BLACK MOUNTAIN TOWN COUNCIL MINUTES

September 8, 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, September 8, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

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

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

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

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

2.A. Proclamation Celebrating 75th Anniversary of First Christian Church (Disciples of Christ) of Black Mountain. Mayor Sobol read a Proclamation Celebrating the 75th Anniversary of First Christian Church (Disciples of Christ) of Black Mountain.

2.B. Resolution Commemorating the One-Year Anniversary of Hurricane Helene. Council Member Alice Berry read aloud the resolution text commemorating the one-year anniversary of Hurricane Helene.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, RECOGNIZING THE ONE-YEAR

ANNIVERSARY OF HURRICANE HELENE

RESOLUTION #: R-25-50

WHEREAS, on September 27, 2024, Hurricane Helene struck Western North Carolina, including the Town of Black Mountain, bringing historic rainfall, flooding, and destruction across the region; and

WHEREAS, the storm caused the tragic loss of lives, displaced families, damaged homes and businesses, and significantly impacted the natural environment, including the loss of much of the community's tree canopy; and

WHEREAS, the Town of Black Mountain stands in solemn remembrance of those whose lives were lost and whose families and loved ones continue to grieve; and

WHEREAS, in the year since the storm, the residents of Black Mountain and Western North Carolina have demonstrated remarkable resilience, unity, and strength, supporting one another in recovery and rebuilding efforts; and

WHEREAS, federal, state, and local agencies, along with nonprofit organizations, faith communities, and countless volunteers, have partnered with the Town in response and recovery, helping to restore essential services, repair public facilities, and aiding those in need; and

WHEREAS, the Town of Black Mountain recognizes that recovery is ongoing, and that with each step forward comes an opportunity to build a stronger, more prepared, and more resilient community; and

WHEREAS, the Town remains committed to investing in flood mitigation, stormwater management, resilient infrastructure, and environmental restoration, ensuring that Black Mountain is better positioned to withstand future storms; and

WHEREAS, the anniversary of Hurricane Helene serves as both a solemn reminder of our losses and a hopeful marker of the community's enduring spirit and capacity for renewal.

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

1. That the Town Council honors and remembers all lives lost during Hurricane Helene and extends its deepest sympathies to their families and loved ones.
2. That the Town Council recognizes and expresses gratitude to the residents, first responders, all town employees, partner organizations, and volunteers who have contributed to recovery and rebuilding over the past year.
3. That the Town Council reaffirms its commitment to building a safer, stronger, and more resilient Black Mountain for generations to come.
4. That this resolution shall be entered into the official records of the Town of Black

Mountain as a testament to the community's perseverance and dedication to the future.

Adopted this the 8th day of September 2025.

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3. CITIZEN COMMENTS

The following citizen comments were provided:

- John Collins, Camp Branch Rd., spoke about continued low water pressure issues on Camp Branch Rd.
- Gary Bartlett, Camp Branch Rd., spoke about continued low water pressure issues on Camp Branch Rd.
- Cydney Joyner- spoke in favor about the S. Ridgeway one-way direction proposal.
- Marilyn Sobanski, 208 Rhododendron Ln., spoke about park hours around Lake Tomahawk.
- Libba Fairleigh- spoke about pickleball courts in Town.
- Sikes Ragan- spoke about the dedication of Rantis and Fay Jones Lanes and acceptance into the Town's street system.
- Kathryn Matthew- spoke about the street dedication of Rantis and Fay Jones Lanes.
- Bob Hardy, 5 Rantis Ln., spoke about the street dedication of Rantis and Fay Jones Lanes.
- Doug Brock, 296 Old Lakey Gap Rd., spoke about issues with the Town Manager.
- Mark White, 787 Lakey Gap. Rd., spoke about the Town's water system and reporting.
- Mike Small, 112 S. Ridgeway Ave., spoke about the S. Ridgeway one-way proposal.
- LC Clemons, 39 Mae View Ln., spoke about town streets.
- Peter Fraser, 304 Genesis Cir., spoke about vehicle noise in his neighborhood.
- Bill Wagner, 310 Genesis Cir., spoke about vehicle noise in his neighborhood.
- Mark Tomezale, 101 S. Ridgeway Ave., spoke about the S. Ridgeway one-way proposal.
- Anna Stearns spoke about the S. Ridgeway one-way proposal.
- Mike Cys, 136 N. Dougherty St., spoke about the S. Ridgeway one-way proposal.
- Mandie Carter, 1018 Montreat Rd., spoke about a tree protection policy for the town tree canopy.
- Eric Manos spoke about the Rantis and Fay Jones Lanes street dedication.
- Jenifer Pickering, 373 Lake Eden Rd., spoke on behalf of the Bush Farmhouse on parking areas.
- Joe Tyson, 309 N. Dougherty St., spoke about not being in favor of the S. Ridgeway one-way proposal.

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4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

Town Manager Josh Harrold stated that item 9D under New Business, Resolution to Authorize Lien for Abatement of Violation at 141 S. Richardson Blvd. needed to be removed from the agenda. ***The Council was in consensus to remove this item.***

5. CONSENT AGENDA

5.A. Call for Public Hearing for Cheshire Master Plan Revision. ***Town Council Member Ryan Stone made a motion to call for a public hearing for Cheshire Master Plan revision to be held on Monday, October 13, 2025 at 6pm at Black Mountain Town Hall, 160 Midland Ave. A vote of 5-0 in favor.***

5.B. Call for Public Hearing for Text Amendment to Chapter 5, Section 5.17, Mobile Retail Vendors. ***Town Council Member Ryan Stone made a motion to call for a public hearing for a text amendment to Ch. 5, Section 5.17, Mobile Retail Vendors, to be held on Monday, October 13, 2025 at 6pm at Black Mountain Town Hall, 160 Midland Ave. A vote of 5-0 in favor.***

5.C. Resolution Accepting Donation of Two Vehicles from the City of Greensboro to the Town of Black Mountain for Public Use by the Planning Department. In June of this year, the Town Manager reached out to the City of Greensboro to ask if they would be willing to donate two vehicles as the Town lost several vehicles due to Tropical Storm Helene. The two vehicles, a 2007 Ford Explorer and a 2015 Ford F-150, were slated to be sold as surplus. The City of Greensboro City Council voted at their August council meeting to approve the donation of the two vehicles with the provision that the vehicles are for pubic use. The vehicles will be used by the Planning Department as inspections vehicles.

