, members move forward from the alternate seats and new membership is appointed to the alternate seats. Currently, the Board of Adjustment has three seats that are expiring, and two alternate member vacancies. Current members Linda Brinson, John Hines, and Chloe Riddle's terms are expiring. They are all eligible for re-appointment. Linda Brinson and John Hines are interested in being reappointed, which would allow them to serve their first full term, as they were previously alternate members and moved up to regular members within the last year. Member Chloe Riddle has indicated she would like to remain on the Board, but due to some travel, she needs to step back from her regular member seat and be an alternate. If the Council agrees, current Alternate #1, David Barley would be moved up to her seat as a regular member, for a three-year term, and Chloe Riddle would be moved to Alternate. Further, there was a new applicant who submitted an application, Mary E. Hall. She is eligible to serve as she lives within the corporate limits of Town. In order to maintain quorums at these Board of Adjustment meetings, staff recommends the following: 1) Re-appointment of Linda Brinson and John Hines, 2) Formal appointment of David Barley from Alternate to Member, 3) Appointment of Mary E. Hall to an Alternate position. This will still leave 2 vacant Alternate positions, to which recruitment will continue, but it will ensure the Board of Adjustment has enough members for quorums.

Town Council Member Pam King made a motion to appoint Mary E. Hall as an Alternate #1 member, re-appoint Linda Brinson and John Hines for their first full term as Regular Members, appoint David Barley from Alternate #1 to Regular Member, and move Chloe Riddle from Regular Member back to Alternate #2 on the Board of Adjustment. A vote of 5-0 in favor. Mayor Sobol was absent.

Name	Board/Commission	Regular/ Alternate	Term Expires
Linda Brinson	***Board of Adjustment***	***Regular***	***7/1/2028***
John Hines	***Board of Adjustment***	***Regular***	***7/1/2028***
David Barley	***Board of Adjustment***	***Regular***	***7/1/2028***
Mary E. Hall	***Board of Adjustment***	***Alternate***	***none***
Chloe Riddle	***Board of Adjustment***	***Alternate***	***none***

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9.J. **Appointments to the Historic Preservation Commission.** The Historic Preservation Commission (HPC) consists of five (5) members, who serve

three- year (3-year) terms. Members must be residents within the corporate limits of Black Mountain. Currently, the HPC has one member seat expiring and one seat vacancy. Current member Lardner Moore, Jr. seat is expiring. Mr. Moore was appointed to the HPC in November 2024 to fill a vacancy in this seat. Mr. Moore is interested in continuing on this Commission, which, upon appointment, would be his first full three-year term. He has submitted an application, which is included in the agenda packet. Further, there were 3 new applications submitted for HPC. These were from Kev Hollo, Beth Johnson, and Elizabeth Swann. Each of these applicants resides within the corporate limits of Town and are eligible. Staff recommends that the Council re-appoint current member Lardner Moore, Jr., and Council would need to make one additional appointment to fill the vacant seat.

Because there were multiple applicants to this Commission, Town Council used the ballot- method to vote on the applicant to fill this vacant seat. Following the ballot votes, the Town Clerk reported that Elizabeth Swann received the majority of votes.

Town Council Member Doug Hay made a motion to re-appoint Lardner Moore, Jr. for his first full three-year term and appointment of Elizabeth Swann for a three-year term with the Historic Preservation Commission. A vote of 5-0 in favor. Mayor Sobol was absent.

Name	Board/Commission	Term Expires
Lardner Moore, Jr.	***Historic Preservation***	***7/1/2028***
Elizabeth Swann	***Historic Preservation***	***7/1/2028***