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

RESOLUTION TO ACCEPT THE DONATION OF ONE (1) 2007 FORD EXPLORER AND ONE (1) 2105 FORD F-150 TRUCK FROM THE CITY OF GREENSBORO TO THE TOWN OF BLACK MOUNTAIN TO BE USED BY THE PLANNING DEPARTMENT
RESOLUTION # R-25-56

WHEREAS, the City of Greensboro, with an act of liberality and generosity donates two (2) vehicles to the Town of Black Mountain through its City Council, which said vehicles are more particularly described as:

2007 Ford Explorer 4x4 VIN: 1FMEU73E37UB5187
2015 Ford F-150 4x4 Truck VIN: 1FTEW1EF3FFB08013

WHEREAS, North Carolina General Statute 160A-280 authorizes a governmental unit in this state to donate personal property to other governmental units; and

WHEREAS, the North Carolina Supreme Court has further held that these donations

must be used for a public purpose; and

WHEREAS, North Carolina General Statute 160A-12 authorizes the governing board to accept donations of real or personal property; and

WHEREAS, the Town of Black Mountain, by virtue of authority, receives and accepts the donation made by the City of Greensboro, and the former expresses their appreciation and gratefulness to the generosity and civic mindedness of the City of Greensboro.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council accepts the donation of the two (2) vehicles stated above from the City of Greensboro to be used for public purposes by the Planning Department.

This the 8th day of September 2025.

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5.D. Amended Tropical Storm Helene Grant Project Ordinance, Resolution to Accept State Cashflow Loan Round 3 Funding and Budget Amendments as presented and recommended.

This agenda item is to consider the approval of the Resolution to accept State Cashflow Loan Round 3 funding, amendment of the Grant Project Ordinance, and budget amendments for Tropical Storm Helene. The Town of Black Mountain is included in FEMA-4827-DR, North Carolina Disaster Declaration. Initial funding for this Grant project came from the Town's General Fund Balance. This amendment recognizes the following items:

- Transfer of Insurance Proceeds received for Water Infrastructure repairs to the Tropical Storm Helene Water Infrastructure Mitigation and Reconstruction Capital Project in the amount of $657,930.39.
- Insurance Proceeds of $90,047.66 from the North Carolina League of Municipalities "NCLM". NCLM is the provider of the Town's property insurance policy.
- NC Department of State Treasurer Cashflow Loans for Disaster Response Activities to Local Governments Round 3 in the amount of $1,233,911.31.

Council Member Ryan Stone made a motion to approve the following ordinance. A vote of 5-0 in favor.

Town of Black Mountain Tropical Storm Helene
Amended Grant Project Ordinance
Ordinance #: O-25-22

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; the following Grant Project Ordinance 0-24-15, originally adopted October 7, 2024, is hereby amended and adopted as follows:

Section 1. Project Defined.
The Town of Black Mountain defines a "Grant Project" as a project financed in whole or in part by revenues received from the Federal and/or State Government for operating or capital proposed as defined by the grant contract. The project may include expenditures that span across multiple fiscal years.

Section 2. Project Authorization.
The project authorized is Hurricane Helene. Beginning September 25th, 2024, the Town of Black Mountain entered into a State of Emergency within North Carolina. On September 28th, 2024 a Federal Major Disaster Declaration for the State of North Carolina due to Tropical Storm Helene was issued. September 30th, 2024 the Town of Black Mountain declared a State of Emergency. FEMA-4827-DR, North Carolina Disaster Declaration as of September 28, 2024, defines the Incident Period as September 25, 2024 and continuing.

Section 3. Funding.
This project is to be funded in whole or part by FEMA-4827-DR. FEMA's Office of Response and Recovery has determined that with the President's Emergency Declaration, exigent and emergency circumstances currently exist. FEMA Assistance for this project has been declared for 100% of approved expenditures. 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.

Town of Black Mountain Operating Fund Transfers:
- Initial Funding for this project will need to be provided by a budget amendment from the General Fund-Fund Balance. In the case of funding that is not needed due to other funding sources, the Town will transfer unneeded funds transferred from the General Fund back to the general fund.
- The board approved in the January agenda meeting to Transfer funding from the general fund to the Helene Project to cover costs to Veteran Park Fencing in the amount of $121,000.
- Board Approved within March 2025 meeting a budget amendment to transfer $300,000 for the Hilltop Road Repairs $100,0000 from the Powell Bill Fund and $200,000 from the General Fund Street Department.
- Funding transfer from the General Fund to make needed repairs to the Dog Park in

the amount of $40,000 May 2025 meeting.
• Requested funding transfer from the General Fund to make needed electrical repairs to Lakeview Pavilion in the amount of $4,500 June 2025 Meeting.

NCLM is the Town's insurance carrier. The Town has received insurance proceeds totaling $2,451,190.36 to date:
• Funding of $2,788,696.15 has been received from NCLM for flood damage to Town buildings and Contents.
• Additional Insurance Claims paid to date from NCLM equal $1,327,368.48.

Donations
• The Town has received a donation in the amount of $67,000 from Black Mountain Presbyterian Church to assist in the repairs at Veteran's Park.

FEMA Funding Received to Date:
• The Town has received a payment of 50% of the emergency expenditures submitted. The total amount received was $860,666.18.
State Funding Has Been Awarded for the Following Items:
• NC Department of State Treasurer has awarded a loan in the amount of $705,703.37 to aid with Cashflow due to Hurricane Helene
• NC Department of State Treasurer has awarded a loan in the amount of $465,661.06 in the 2nd Round of the Cashflow Loan Program.
• NC Department of State Treasurer has awarded a loan in the amount of $1,233,911.31 in the 3rd Round of the Cashflow Loan Program.

Section 4. Directives.
The officers of the Town of Black Mountain are hereby directed to proceed with the federal and/or state grant project within the terms of the rules and regulations of those grants and the budget contained. 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 funds appropriated.

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

Budgeted Revenues	Prior Authorized	Change	Amended Funding
Transfer In From General Fund	2,365,500.00		2,365,500.00
Transfer In From Powell Bill Fund	100,000.00		100,000.00
Grant Revenue Federal - FEMA Emergency Expenditures	860,666.18		860,666.18
NCDEQ- Infrastructure Loan	0.00		0.00
NCDEQ- Infrastructure Tech Assist Grant	0.00		0.00
NCDST - Cashflow Loan	1,171,364.43	1,233,911.31	2,405,275.74
Contributions/Donations	67,000.00		67,000.00
Insurance Proceeds	3,778,558.84		3,778,558.84

Total Funds	**$8,343,089.45**	**$1,233,911.31**	**$9,577,000.76**

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

Budgeted Expenses	***Prior Anticipated***	***Change***	***Amended Expense***
Salaries and Benefits	$431,000.00		$431,000.00
Protective Clothing	$10,909.80		$10,909.80
Professional Services - Engineering and Design	$509,661.06		$509,661.06
Professional and Technical Service	$55,100.00	$1,233,911.31	$1,289,011.31
Contract Services	$2,367,213.66		$2,367,213.66
Technology and Software License	$1,000.00		$1,000.00
R&M Buildings	$1,115,558.43		$1,115,558.43
R&M Grounds/Parks/Greenways	$21,477.51		$21,477.51
R&M Equipment	$23,899.26		$23,899.26
R&M Vehicle	$2,875.96		$2,875.96
R&M Streets/Sidewalks/Curb	$27,489.76		$27,489.76
R&M Utility System	$150,371.26		$150,371.26
Office Supplies	$3,086.54		$3,086.54
Medical Supplies	$710.49		$710.49
Non-Capital Equipment and Furniture	$350,393.54		$350,393.54
Lease Rental -Equipment	$175,150.00		$175,150.00
Emergency Preparedness	$117.13		$117.13
Miscellaneous Expense	$34,010.03		$34,010.03
Capital Outlay- Land, Easements, ROW	$850.00		$850.00
Capital Outlay - Land Improvements	$228,000.00		$228,000.00
Capital Outlay - Vehicles	$2,251,080.30		$2,251,080.30
Capital Outlay- Motorized Equipment	$100,610.64		$100,610.64
Capital Outlay - Furnishings & Non-Motorized Equip	$133,374.08		$133,374.08
Capital Street/Bridge/Sidewalk	$349,150.00		$349,150.00
Capital Outlay- Dist Lines and Connections	$0.00		$0.00
Capital Outlay- Plants, Pump Stations, Sub Stations	$0.00		$0.00
Total Expenses	**$8,343,089.45**	**$1,233,911.31**	**$9,577,000.76**

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

Duly adopted this 8th day of September 2025.

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

TOWN OF BLACK MOUNTAIN RESOLUTION ACCEPTANCE OF FUNDING FROM THE STATE OF NC DEPT OF STATE TREASURER STATE CASH FLOW LOAN
RESOLUTION #: R-25-49

WHEREAS, The Town of Black Mountain has need for cashflow funding due to impacts by Hurricane Helene; and

WHEREAS, In connection with the State of North Carolina cashflow loan program (Loan Program) authorized by the Disaster Recovery Act of 2024, Session Law 2024-53 (as amended by Session Law 2024-57), the North Carolina Department of State Treasurer has been working with the North Carolina Department of Public Safety-Division of Emergency Management (NCEM), the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM) to formulate a working plan for the disbursement of cashflow loans aimed at assisting local governments affected by Hurricane Helene; and

WHEREAS, The Town of Black Mountain's requested, State loan and/or grant assistance for the State Cashflow Loan, has been approved by The North Carolina Department of State Treasurer; and

WHEREAS, The Department of State Treasurer "NCDST" has offered funding through the State Cashflow Loan Program for disaster response activities for local governments; and

WHEREAS, Local governments wishing to participate in the Loan Program are required to execute a Cashflow Loan Agreement and Promissory Note with the State of North Carolina, by and through the North Carolina Department of the State Treasurer; and

WHEREAS, The Town of Black Mountain has accepted total funding in the amount up to $1,233,911.31 from the NCDST Cashflow Loan Funds; Hundred Percent of the Loan will be repayable at 0% interest at the following intervals:

- $1 by the first anniversary of the Loan Date
- 10% of the Loan Rounded Amount on June 30, 2027
- 20% of the Loan Rounded Amount on June 30, 2028
- 30% of the Loan Rounded Amount on June 30, 2029
- 40% (less $1) of the Loan Rounded Amount on the earlier of the 5th Anniversary of the Loan Date or June 30, 2030.

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

1. That the Town of Black Mountain, the **Applicant**, does hereby accept the NC Department of State Treasurer Cashflow Loan Funding through the NCDST Department in the amount of $1,233,911.31.
2. That the Cashflow Loan Agreement and Promissory Note provided by the North Carolina Department of the State Treasurer are hereby approved.
3. 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 project described above.
4. 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.
5. 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.

Duly adopted this 8th day of September 2025.

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5.E. Resolution to Apply for the Economic Development Administration Disaster Supplemental 2025 Readiness Pathway Program (EDA DS25).

The Town of Black Mountain sustained widespread damage from Tropical Storm Helene. Managing disaster recovery programs, FEMA Public Assistance projects, and long-term resilience efforts require staffing and consulting support beyond the Town's existing capacity. The U.S. Economic Development Administration (EDA) Disaster Supplemental 2025 (DS25) Readiness Pathway Program provides federal funding for staffing and consulting resources to strengthen local capacity for recovery management, coordination of mitigation projects, and compliance with federal requirements. EDA requires a local match for all awarded projects. The Town intends to secure this match through philanthropic sources, including an application to Dogwood Health Foundation. The attached resolution authorizes the Town to apply to the EDA DS25 Readiness

Pathway Program for recovery staffing and consulting support.