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9.K. **Appointments to the Planning Board.** The Planning Board consists of seven (7) members, who serve three-year (3-year) terms. Members must be residents within the corporate limits of Black Mountain. Currently, the Planning Board has five seats that are expiring. Two of these seats were appointed to an additional one-year term in July 2024 by Town Council due to continued work on the Unified Development Ordinance (UDO). It should be noted that the UDO was delayed last year due to Hurricane Helene, so the work on this is still ongoing and could take several more months. Member Pam Norton was appointed for one additional year in 2024 to see the UDO process through. Even though it is not yet complete, Pam is willing to stay on the board until the UDO is complete, if Council wishes. Additionally, members Chris Collins and Lauronda Teeple's second full terms are expiring, and they are also willing to stay on the board until the UDO is complete, if Council wishes. Further, member Joe Laudenslayer's first full term is expiring, and he is eligible for re-appointment for a second term. Member Chas Fitzgerald's term is expiring, and he has indicated he is moving out of the Town, and will be rotating off the board. This will leave a new vacancy. New applications to the Planning Board were received from Michael Churchman, and Anton DuMars. Both applicants reside within the corporate limits of town. Staff recommends that

the Council re-appoint current member Joe Laudenslayer for his second three-year term. Also, Council should discuss the appointments of members Chris Collins, Pam Norton and Lauronda Teeple for an additional period until completion of the UDO. Staff has indicated this process could continue for several more months. Finally, Council will need to appoint a new member to fill the new vacant seat. Some Council discussion ensued about keeping current members on the board for another extended period of their terms to see the UDO through, to which the Council agreed was the best option at this time. Because there were multiple applicants for one vacant seat, Town Council used the ballot-method to vote on the applicant to fill this vacant seat. Following the ballot vote, the Town Clerk reported that Michael Churchman received the majority of votes.

Town Council Member Pam King made a motion to re-appoint Chris Collins, Pam Norton and Lauronda Teeple for an additional one-year to see the UDO through, re-appoint Joe Laudenslayer for a second three-year term, and appoint Michael Churchman for his first three-year term. A vote of 5-0 in favor. Mayor Sobol was absent.

Name	Board/Commission	Appointment Length	Term Expires
Chris Collins	***Planning Board***	***1-year addt'l***	***7/1/2026***
Pam Norton	***Planning Board***	***1-year addt'l***	***7/1/2026***
Lauronda Teeple	***Planning Board***	***1-year addt'l***	***7/1/2026***
Joe Laudenslayer	***Planning Board***	***3-year regular***	***7/1/2028***
Michael Churchman	***Planning Board***	***3-year regular***	***7/12028***

Additionally, it was noted by the Town Clerk that when the next appointments occurred, member terms would have to be adjusted accordingly to maintain staggered terms of Planning Board members going forward, so a majority does not rotate off at once. This means that some appointments may be for less than the normal three- year terms to get back on track.

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9.L. **Appointment to the Recreation Commission.** The Recreation Commission consists of five (5) members, who serve three-year (3-year) terms. A minimum of two-thirds of the membership will be made up of full-time residents within the corporate limits of Black Mountain. The remaining one-third of the membership may be made up of residents who reside in the East Buncombe Fire District, but not within the corporate limits of any incorporated municipality. Currently, only one seat on the Commission is expiring, which is William Boyd. Mr. Boyd's is eligible for another term, but prior to this Council meeting, he has indicated he would no longer like to be reappointed to a second term. A new application was received from Pam Pauly for the Recreation Commission.

Town Council Member Pam King made a motion to appoint Pam Pauly to the Recreation Commission for her first three-year term. A vote of 5-0 in favor. Mayor Sobol was absent.

Name	Board/Commission	Term Expires
Pam Pauly	***Recreation Commission***	***7/1/2028***

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10. **COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER-** None.

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11. **COMMUNICATION FROM MAYOR AND TOWN COUNCIL-** None.

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12. **CLOSED SESSION - 143-318.11 (A) (6).** The Town Council would now go into Closed Session as permitted via 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. ***Vice Mayor Archie Pertiller made a motion to enter into closed session as allowed via NCGS 143-318.11(a)(6). A vote of 5-0 in favor. The time was 9:03 p.m.***

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13. **ADJOURNMENT.** The Town Council returned to open session from closed session at 9:27 p.m. With no further business, the Vice Mayor adjourned the meeting.

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Archie Pertiller, Vice Mayor

ATTEST:

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Wesley M. Barker, Town Clerk