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

RESOLUTION TO SUBMIT AN APPLICATION TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) DISASTER SUPPLEMENTAL 2025 – READINESS PATHWAY PROGRAM FOR FUNDING TO SUPPORT RECOVERY STAFFING AND CONSULTING SERVICES
Resolution #: R-25-51

WHEREAS, the Town of Black Mountain ("Town") sustained significant damages and community impacts from Tropical Storm Helene, requiring long-term recovery and resilience efforts that extend beyond the Town's current staff capacity; and

WHEREAS, effective disaster recovery requires dedicated staffing and technical consulting support to manage federal and state disaster assistance programs, coordinate mitigation and resiliency projects, ensure compliance with federal requirements, and engage the community in recovery priorities; and

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA) has announced the Disaster Supplemental 2025 (DS25) Readiness Pathway Program to support communities in disaster recovery, capacity building, and resilience planning; and

WHEREAS, the Town seeks to submit an application under the DS25 Readiness Pathway Program to fund recovery staffing and consulting support to strengthen the Town's ability to navigate complex recovery programs, maximize federal and state investments, and build long-term resilience; and

WHEREAS, the EDA program requires a local match as a condition of funding, which the Town intends to pursue through philanthropic and other non-federal sources; and

WHEREAS, the Town Council recognizes that securing EDA funding for recovery staffing and consulting support is essential to manage ongoing recovery effectively and position the Town for future resilience.

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

1. The Town authorizes submission of an application to the U.S. Economic Development Administration (EDA) under the Disaster Supplemental 2025 – Readiness Pathway Program for funding to support recovery staffing and consulting services.
2. The Town Manager, or her designee, is hereby authorized to execute all necessary documents, agreements, and certifications required in connection with the application and, if awarded, the administration of the EDA grant.

3. The Town affirms its commitment to secure the required local match from eligible non-federal sources, including philanthropic partnerships, to maximize the impact of federal funding.
4. This Resolution shall take effect upon its adoption.

Adopted this 8th day of September, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

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5.F. Consideration of Grant Application to Dogwood Health Foundation for Matching Funds.

The Town of Black Mountain continues long-term recovery efforts following Tropical Storm Helene. The U.S. Economic Development Administration (EDA) has released the Disaster Supplemental 2025 (DS25) Notice of Funding Opportunity, which includes the Readiness Pathway Program to support disaster-affected communities with recovery staffing and consulting resources. EDA funding requires a non-federal local match. To meet this requirement, the Town seeks to apply to Dogwood Health Foundation for grant funds to serve as the match. Dogwood's mission includes strengthening the social determinants of health through community capacity, infrastructure, and economic opportunity, aligning with the Town's recovery and resilience priorities. The resolution authorizes the Town to apply for a grant from Dogwood Health Foundation to provide matching funds for the Town's EDA DS25 Readiness Pathway Program application.

Council Member Ryan Stone made a motion to approve the following resolution as presented. A vote of 5-0 in favor.

RESOLUTION TO APPLY FOR A DOGWOOD HEALTH FOUNDATION GRANT THAT WOULD PROVIDE MATCHING FUNDS FOR THE TOWN'S ECONOMIC DEVELOPMENT ADMINISTRATION DISASTER SUPPLEMENTAL 2025 (EDA DS25) READINESS PATHWAY PROGRAM

RESOLUTION NO: # R-25-52

WHEREAS, the Town of Black Mountain ("Town") has sustained significant damages and community impacts from Tropical Storm Helene, creating urgent needs for long-term recovery, capacity building, and resilience planning; and

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA), through its Disaster Supplemental 2025 (DS25) Notice of Funding Opportunity, has established a Readiness Pathway Program to support communities in disaster recovery and long-term resiliency; and

WHEREAS, the Town intends to submit an application under the DS25 Readiness Pathway Program to fund critical recovery staffing and consulting support necessary to manage federal and state disaster programs, advance community recovery priorities, and

build long-term resilience; and

WHEREAS, the EDA program requires a local match as a condition of funding; and

WHEREAS, Dogwood Health Foundation is a regional philanthropic partner dedicated to improving health and wellbeing in Western North Carolina through investments that address the social determinants of health, including community capacity, infrastructure, and economic stability; and

WHEREAS, the Town seeks to apply for a grant from Dogwood Health Foundation to serve as the local matching funds required by EDA, thereby leveraging federal investment to secure professional staffing and consulting support for recovery management and capacity building; and

WHEREAS, the Town Council recognizes that securing Dogwood Health Foundation support is essential to maximize federal recovery resources and accelerate the Town's ability to deliver long-term community benefit.

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

1. The Town authorizes submission of a grant application to Dogwood Health Foundation to request funds that will serve as the required local match for the Town's application to the EDA Disaster Supplemental 2025 – Readiness Pathway Program.
2. The Town Manager, or her designee, is hereby authorized to execute all necessary documents, agreements, and certifications required in connection with the application and, if awarded, the administration of the Dogwood Health Foundation grant.
3. The Town affirms its commitment to use any funds awarded by Dogwood Health Foundation exclusively for eligible costs associated with meeting EDA's local match requirements for recovery staffing and consulting support.
4. This Resolution shall take effect upon its adoption.

Adopted this 8th day of September, 2025, by the Town Council of the Town of Black Mountain, North Carolina.

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5.G. Revised Resolution to Apply for NC Department of Commerce Small Business Infrastructure Grant Program for Downtown Stormwater Improvements.

The Town of Black Mountain has applied for funding through the NC Department of Commerce Small Business Infrastructure (SmBiz Infrastructure) grant program to support essential infrastructure upgrades that improve conditions for small businesses and downtown economic development. A proposed project change is recommended: to replace and improve the stormwater system along Sutton Avenue between Cherry Street and Broadway. This corridor is a critical link in the downtown stormwater network, and

upgrading the system will have broader impacts than originally scoped. The project will address frequent flooding issues, protect adjacent businesses and public assets, and significantly advance the Town's long-term stormwater management goals.

Original Scope: Repair and replace stormwater inlets in downtown area.
Revised Scope: Full replacement and upgrade of the stormwater system along Sutton Avenue between Cherry Street and Broadway. Improvements will include new stormwater inlets, up-sized piping, improved conveyance capacity, and integration with future phases of the downtown stormwater system.
The attached resolution repeals the resolution adopted at the August 11, 2025 Council Meeting (R-25-33) and replaces it with the revised scope of work and intentions to apply for this funding.

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

A REVISED RESOLUTION AUTHORIZING THE TOWN OF BLACK MOUNTAIN TO APPLY FOR NORTH CAROLINA DEPARTMENT OF COMMERCE SMALL BUSINESS INFRASTRUCTURE PROGRAM FUNDING FOR THE DOWNTOWN STORMWATER IMPROVEMENT PROJECT AND REPEALING ORIGINAL RESOLUTION NO. R-25-33.

RESOLUTION NO. #: R-25-53

WHEREAS, on August 11, 2025, Town Council approved Resolution No. R-25-33, entitled "Resolution of Support for Small Business Infrastructure Grant Application"; and

WHEREAS, it was determined that a revision to the NC Department of Commerce Small Business Infrastructure Program Funding Grant Application and resolution were needed; and

WHEREAS, the Town of Black Mountain has identified the need to replace and improve the stormwater system along Sutton Avenue between Cherry Street and Broadway, an area critical to the long-term viability of downtown businesses; and

WHEREAS, the Town's Stormwater Master Plan calls for replacement of the downtown stormwater system to reduce flooding risks, support small business resiliency, and protect economic vitality; and

WHEREAS, the North Carolina Department of Commerce administers the Small Business Infrastructure (SmBiz) program to support infrastructure improvements that directly benefit existing small businesses and downtown investment; and

WHEREAS, the Sutton Avenue stormwater improvement project will reduce flooding, protect public and private assets, and provide a significant step toward implementing the

Town's stormwater management and resiliency goals; and

WHEREAS, the Small Business Infrastructure program does not require a local match for this project.

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

1. That Resolution No. R-25-33, adopted August 11, 2025, is hereby **repealed and replaced** by this revised resolution.
2. That the Town Council hereby authorizes the submission of an application to the North Carolina Department of Commerce for Small Business Infrastructure funding for the Sutton Avenue Stormwater Improvement Project.
3. That the Town Manager (or designee) is authorized to execute and file the application, including all assurances and agreements required, on behalf of the Town of Black Mountain.

Adopted this the 8th day of September 2025.

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5.H. Resolution to Appoint the Town Manager as Interim Finance Director.
The Town is recruiting for its next Finance Director as the current Finance Director has resigned, effective September 12th, 2025. While the recruitment process for a new finance director is ongoing, the Town needs to have an interim finance director in place, which is referenced in N.C.G.S. §159-24, stating that "each local government shall, at all times, have a finance officer/director." The Town Manager can serve in this interim role until a new finance director is hired and appointed by the Town Manager. Council will need to appoint the Town Manager as the interim Finance Director via the attached resolution.

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

A RESOLUTION APPOINTING THE TOWN MANAGER AS INTERIM FINANCE DIRECTOR FOR THE TOWN OF BLACK MOUNTAIN

RESOLUTION NO. R-25-48

WHEREAS, the Town is in the process of recruiting and hiring a new Finance Director; and

WHEREAS, North Carolina General Statute §159-24 states each local government shall, at all times, have a finance officer/director, appointed by the local government, public authority, or designated official to hold office at the pleasure of the appointing official.

WHEREAS, it is necessary to ensure continuity of financial oversight, administration,

and statutory responsibilities during the period of vacancy.

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

1. Josh Harrold, Town Manager, is hereby appointed to serve as the Interim Finance Director for the Town of Black Mountain, effective immediately.
2. The Town Manager shall serve in this capacity until such time as a new Finance Director is duly hired and appointed by the Town Manager.
3. During this interim period, the Town Manager shall have all powers, duties, and responsibilities vested in the Finance Director pursuant to North Carolina General Statutes, the Town Charter, and Town ordinances.

Adopted this the 8th day of September, 2025.

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6. PUBLIC HEARING - NONE

7. CITIZEN COMMENTS

The following citizen comments were provided:

- Sikes Ragan- spoke about the dedication of Rantis and Fay Jones Lanes and acceptance into the Town's street system.
- Jesse Gardner- spoke about the dedication of Rantis and Fay Jones Lanes into the Town's street system.
- Kathryn Matthew- spoke about the street dedication of Rantis and Fay Jones Lanes.
- Bob Hardy, 5 Rantis Ln., spoke about the street dedication of Rantis and Fay Jones Lanes.
- Eric Manos spoke about the Rantis and Fay Jones Lanes street dedication.

8. UNFINISHED BUSINESS

8.A. Petition to Dedicate Fay Jones Lane and Rantis Lane to the Town for Maintenance and Public Use.

The owners of the residences on Fay Jones Lane and Rantis Lane have filed a new 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 with no extra funding from the state (Powell Bill funds), and 2) concern that existing funding may be cut due to Helene. The Town Attorney has reviewed the petition and the plat and has found that the road met the fire code requirements and ordinance requirements at the time of construction. Therefore, the width of the road is not a concern. The concern of taking over more roads continues to be the cost of maintenance and staffing. The mileage is approximately .18 miles. Dedication and acceptance of these roads will include accepting all maintenance of both streets to include paving, snow removal, and any general maintenance of said streets within the 20-foot right-of-way. In 2024, it was estimated that it would cost between

$25,000 to $30,000 to repave the street, but it did not include snow removal or general maintenance. For historical purposes, it should be noted that this same item came before the Town Council at their May 13, 2024 meeting and, at that meeting, the Council denied the petition to dedicate these two streets. Discussion ensued between Town Council members, the Town Attorney and Town staff.

Council Member Alice Berry made a motion to approve the following resolution. A vote of 5-0 in favor.

RESOLUTION TO ACCEPT AND DEDICATE RANTIS LANE AND FAY JONES LANE TO THE TOWN'S STREET SYSTEM
RESOLUTION # R-25-57

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 streets for Town maintenance, and as recorded on the Plat "Phase Three-Jacobs Cottages, A Cottage Court Pocket Village" with the Buncombe County Register of Deeds office in Book 217, Page 28, dated April 15, 2021.

Street	Pavement Width	Right-of-Way Width
Rantis Lane	18'	20'
Fay Jones Lane	18'	20'

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

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

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

WHEREAS, in accordance with the Street Dedication Policy, the Public Works Director has reviewed and does not recommend the dedication; and

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council hereby accepts Rantis Lane and Fay Jones Lane and dedicates both to the Town's Street System.

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

September 2025.

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8.B. 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.

Planning Director Michelle Kennedy stated the current Land Use Ordinance regarding sidewalk seating is vague and not clear on what can be included with sidewalk seating. The proposed text amendments 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. Exceptions have been added for benches and other typical sidewalk furniture.

Council Member Doug Hay made a motion to approve the following text amendments as presented. A vote of 5-0.

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES ORDINANCE #O-25-21

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January 2010; and

NOW THEREFORE, BE IT RESOLVED that Chapter 4, Alcoholic Beverages, of the Town of Black Mountain Code of Ordinances, be amended to the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 4 – ALCOHOLIC BEVERAGES

Sec. 4-1. – Drinking in public places, exceptions.

a) No person shall consume alcoholic beverages, as defined by G.S. 18B-101(4), on or within the rights-of-way of the municipal streets, boulevards, alleys, sidewalks, municipal recreation areas, parks, playgrounds, or municipal buildings or on any other property owned or occupied by the town, except as herein provided.
b) Exceptions:
    1. Any person who, for a fee, is using the Black Mountain Golf Course.
    2. Any person who has contracted to use and is using the Black Mountain Club House for a fee.
    3. Participants of a special event that has received an approved special event permit from the town that includes the serving of alcoholic beverages for consumption on streets and sidewalks closed pursuant to an approved special event permit.

4. **Sidewalk seating meeting the requirements of Chapter 5, Section 5.18: Sidewalk Seating, of the Town of Black Mountain Land Use Code.**

READ, APPROVED, AND ADOPTED by a vote of 5 to 0 this the 8th day of September 2025.

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Council Member Doug Hay made a motion to approve the following Ordinance as presented and that the proposed amendment is consistent with Elevate Black Mountain as it identifies Downtown as one of six Activity and Employment areas and one of the four opportunities for Downtown aligns with amending the Land Use Code to provide clear standards for business owners to safely establish sidewalk seating and is reasonable and in the public interest as the public health and safety are at the core of the Town's Code of Ordinances, including the Land Use Code. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS; CHAPTER 4, SECTION 4.7.7.2, CENTRAL BUSINESS DISTRICT; CHAPTER 4, SECTION 4.7.14, TABLE OF USES; AND CHAPTER 5, SECTION 5.19, SIDEWALK SEATING, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE

ORDINANCE #O-25-24

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December, 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January, 2010; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.7.2, Central Business District; Chapter 4, Section 4.7.14, Table of Uses; and Chapter 5, Section 5.19, Sidewalk Seating, of the Town of Black Mountain Land Use Code, be amended to the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1
Section 1.2.3 Definitions.

Sidewalk Seating: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way and used exclusively for dining, drinking, and circulation of customers. Excludes benches and similar furniture that is directly against the wall of a building and removed from the sidewalk area.

Chapter 4
Section 4.7.7.2 Supplementary district requirements (CB).

A. Primary entrances to buildings must connect to sidewalks.

B. ~~Existing sidewalks may be used for outdoor seating.~~ Sidewalks may ~~also~~ be used for displays or temporary signs as permitted by Chapter 9 of this LUC as long as four feet (4' or 48"), as measured from the back of the curb toward the building, is maintained as free and clear passage for pedestrians and wheelchairs.

C. As part of new construction, sidewalks are required adjacent to state and town roadways and must be a minimum of six feet wide. Sidewalks intended for shared use with outdoor seating or retail displays must be a minimum of 12 feet wide.

Chapter 4
Section 4.7.14, Table of Uses

Category	Uses	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Commercial	**Sidewalk Seating**							**A**			

Chapter 5
Section 5.19 Sidewalk seating.
Sidewalk seating will comply with the following:

A. A free-and-clear passage area on the sidewalk that is a minimum of four feet wide between the outermost edge of the seating area barrier and the closest point of all fixtures, planter boxes, poles, etc., on the street side of the sidewalk.

B. A removable post-and-rope type stanchion barrier only when table service is offered or alcohol service is being served by the establishment. There will be a 60-day grace period for permit applications to be received and barriers to be purchased.

C. An annually renewed Sidewalk Seating permit that includes:

a. If alcoholic beverages are to be served on any day of the week, or at any time of the day, in the sidewalk seating area, a copy of the relevant ABC permit will be attached to the application.

b. A site plan.

c. Acknowledgement that the entire post-and-rope barrier system will be removed by the permit holder at the end of business hours on any day during which outdoor seating is set up.

d. Acknowledgement that the area will be used exclusively for dining, drinking, and circulation of customers.

If there is sufficient room to establish outdoor seating, a parking space (or spaces) in a parking lot can be converted to a parklet through a joint agreement among property and business owners. A parklet is a cordoned-off area for seating and dining, and it typically includes significant landscaping or hardscaping to enhance the cordoning to make it noticeably clear that the area is not for vehicles.

READ, APPROVED, AND ADOPTED by a vote of 5 to 0 this the 8th day of September 2025.

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8.C. Ordinance Granting Public Service Company of NC, Inc. (d.b.a. Enbridge) 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. Town Attorney Justus has advised a public hearing be held if any citizen wishes to speak on the item. This hearing was held on Monday, June 9th, 2025 at 6:00 p.m. in the Council Chambers. Following the public hearing on June 9th, the Council extended the existing agreement for seventy-five days to allow time to finalize revisions. Additionally, at the August 11th, 2025 meeting, Town Council extended the current agreement an additional thirty-five days for final reviews by Enbridge's legal team. A final draft, reviewed by all parties, of the franchise agreement to be renewed is attached and is ready for Council action. Some discussion ensued among Council Members and the Town Attorney.

Town Council Member Archie Pertiller then made a motion to approve the Ordinance Granting Public Service Company of NC, Inc. (d.b.a. Enbridge) the use to construct, operate and maintain a gas utility system within the Town of Black Mountain for a period of thirty (30) years. A vote of 5-0 in favor.

A copy of this approved ordinance agreement is attached at the end of these minutes as Appendix A.

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8.D. Resolution to turn S. Ridgeway Avenue One-Way South to the Intersection of Sutton Avenue and S. Richardson Boulevard.

Planning Director Michelle Kennedy reviewed information on this item. McAdams, formerly Traffic, Planning and Design, Inc., 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 Boulevard into a one-way road. Based on the report, it was recommended that traffic be directed one-way southbound on S. Ridgeway Avenue to the intersection of Sutton Avenue and S. Richardson Boulevard and to re-time the signals at the intersection of S. Richardson Boulevard and State Street. Due to the rising foot traffic that is being seen on Sutton Avenue and S. Ridgeway Avenue, staff is 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 Boulevard. This will allow for marked pedestrian space along both streets.

The Active Mobility Commission reviewed the study at their August 19th, 2025 meeting and had the following comments:

- Consider a crossing from State Street at S. Ridgeway Avenue to N. Ridgeway

Avenue for cyclists and pedestrians.

- Recommend cyclists not go north.
- More clarity on the cyclist and pedestrian accommodations and the separation of those.
- Suggest crosswalks at Sutton Avenue and S. Richardson Boulevard.
- Would like to see sidewalks be included as part of this project, especially along the north side of Sutton Avenue where no sidewalk currently exits.
- Explore how these changes would fit in with the route of the Fonta Flora Trail through town.

The Planning Department also held a community meeting on September 3rd, 2025 at Black Mountain Library to explain the project to the community. Planning Director Kennedy reviewed highlights from this meeting which included sidewalk needs, school bus routes and post office routes. A lengthy discussion ensued between Council Members and Town staff which included speed control options, and feasibility, for vehicular traffic, Norfolk Southern (NS) Railroad, and sidewalk installation feasibility. For the next meeting, staff were asked to look into the feasibility of sidewalks and the cost. Additionally, town staff will continue discussions with NS Railroad on expanding parking options and easements along their right-of-way on Sutton Ave.

Town Council Member Doug Hay then made a motion to decline the resolution to turn S. Ridgeway Ave. one-way, south to the intersection of Sutton Ave. and S. Richardson Blvd. A vote of 4-1 in favor. Council Member Alice Berry opposing.

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9. NEW BUSINESS

9.A. Appointment to Black Mountain Library Maintenance Board.

The Black Mountain Library Maintenance Board is a volunteer board that was established to assist the Town in fulfilling its responsibilities to support and maintain the physical condition of the facility (Library), as the Town owns the library property and buildings. Former Town Attorney, Ron Sneed, was the key contact for this board, serving as the liaison between this board and the Town, as the Town's attorney. Over the last few months, the Town Clerk has been coordinated with Black Mountain Library Branch Manager, Melisa Pressley, to help re-establish this liaison role and ensure that membership appointments are coordinated through the Town Council, based on the charter of this board which was last adopted in April 2022. Currently, the Library Maintenance Board has two vacancies. The Town advertised these vacancies along with the annual advisory board recruitment and received one application from Emily Phillips. Ms. Phillips has been attending the Maintenance Board meetings as a guest and has also been in contact with the Library Branch Manager about her interest in serving and is recommended. Ms. Phillips' application is attached for review. If in agreement, Council will need to formally appoint Ms. Phillips to this board by a vote.

Town Council Member Alice Berry made a motion to appoint Emily Phillips to the Black Mountain Library Maintenance Board as recommended. A vote of 5-0 in favor.

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9.B. Engineer Selection for FEMA Public Assistance (PA) Projects.

The Town has solicited qualifications and reviewed proposals for engineering services required to support FEMA Public Assistance (PA) projects, hazard mitigation work, and capital recovery projects resulting from Tropical Storm Helene. Based on the qualifications review process, staff recommend the following firm selections:

- Public Services Building: GMC
- Public Safety Building: McGill Associates
- Lakeview Center: Arete Engineers
- Lake Tomahawk Dam and Watershed Dams: S&ME
- Shooting Range: McGill Associates
- Veteran's Park Bridge, Buildings, and Connection to I-40: Kimley-Horn
- Golf Course Maintenance Building: McGill Engineers

These firms were selected based on expertise, capacity, and alignment with project and town needs. Staff recommends the Town Council approve the above engineering firm selections for the listed projects, authorizing staff to proceed with contract negotiations, scope development, and submission of required documentation to FEMA and NCEM (NC Emergency Management) for eligibility and reimbursement.

Council Member Doug Hay made a motion to approve the following resolution. A vote of 5-0.

RESOLUTION TO APPROVE SELECTION OF ENGINEERS FOR FEMA PUBLIC ASSISTANCE (PA) PROJECTS AND AUTHORIZING STAFF TO NEGOTIATE CONTRACTS, SCOPE DEVELOPMENT AND SUBMISSION OF REQUIRED DOCUMENTATION
RESOLUTION #: R-25-55

WHEREAS, the Town of Black Mountain experienced significant impacts from Tropical Storm Helene, requiring extensive recovery, hazard mitigation, and capital improvement efforts; and

WHEREAS, the Town has solicited qualifications and reviewed proposals for engineering services necessary to support FEMA Public Assistance (PA) projects, hazard mitigation work, and capital recovery projects; and

WHEREAS, the qualifications review process considered expertise, capacity, and alignment with project and Town needs; and

WHEREAS, based on this review, Town staff recommends the following firm selections for each project location:

- Public Services Building: GMC
- Public Safety Building: McGill Associates
- Lakeview Center: Arete Engineers

- Lake Tomahawk Dam and Watershed Dams: S&ME
- Shooting Range: McGill Associates
- Veteran's Park Bridge, Buildings, and Connection to I-40: Kimley-Horn
- Golf Course Maintenance Building: McGill Engineers

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

1. The above engineering firm selections are hereby approved.
2. Town staff are authorized to proceed with contract negotiations, scope development, and the submission of all required documentation to FEMA and NCEM to ensure project eligibility and reimbursement.

Adopted this 8th day of September, 2025.

****

9.C. Consideration of Amendment to the Town's Personnel Policy: Article IV, Section 9 to add new subsection entitled Emergency Overtime Compensation Policy.

Currently, exempt employees are not eligible for overtime pay under the Town's personnel policy. However, during emergencies and disasters, salaried employees are often required to work significantly beyond their regular hours and duties to maintain continuity of operations and ensure public safety. This policy update addresses the extraordinary demands placed on salaried staff during emergencies and provides a mechanism for compensating employees fairly for their additional service.

Proposed Policy Additions:

Emergency Overtime Compensation Policy

During officially declared emergencies or disasters, exempt (salaried) employees required to work beyond their standard duties or hours shall receive additional compensation. Compensation will be calculated as overtime pay for hours worked beyond the regular schedule, accrued at 1.5x their salaried rate.

Emergency Overtime Period Definition

The emergency overtime period commences upon the official declaration of an emergency or disaster by the President of the United States, Governor of North Carolina, Mayor of Black Mountain, or Town Manager of Black Mountain.

The period concludes when the emergency declaration is lifted and normal operations resume. Employees will be notified of the start and end of this period through official communication channels, ensuring proper documentation of time for payroll purposes.

Fiscal Impact: Potential increase in payroll expenditures during declared emergencies. Costs will vary depending on the scope and duration of the emergency event, number of exempt employees activated, and hours required. Funding is typically reimbursable through state or federal disaster recovery programs (e.g., FEMA Public Assistance). The overtime payroll expenses for hourly employees, who currently do receive overtime during an emergency, are all submitted to FEMA for reimbursement.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0.

RESOLUTION TO AMEND THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA PERSONNEL POLICY, ARTICLE IV, SECTION 9 TO ADD A NEW SUBSECTION FOR EMERGENCY OVERTIME COMPENSATION POLICY FOR EXEMPT EMPLOYEES
RESOLUTION #: R-25-54

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 amendments be made to the Town of Black Mountain Personnel Policy Manual, in Article IV: The Pay Plan, Section 9: Overtime/Compensatory Time, with the addition of new Subsection 9.2: Emergency Overtime Compensation Policy, effective as of the date of this Resolution (additions are underlined in bold and deletions are shown as red struck text):

Section 9.2. Emergency Overtime Compensation Policy for Exempt Employees
During officially declared emergencies or disasters, exempt (salaried) employees required to work beyond their standard duties or hours shall receive additional compensation. This compensation may be in the form of overtime pay for hours worked beyond the regular schedule accrued at 1.5x their salaried rate.

Emergency Overtime Period Definition. The emergency overtime period commences upon the official declaration of an emergency or disaster by the President of the United States, Governor of North Carolina, Mayor of Black Mountain or Town Manager of Black Mountain.

This period concludes when the emergency declaration is lifted, and normal operations resume. Employees will be notified of the start and end of this period through official communication channels in order to document their time for payroll purposes.

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 8th day of September, 2025.

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9.D. Resolution to Authorize Lien for Abatement of Violation at 141 S. Richardson Boulevard. *This item was pulled from the agenda. No action taken.*

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9.E. Creation of a Town Attorney Review Process.

The Town Council has previously discussed creating a standard annual review process to support the professionalism of the town government and dialog about expectations and performance at a regular interval. Council Member Alice Berry proposes the following format for consideration by the Town Council for the Town Attorney's review process (to be completed annually):

- All Council Members, the Mayor, and the Town Manager complete a pre-selected or designed feedback (review) form that includes a number scale, and open-ended prompts on the Town Attorney's performance.
- The Council Members, the Mayor, and the Town Manager will meet in a closed session (citing personnel matter - NCGS 143-318.11 (A)(3)) to compile and distill the feedback and appoint two Council Members to convey the feedback to the Town Attorney.
- The two appointed Council Members and the Town Manager will meet with the Town Attorney to provide the composite feedback and the opportunity for dialog.
- If following this meeting warrants another meeting with the full Council to discuss Town Attorney review matters, the Council Members, the Mayor, and the Town Manager will again meet in a duly called closed session, per NCGS 143-318.11 (A)(3), to continue discussion.
- Depending on the nature of the warrantied meeting, the Town Attorney may be asked to be part of this continued review meeting.

Town Council members discussed this process. A consensus of the Council was to follow the process and to take examples of reviewed templates and tailor it to the Town. Further, there was consensus to conduct the attorney review in January. A final template will be brought back to the Council.

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

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- None.

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

The Council would now enter into a Closed Session as permitted via N.C.G.S 143-318.11 (a)(3) to consult with the Town Attorney on attorney-client matters. ***Town Council Member Alice Berry made a motion to enter closed session per NCGS 143-318.11(a)(3). A vote of 5-0 in favor. The time was 9:05 p.m.***

The Council returned to open session from closed session at 9:21 p.m.

13. ADJOURNMENT. With no further business to be discussed, Mayor Sobol adjourned the meeting.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk