BLACK MOUNTAIN TOWN COUNCIL MINUTES

October 13, 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, October 13, 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: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King. ***Council Member Ryan Stone was absent.***

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; Michelle Kennedy, Planning Director; Russell Care, Planner & Zoning Administrator; Stacy Cox, Police Department Accreditation Manager.

It was announced that a Closed Session needed to be added to the agenda before adjournment. This Closed Session is allowed per N.C.G.S. 143-318.11(a)(6) to discuss personnel matters. All Council Members agreed to add this to the agenda.

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. Domestic Violence Prevention & Awareness Month Proclamation. Mayor Sobol read the proclamation aloud recognizing October as Domestic Violence Prevention & Awareness Month.

3. CITIZEN COMMENTS.

- John Collins spoke about water pressure concerns on Camp Branch Rd.
- Kim Latta spoke about concerns with trees from the proposed Wildlife Federation tree planting project near the tennis courts.
- Linda Shafflett spoke about reopening of the Lakeview Senior Center.
- Joyce Miller spoke about the reopening of the Lakeview Senior Center.

- Carl Bartlett spoke about the reopening of the Lakeview Senior Center.
- Gary Bartlett spoke about water pressure issues at his residence.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Presentation of Law Enforcement Risk Review Award from the NC League of Municipalities (NCLM). Thomas A. Anderson, Jr., NCLM Director of Risk Control & Public Safety Risk Management, and Chet Effler, NCLM Public Safety Risk Consultant, presented the Police Department with a Law Enforcement Risk Review Award from the NC League of Municipalities.

4.B. Fire Department Annual Report. Fire Chief John Coffey provided the Council with the Fire Department's Annual Report.

5. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Town Manager Josh Harrold announced Rec & Parks would be hosting a Halloween event at Town Square on Friday, October 31st from 4-6pm. He then invited Police Chief Steve Parker up to provide announcements regarding neighborhood trick-or-treating. Chief Parker stated residences in and around Church and Dougherty Streets would be receiving flyers this week on road closures and other safety plans for Halloween trick-or-treating between the hours of 5-9 pm on Friday, October 31st.

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Doug Hay offered thanks to Stormwater and Floodplain Administrator Anne Phillip and other staff for the successful tree giveaway held on Saturday, September 27th at Town Hall where 266 trees were given away. Council Member Pam King thanked the Police Department.

7. CONSENT AGENDA

7.A. Monthly Tax Collector Reports- July & August 2025. ***Town Council Member Doug Hay made a motion to approve as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.***

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7.B. Resolution to Apply for Community Development Block Grant - Neighborhood Revitalization (CDBG-NR) Program. The Town would like to apply for funding through the Community Development Block Grant - Neighborhood Revitalization Program. There are waivers for FEMA-declared disaster areas from Hurricane Helene. The grant has no matching fund requirement.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT - NEIGHBORHOOD REVITALIZATION (CDBG-NR) PROGRAM

RESOLUTION # R-25-68

WHEREAS, the Community Development Block Grant (CDBG) program was created in 1974; and

WHEREAS, the CDBG-NR Program will offer a non-entitled municipality the opportunity to tailor a project to meet the housing and community development needs specific and most critical to their locality; and

WHEREAS, North Carolina received $44,784,790.00 in CDBG funds for 2024, and of this amount approximately $12.28 million will be made available for the 2025 CDBG-NR Program; and

WHEREAS, the CDBG-NR Program will support three livability principles that help guide sustainability and resiliency; and

WHEREAS, CDBG-NR Program projects must incorporate at least one of the following three livability principles as an area of focus:

- Promote equitable, affordable housing;
- Support existing communities;
- Value communities and neighborhoods; and

WHEREAS, all project activities must meet at least one of three national objectives:

- Benefit low-and-moderate income (LMI) persons;
- Prevent or eliminate slums or blight;
- Meet other community development needs that are deemed to be urgent because of existing conditions that pose a serious and immediate threat to the health and welfare of the community; and

WHEREAS, FEMA declared disaster counties from Hurricane Helene are eligible to submit for funding using two waivers: CDBG-New Housing Construction and CDBG-Suspension of Public Services Cap; and

WHEREAS, the maximum grant amount is $5 million per grantee for FEMA declared Hurricane Helene disaster areas; and

WHEREAS, there are no matching fund requirements; however, leverage is encouraged; and

WHEREAS, the Town of Black Mountain seeks to apply for the 2025 CDBG-NR Program.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council approve staff to apply for the 2025 CDBG-NR Program.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this 13th day of October 2025.

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7.C. Resolution to Apply for the Golden LEAF Foundation Open Grants Program.

The Town would like to apply for funding through the Open Grants Program through the Golden LEAF Foundation. The maximum amount awarded is $500,000. There are no matching funds for the identification phase; however, there may be a 15% match requirement during the due diligence phase.

Town Council Member Doug Hay made a motion to Approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR THE GOLDEN LEAF FOUNDATION OPEN GRANTS PROGRAM

RESOLUTION # R-25-69

WHEREAS, the Golden LEAF Foundation was created in 1999; and

WHEREAS, the Open Grants Program allows governmental entities to apply for Golden LEAF funding throughout the year; and

WHEREAS, the Golden LEAF Foundation is committed to using funds entrusted to it for projects that show the most potential for strengthening North Carolina's economy; and

WHEREAS, awards in the Open Grants Program are $500,000 or less; and

WHEREAS, the Golden LEAF Foundation has four priority areas:

- Job Creation and Economic Investment;
- Workforce Preparedness;
- Agriculture;
- Community Competitiveness and Capacity; and

WHEREAS, the Golden LEAF Foundation has budgeted $8 million for the Open Grants Program; and

WHEREAS, there may be a 15% match during the Due Diligence and Development Phase; and

WHEREAS, the Town of Black Mountain seeks to apply for the 2025 CDBG-NR Program.

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council approve staff to apply for the 2025 Golden LEAF Foundation Open Grants Program.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this 13th day of October 2025.

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7.D. Resolution Declaring Certain Property Surplus and Authorizing Private Sale per N.C.G.S. 160a-266(c).

The Public Works Department is requesting Council approve disposal of a group of items which were recovered from floodwaters caused by Hurricane Helene. The items are unusable and have been deemed as salvage by the town's insurance company. The Department has no use for the items and is requesting to dispose of them as scrap metal. Any proceeds will be returned to the Town's general fund. The Public Works Director contacted local scrapyards and the sale price quoted was $6.00 per 100 lbs. of scrap.

Town Council Member Doug Hay made a motion to Motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING PRIVATE SALE NCGS 160A-266(c)

RESOLUTION NO: R-25-70

WHEREAS, the Town of Black Mountain Public Works Department was adversely impacted by flooding caused by Hurricane Helene on September 27th, 2024, which resulted in significant equipment losses; and

WHEREAS, the Town of Black Mountain desires to dispose of certain surplus property as authorized in Resolution R-19-15; and

WHEREAS, the Town Public Works Department has recovered the following group of items from floodwaters at their facility; and

WHEREAS, the Town's insurance company has deemed the following items as salvage, and the Town has recovered some insurance proceeds from the following group of items; and

WHEREAS, the Town believes the following group of items have a total scrap/salvage value of less than $30,000.00; and

WHEREAS, the Public Works Director wishes to privately sale the scrap/salvage items to the highest paying salvage yard. (Current price is approximately $6.00 per 100 lbs.)

NOW THEREFORE, BE IT RESOLVED THAT

Section 1. The property described in **Exhibit A** is hereby declared surplus to the needs of the Town.

Section 2. Said surplus property be approved for sale to a metal salvaging company for scrap metal at fair market value.

Section 3. The Town Public Works Director is authorized to conduct removal and disposition of the salvaged items.

Section 4. Upon conclusion of the sale, the Public Works Director shall provide proof of sale (scale tickets) and funds to the Town Finance Department.

READ, APPROVED AND ADOPTED this 13th day of October 2025.

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7.E. Memorandum of Agreement with NC League of Municipalities (NCLM) for Disaster Recovery Services.

Due to the amount of work required for recovery becoming unmanageable with our current staffing, the town needs more assistance to work through the numerous funding sources, FEMA requirements, and accounting of monies spent on multiple projects. The NCLM agrees to help the town through a memorandum of agreement for services with ICF for disaster recovery. The total amount is not to exceed $20,000.

Town Council Member Doug Hay made a motion to approve the MOA with NCLM for Disaster Recovery Services. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this MOA is included at the end of these minutes as Appendix A.

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7.F. Debris Removal Cooperative Memorandum of Agreement with NC Division of Emergency Management (NCEM).

To continue cleanup from Tropical Storm Helene, the North Carolina Division of Emergency Management (NCEM) has developed a Cooperative Memorandum of Agreement with local governments affected by Helene (FEMA-DR-4827-NC).

Under this agreement, the Town may delegate authority to NCEM to manage debris removal operations. This includes removal of storm debris from Town property, rights-of-way, and other eligible areas. Execution of this agreement allows NCEM to coordinate and fund debris removal activities on behalf of the Town. The scope of services includes:

- Demolition of storm-damaged buildings on Town property that are deemed

ineligible for FEMA Public Assistance (PA).

- Removal of miscellaneous storm debris not picked up under Direct Federal Assistance (DFA).
- Coordination of debris removal from streams, waterways, and other high-impact areas as identified, particularly from major water courses. There will be no public call for additional debris from private property.
- Ensuring compliance with FEMA and State program requirements for reimbursement and oversight.

Town Council Member Doug Hay made a motion to approve MOA with NCEM for Debris Removal as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this MOA is included at the end of these minutes as Appendix B.

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7.G. Resolution to Designate Certain Town Facilities as Critical Facilities for Hazard Mitigation Purposes.

The Town wishes to pursue hazard mitigation funding through the North Carolina Division of Emergency Management to strengthen and protect these vital facilities. As part of this funding, the Town of Black Mountain must designate several key municipal buildings as critical facilities for hazard mitigation and grant purposes. These include **Town Hall, Fire Station 2, the Public Safety Building, the Public Works Facility, the Senior Center, and the Pool House**. Each facility plays an essential role in maintaining government operations, emergency response, public safety, and community resilience during disasters.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION DESIGNATING CERTAIN TOWN FACILITIES AS CRITICAL FACILITIES FOR HAZARD MITIGATION PURPOSES

RESOLUTION #: R-25-58

WHEREAS, the Town of Black Mountain is committed to ensuring the safety, resilience, and continuity of essential services during and after disasters; and

WHEREAS, the grant opportunities requires communities to identify and prioritize critical facilities for the purpose of implementing hazard mitigation measures that reduce future risk; and

WHEREAS, critical facilities are defined as facilities that provide services and functions essential to the health, safety, and well-being of residents, including governmental, emergency, and community support services; and

WHEREAS, the following Town of Black Mountain facilities have been determined to be critical to emergency response, continuity of operations, and community resilience:

1. Town Hall – serves as the seat of municipal government and the center of administrative, financial, and coordination functions.
2. Fire Station 2 – provides essential fire suppression, rescue, and staging functions for disaster response.
3. Public Safety Building (Fire, Police, EMS) – houses multiple first-response agencies that are indispensable to law enforcement, fire protection, and emergency medical response.
4. Public Works Facility – maintains vital infrastructure services, including roads, water, stormwater, and sanitation, necessary for disaster response and recovery.
5. Senior Center – provides services and outreach for vulnerable residents and is designated to serve as a shelter if needed during disaster events.
6. Pool House – served as a Point of Distribution (POD) during Tropical Storm Helene, providing showers, food, water, and sanitation support; it is now formally included in the Town's emergency response plan as a location for providing information and distributing supplies to residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the above-listed facilities are hereby designated as critical facilities for purposes of hazard mitigation planning and grant applications; and

BE IT FURTHER RESOLVED that the Town Manager, or their designee, is authorized to submit such designations to the North Carolina Division of Emergency Management and to pursue hazard mitigation funding opportunities to reduce risk and increase resilience of these facilities.

Adopted this the 13th day of October 2025.

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7.H. Resolution Approving a Master Services Agreement between Kimley-Horn & Associates, Inc. and Town for Continuing Professional Services (Veterans Park Ped. Crossings). This item was tabled until a later date. No action taken.

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7.I. Resolution to Approve Contract with Anchor QEA for Restoration of N. Oconeechee Ave. Stormwater Management System. This item was tabled until a later date. No action taken.

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7.J. Resolution to Amend Resolution R-25-45 Authorizing On-Call Contracts for Grant Writing & Consulting Services in Support of Recovery & Resilience Funding Opportunities.
In response to the significant increase in grant opportunities following Tropical Storm Helene, the Town of Black Mountain issued a Request for Qualifications (RFQ) seeking qualified firms to provide grant writing and

consulting services. The goal was to build additional capacity to pursue, manage, and implement state and federal funding opportunities aligned with the Town's recovery and resilience priorities. The Town received seven (7) responses to the RFQ. Each firm demonstrated strong qualifications, and each brings a unique strength or area of specialization and experience that may be beneficial for future grant activities. The firms are: ASI, McGill, Raftelis, McAdams, GTC 360, CRCS and Catalyst Project Development.

Staff recommends entering into contracts with all seven firms and establishing on-call agreements with each. This approach will allow the Town to:

- Efficiently match projects with firms possessing relevant expertise.
- Ensure adequate capacity to respond to high-priority and time-sensitive funding opportunities.
- Leverage specialized knowledge and resources to enhance the competitiveness and success of grant applications.

Most of these costs will be offset by the administrative overhead allowed in the grants. This structure provides flexibility, promotes responsiveness, and aligns with the Town's strategic recovery and development goals post-Helene.

The initial resolution, adopted on August 11, 2025 (R-25-45) by the same name, included the verbiage: "establishing on-call agreements with each firm not to exceed $20,000 per firm." It was identified after adoption of this resolution that these cost values were included in error. The proposed resolution will amend R-25-45 to reflect the removal of this verbiage.

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION TO AMEND RESOUTION R-25-45 AUTHORIZING ON-CALL CONTRACTS FOR GRANT WRITING AND CONSULTING SERVICES IN SUPPORT OF RECOVERY AND RESILIENCE FUNDING OPPORTUNITIES

Resolution No. #: R-25-59

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, 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; and

WHEREAS, Resolution No. R-25-45 was adopted on August 11, 2025 and included verbiage that stated, "with a not-to-exceed amount of $20,000 per firm", which was included in error.

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

1. The foregoing resolution amends Resolution No. R-25-45, adopted August 11, 2025, to correct an oversight of not omitting the " not-to-exceed amount of $20,000 per firm" clause, and therefore removes this "not-to-exceed amount" but remainder of resolution remains in effect.
2. 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.
3. This resolution shall become effective upon adoption.

This the 13th day of October 2025.

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7.K. Consideration of FY25-26 Budget Amendments.

- Unassigned General Fund Balance transfer of $54,000 to 100-4020-50100 for Public Information Officer FTE.
- Unassigned General Fund Balance transfer of $59,250 to 100-4020-50100 for Budget Analyst/Recovery Specialist FTE.

- Transfer from Police Department Drug Forfeiture 230-4511-48900 to 100-4510-57410 in the amount of $8,505.
- Unassigned General Fund Balance transfer of $30,000 to 200-4520-52020 for mental health services.

Town Council Member Doug Hay made a motion to Motion to approve the budget amendments as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

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7.L. Resolution to Amend the Town Budget to Transfer Funds from Unassigned Stormwater Fund Balance to the Helene Fund for Stormwater & Environmental Projects.

Town staff recommend approval of a budget amendment to fund critical stormwater and environmental improvement projects. These initiatives include engineering assessments, grant-writing services, and environmental restoration efforts that support community resilience and recovery following Hurricane Helene.

Proposed Action: Authorize a budget amendment to transfer $69,000 from the Unassigned Stormwater Fund Balance (630-0000-10001) to the Helene Fund (425-8806-52012) to support the following:

- $9,000 – Lake Tomahawk Dam engineering assessment and repair method determination.
- $25,000 – McAdams grant-writing services for stormwater and culvert improvement funding opportunities.
- $35,000 – Jennings Environmental Swannanoa River Restoration Task Order
- Authorize the Town Manager and Finance Director to take all necessary actions to implement this budget amendment and ensure proper accounting and reporting of the fund transfer.

Town Council Member Doug Hay made a motion to approve the budget amendments as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO AMEND THE TOWN BUDGET TO TRANSFER FUNDS FROM THE UNASSIGNED STORMWATER FUND BALANCE TO THE HELENE FUND FOR STORMWATER AND ENVIRONMENTAL PROJECTS

Resolution #R-25-63

WHEREAS, the Town Council recognizes the importance of maintaining and restoring its stormwater infrastructure and environmental assets; and

WHEREAS, the Lake Tomahawk dam requires an engineering assessment and a determination of the appropriate method of repair, at an initial estimated cost of $9,000; and

WHEREAS, the Town intends to engage McAdams for grant writing services to pursue funding opportunities from the NC Department of Commerce for downtown stormwater system improvements, and from NCEM for culvert upsizing, at a cost of $25,000; and

WHEREAS, Jennings Environmental has proposed initial services for Swannanoa River restoration efforts vital to the community's environmental health, totaling $35,000;

NOW, THEREFORE, BE IT RESOLVED the Town Council authorizes a budget amendment to transfer **$69,000** from the **Unassigned Stormwater Fund Balance** (630-0000-10001) to the **Helene Fund** (425-8806-52012) to support the following initiatives:

- $9,000 for the Lake Tomahawk dam assessment and repair method determination
- $25,000 for McAdams grant writing services
- $35,000 for Jennings Environmental Swannanoa River Restoration Task Order 1

BE IT FURTHER RESOLVED that the Town Manager and Finance Director are hereby authorized to take all necessary actions to implement this budget amendment and ensure proper accounting and reporting of the fund transfer.

APPROVED AND ADOPTED by the Town Council of the Town of Black Mountain by a vote of 4 to 0 on this 13th day of October 2025.

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7.M. Resolution Selecting KCI Associates for the Asset Inventory & Assessment (AIA) and Capital Improvement Plan (CIP) Services and Authorizing the Town Manager to Negotiate a Contract.

The Town of Black Mountain received a technical assistance grant from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure, to support post-Helene recovery and resilience planning efforts. A portion of this funding will be used to complete the Town's first Asset Inventory and Assessment (AIA) for the water system. This project will provide the Town with a comprehensive understanding of its existing infrastructure, system condition, and areas of vulnerability. The AIA will serve as the foundation for developing a Capital Improvement Plan (CIP) that prioritizes projects, integrates resiliency strategies, and identifies potential funding sources.

After reviewing all responses, the selection committee determined that KCI Associates, Inc. is the most qualified firm based on their relevant experience, project approach, and demonstrated understanding of the Town's goals and water system conditions.

Firm	Experience (30)	Team (30)	Hazard Mitigation (20)	Approach (10)	Schedule & QC (10)	Total (100)	Rank
KCI Associates of NC	29	30	19	9	9	**96**	**1**
Civil Design Concepts	27	28	18	9	8	**90**	**2**
The Thrasher Group NC	26	27	17	8	8	**86**	**3**

Town Council Member Doug Hay made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION SELECTING KCI ASSOCIATES FOR THE ASSET INVENTORY AND ASSESSMENT (AIA) AND CAPITAL IMPROVEMENT PLAN (CIP) SERVICES AND AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A CONTRACT

RESOLUTION NO. R-25-66

WHEREAS, the Town of Black Mountain received a grant award from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure, for technical assistance related to recovery from Tropical Storm Helene; and

WHEREAS, the Town intends to utilize a portion of this funding to complete an Asset Inventory and Assessment (AIA) of the Town's water system, which will serve as the foundation for developing a comprehensive Capital Improvement Plan (CIP) to identify infrastructure needs, resiliency improvements, and long-term funding strategies; and

WHEREAS, the Town issued a Request for Qualifications (RFQ) in accordance with N.C.G.S. §143-64.31 for professional engineering services related to the AIA and CIP project; and

WHEREAS, after review of qualifications submitted by interested firms, the Town's selection committee determined that KCI Associates is the most qualified firm to perform the required services based on demonstrated experience, technical expertise, and understanding of the Town's water system and resilience objectives; and

WHEREAS, the Town Council desires to formally select KCI Associates and authorize the Town Manager to negotiate a contract for AIA and CIP professional services in accordance with applicable NCDEQ and state procurement requirements.

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

1. **Selection of Firm.** KCI Associates is hereby selected as the most qualified firm to perform the Asset Inventory and Assessment (AIA) and Capital Improvement Plan (CIP) professional services for the Town's water system.

2. **Authorization to Negotiate.** The Town Manager is hereby authorized to negotiate and execute a contract with KCI Associates for professional services related to the AIA and CIP, subject to review and approval by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

3. **Funding.** The project shall be funded through the Town's NCDEQ Technical Assistance Grant related to Tropical Storm Helene.

4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

This the 13th day of October 2025.

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8. PUBLIC HEARING

8.A. Public Hearing for Village of Cheshire Master Plan Amendment.

Russell Cate, Planner & Zoning Administrator, provided the Council with the staff report on this proposed amendment. The Village of Cheshire Master Plan that was approved by Town Council in 1998 has a depiction of the area of proposed subdivision that does not correspond with how the land has been developed. The application is outside the allowance for a "minor amendment at the site plan level for specific land uses or developments" [ref.: Sec. 4.7.11.2 (E) (7)], triggering the requirement for a revised Master Plan. The Planning Board met to discuss this item and unanimously voted in favor of this Master Plan amendment. Town Council is now asked to consider the approval of the proposed amendment to the Village of Cheshire Master Plan.

Town Council Member Alice Berry made a motion to open the public hearing. The time was 7:18 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent. Once the public hearing was opened, Sikes Ragan, Principal, CS Ragan LLC, spoke to the Council about the proposed amendment. Jessie Gardner, with Civil Design Concepts (CDC), also spoke to the Council regarding the proposal. No additional public comment was provided. ***Town Council Member Doug Hay made a motion to close the public hearing. The time was 7:24 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent.***

Vice Mayor Archie Pertiller then made a motion to approve the Ordinance to amend the Village of Cheshire Master Plan and find the amendment is consistent with current state regulations and promotes and protects health, safety & welfare, and is in keeping with good zoning practice. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

AN ORDINANCE TO AMEND THE VILLAGE OF CHESHIRE MASTER PLAN
ORDINANCE # O-25-25

WHEREAS, when the Town Council adopted the Town of Black Mountain Land Use Code, the Planning Board committed to reviewing these regulations in order to improve their application to our community and context; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-604, the members of the Planning Board find and determine that the adoption of the recommended

amendment is consistent with the comprehensive plan and is reasonable in the public interest because it promotes future land use, a walkable and livable environment and a vibrant economy; and

WHEREAS, the Planning Board recommends, and the Town Council find that the proposed amendment is consistent with current state regulations and find that the recommendation promotes the general welfare and is in keeping with good zoning practices.

NOW, THEREFORE, BE IT RESOLVED that the Village of Cheshire Master Plan be amended to show the proposed subdivision on land addressed as 14 Jane Jacobs Road.

READ, APPROVED AND ADOPTED this 13th day of October 2025, by a vote of __4__ to __0__.

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8.B. Public Hearing for Text Amendment to Chapter 5, Section 5.17, Mobile Retail Vendors.

Planning Director Michelle Kennedy provided the Council with the staff report on this item. The current ordinance requires mobile retail vendors to meet all required setbacks as a brick and mortar building would have to meet. Given the size and mobility of mobile retail vendors, requiring the setback requirements is a hindrance to allowing them on commercial properties. Therefore, the Planning Board recommended by a vote of 5-0 to remove the requirement of meeting building setbacks, but acknowledged that there still may be fire code requirements that have to be met, including setbacks. Council will now hold a public hearing and then consider the proposed text amendment to Chapter 5, Section 5.17, Mobile Retail Vendors, to remove setback requirements.

Town Council Member Alice Berry made a motion to open the public hearing on this item. The time was 7:28 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent. No public comments were provided during the public hearing. ***Town Council Member Doug Hay made a motion to close the public hearing. The time was 7:29 p.m. A vote of 4-0 in favor. Council Member Ryan Stone was absent.***

Council Member Alice Berry then made a motion to approve the text amendment to Ch. 5, Sec. 5.17, Mobile Retail Vendors, to remove setback requirements and find that the change is consistent with current state regulations and find that it promotes health, safety and welfare, and good zoning practice. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.17.1, MOBILE RETAIL VENDORS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO REMOVE SETBACK REQUIREMENTS

ORDINANCE # O-25-26

WHEREAS, The Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community; and

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Promotes a livable and walkable environment and a viable economy and promotes the general safety and welfare of the community.

WHEREAS, after notice duly given, a public hearing was held on October 13, 2025, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 5, Section 5.17.1, Mobile Retail Vendors, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 5
Section 5.17.1 Mobile retail vendors.

B. Operating location and requirements.

1. Mobile retail vendors will operate only on private non-residential property with permission of the owner. No mobile retail vendors will operate on a public street, sidewalk, or right-of-way.

2. Mobile retail vendors will be allowed as a primary use or secondary use.

~~3. Mobile retail vendors will comply with the setback requirements for the zoning district in which the vendor is operating and, for purposes of setback regulations, will be treated as a building or structure. No mobile retail vendor will be parked closer than ten feet from a structure or other mobile retail vendor.~~

4. Each mobile retail vendor will have sufficient space to maneuver onto the lot and to allow for safe access by pedestrians and emergency response vehicles.

5. Sight triangles must be maintained in order to ensure visibility (see Section 4.4.6).

READ, APPROVED AND ADOPTED, by a vote of __4__ to __0__ on this the 13th day of October 2025.

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9. CITIZEN COMMENTS – none.

10. UNFINISHED BUSINESS – none.

11. NEW BUSINESS

11.A. Eagle Scout Project - Handicap Accessible Fishing Pier at Lake Tomahawk Park.

Eagle Scout candidate Burkley Reece of Scout Troop 17 presented his proposal to construct a handicap-accessible fishing pier at Lake Tomahawk Park as his Eagle Scout project. The 24-by-10-foot pier would accommodate up to four people in wheelchairs, feature level access from the existing paved path, and include modified railings to allow comfortable fishing from wheelchairs. Designed with the assistance of professional civil engineer Steve Landess, the pier would be supported by twelve 6x6 pylons installed to engineering standards, with portions prebuilt off-site for efficiency and safety measures in place during construction. The project is estimated to cost $4,718.17, with plans to offset expenses through donated materials and fundraising. Burkley shared that the pier would serve veterans, seniors, individuals with disabilities, and families, citing Black Mountain's large senior population, and spoke personally about his desire to fish longer with his grandfather and honor his late grandfather. He also presented renderings of the pier, and the Town Council thanked him for his presentation and commitment to the project.

Town Council Member Doug Hay made a motion to approve the installation of a proposed handicap-accessible fishing pier at Lake Tomahawk as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

11.B. Bee City USA Asheville Butterfly Trail Station at Veterans Park.

Leonora Stefanile, Community Garden Manager, presented an overview of the project and introduced Phyllis Stiles, Chair of Bee City USA–Asheville, who outlined the history and proposal for a butterfly trail display at Veterans Park. Phyllis explained that Bee City USA–Asheville has an established butterfly trail in Buncombe County featuring educational stations with native butterfly information, artistic human-sized butterfly displays, and host plants, with four stations completed and a fifth scheduled for November 2025. Bee City proposes adding a Black Mountain station on the south side of Veterans Park, integrated with existing pollinator gardens and monarch waystations, highlighting the monarch butterfly due to the Town's commitment to monarch habitat. The site was selected collaboratively with town staff for accessibility, proximity to the

monarch meadow, avoidance of the disc golf fairway, and clear signage. Each station costs approximately $15,000, funded through donations, with $5,000 pledged by Beatrice McQueen in memory of her sister; no Town funding would be required, only approval to host the station. Phyllis thanked town staff and disc golf community leaders for their assistance.

Town Council Member Alice Berry made a motion to approve the Bee City USA-Asheville Butterfly Trail Station at Veterans Park as proposed and the memorandum of agreement. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

A RESOLUTION AUTHORIZING PARTICIPATION IN THE ASHEVILLE BUTTERFLY TRAIL THROUGH BEE CITY USA – ASHEVILLE

RESOLUTION NO. R-25-65

WHEREAS, Bee City USA – Asheville (BCU-AVL) manages the **Asheville Butterfly Trail**, a regional environmental education initiative designed to raise awareness of the life cycles of native butterflies, the critical relationships between pollinators and native plants, and the importance of butterflies in maintaining healthy ecosystems; and

WHEREAS, the Asheville Butterfly Trail program installs educational art pieces and interpretive signage at designated **Trail Stations** throughout Western North Carolina, providing residents and visitors with opportunities to learn about pollinator species and their habitats; and

WHEREAS, BCU-AVL has invited the **Town of Black Mountain** to serve as a **Trail Station Host**, joining other public and private partners in supporting pollinator conservation and environmental education; and

WHEREAS, as a Trail Station Host, the Town agrees to:

- Identify a mutually agreeable and ADA-accessible location for the butterfly wings and interpretive sign;
- Maintain the surrounding native pollinator plantings and landscape;
- Notify BCU-AVL of any needed maintenance;
- Ensure appropriate insurance coverage; and
- Provide a one-time installation fee and annual stewardship fee, which may be supported through sponsorships or grants; and

WHEREAS, BCU-AVL will, in turn, design, install, and maintain the butterfly wings and signage, maintain the Trail's website and promotional materials, and include the Town's site in its public education and outreach programs; and

WHEREAS, participation in the Asheville Butterfly Trail aligns with the Town of Black Mountain's **Bee City USA designation**, its ongoing **environmental stewardship initiatives**, and community goals to support **pollinator habitats**, **education**, and **public art**.

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

1. The Town of Black Mountain hereby approves participation in the **Asheville Butterfly Trail** program through Bee City USA – Asheville and agrees to host a **Butterfly Trail Station** within Town limits.
2. The Town Council authorizes the **Town Manager** to execute the **Memorandum of Agreement** with Bee City USA – Asheville and to take all necessary actions to carry out the intent of this resolution.
3. The Town reaffirms its ongoing commitment to **pollinator conservation**, **environmental education**, and **community beautification** as part of its Bee City USA designation.
4. A copy of the Memorandum of Agreement is attached as part of this resolution.

Adopted this the 13th day of October, 2025, by the Town Council of the Town of Black Mountain. ***A copy of this MOA is included at the end of these minutes as Appendix C.***

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11.C. NC Wildlife Federation Habitat Restoration Proposal.

Luke Bennett, Conservation Coordinator with the North Carolina Wildlife Federation (NCWF), and Sally Cochran presented a proposal for a habitat restoration project at Lake Tomahawk. The project would convert approximately 0.3 acres of turf grass between the pool and tennis courts into native tree habitat to support pollinators, improve biodiversity, and enhance soil and water quality. NCWF will donate up to $10,000 for trees, shrubs, mulch, compost, and educational signage, with a volunteer planting event planned for November 15, 2025, involving 25–40 volunteers planting 50–90 native trees. The Town will assist with site preparation and watering, while NCWF and its Swannanoa Valley WILD! chapter will coordinate volunteers and maintenance, with shrubs and signage to be added in fall 2026. Discussion followed among Council, presenters, and staff. **Following discussion, no action was taken by the Council to move forward with this proposal at this time**. Council thanked Luke and Sally for their presentation.

11.D. Transfer of Mobile Office Lease from USACE (US Army Corps of Engineers) to Town of Black Mountain.

Jessica Trotman, Assistant Town Manager, provided the Council information on this item. Following Tropical Storm Helene (DR-4827-NC), the Town of Black Mountain received Direct Federal Assistance (DFA) through the U.S. Army Corps of Engineers (USACE) to provide temporary office facilities for the Public Works and Planning & Development departments at 304 Black Mountain Avenue. The lease and associated services have, to date, been managed directly between USACE and the vendor under the federal mission assignment. USACE is now demobilizing from the disaster event and has notified the Town that it must assume the lease agreement to maintain occupancy of the temporary offices. FEMA Public Assistance (PA) has confirmed that funding eligibility will continue for this lease under the Town's Category B

(Emergency Protective Measures) project. FEMA will reimburse the Town for eligible costs at the approved rate.

The lease amount is $17,000 per month, and the new agreement between the Town of Black Mountain and the vendor will be consistent with the terms previously managed under the USACE contract. Execution of this contract ensures continued operational space for essential public functions while permanent facility recovery planning and FEMA funding determinations remain underway. The Town Attorney has worked with staff on this new lease agreement.

The action that is requested is to authorize the Town Manager to execute the proposed lease agreement for the temporary Public Works and Planning offices located at 304 Black Mountain Avenue in the amount of $17,000 per month, with costs reimbursable through FEMA Public Assistance (PA). Some discussion ensued.

Town Council Member Alice Berry made a motion to approve the mobile office lease transfer as presented and authorize Town Manager to execute the updated lease agreement. A vote of 4-0 in favor. Council Member Ryan Stone was absent. A copy of this lease document is included at the end of these minutes as Appendix D.

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11.E. Resolution To Apply For State Revolving Fund (SRF) Funding For Water System Improvements & Repeal of Resolutions No. R-25-41 and R-25-42. Jessica Trotman, Assistant Town Manager, provided an update to Council on this item. The proposed resolution authorizes the Town of Black Mountain to apply for **State Revolving Loan Funds (SRF) with 100% principal forgiveness** in the amount of **$5,000,000** to support comprehensive **Water System Resiliency and Watershed Improvements**. The project will include **drilling new municipal wells**, **relocating water lines within high-risk hazard areas**, and **implementing watershed improvements** to strengthen the Town's water infrastructure, reduce flood vulnerability, and enhance long-term system reliability. The resolution further authorizes the **Town Manager** and **Assistant Town Manager** to execute the application and related documents on behalf of the Town. After speaking with representatives from the State Revolving Fund, it was determined that one resolution in the amount of $5,000,000 would be permissible to encompass all water system projects outlined above, as well as the inclusion of other needed watershed improvements, which can be incorporated into this SRF application.

Additionally, Resolution No. R-25-41 and R-25-42, adopted August 11, 2025, were for application to SRF funding for drilling of wells, and relocation of water lines within high-risk hazard areas, respectively, at the per-project amount of $2,500,000 each. It was determined that one resolution in the amount of $5,000,000 would be permissible to encompass all water system projects outlined

above. As a result, to avoid confusion, **Resolutions R-25-41, and R-25-42, should be repealed and replaced** with this singular resolution attached with combines all permissible projects under this SRF application. A short discussion ensued among Council Members and staff.

Town Council Member Alice Berry made a motion to approve the resolution to apply for SRF funding for water system improvements and repeal of R-25-41 and R-25-42 as presented. A vote of 4-0 in favor. Council Member Ryan Stone was absent.

RESOLUTION TO APPLY FOR STATE REVOLVING FUND (SRF) FUNDING FOR WATER SYSTEM IMPROVEMENTS & REPEAL OF RESOLUTIONS NO. R-25-41 AND R-25-42

RESOLUTION NO. #: R-25-64

WHEREAS, the Town of Black Mountain has identified the need to improve the resiliency and reliability of its municipal water system to prevent service interruption and infrastructure damage during floods, natural disasters, and other hazard events; and

WHEREAS, the Town of Black Mountain has need for and intends to plan for and construct a comprehensive program of **Water System Resiliency Improvements**, including **(1) drilling new municipal wells, (2) relocating water lines within high-risk hazard areas, and/or (3) implementing watershed improvements** to strengthen overall system performance and environmental protection; and

WHEREAS, these projects are essential to ensure a safe, reliable, and sustainable water supply for residents, businesses, and critical facilities within the Town's service area; and

WHEREAS, the Town of Black Mountain intends to request State loan and/or grant assistance for the project;

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

1. **Financing Commitment.** That the Town of Black Mountain, as the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. **Operation and Maintenance.** That the Applicant will provide for the efficient operation and maintenance of the project upon completion of construction.
3. **Fee Schedule and Repayment.** 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 for repayment of all principal and interest on any debt incurred.
4. **Loan Agreement Provision.** 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 any State funds that would otherwise be distributed to the local government in an amount sufficient to pay all sums then due and payable to the State as repayment of the loan.

5. **Authorized Representatives.** That **Josh Harrold, Town Manager**, and **Jessica Trotman, Assistant Town Manager**, and their successors so titled, are hereby authorized to execute and file an application on behalf of the Town of Black Mountain with the State of North Carolina for a loan and/or grant to aid in the study, planning, and construction of the Water System Resiliency Improvements Project.
6. **Execution of Documents.** That the Authorized Representatives, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the application or the project; to make the assurances contained herein; and to execute such other documents as may be required in connection with the application.
7. **Compliance with Applicable Laws.** 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.
8. **Repeal of Previous Resolutions R-25-41 and R-25-42.** Resolution No. R-25-41 and R-25-42 entitled "Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Drilling of Wells, and "Resolution to Apply for Drinking Water State Revolving Fund (SRF) Funding for Relocation of Water Lines Within High-Risk Hazard Areas", respectfully, that were adopted on August 11, 2025, are hereby **REPEALED** and **REPLACED** with this foregoing resolution.

Adopted this the 13th day of October 2025 at Black Mountain, North Carolina.

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11.F. Discussion of Emailed Public Comments Procedure.

Council Members and the Town Attorney discussed procedures for citizen comments, specifically whether emailed public comments should be read aloud at Council meetings or if comments must be made in person. Staff reviewed past practices, noting that emailed comments were read aloud during virtual meetings held during COVID, while prior to and after that period, public comments were traditionally limited to in-person participation. Guidance from the UNC School of Government confirmed there is no legal requirement to accept or read written comments outside of declared emergency remote meetings, and that councils may require in-person comments. The discussion also referenced N.C.G.S. §160A-81.1 regarding public comment periods. Town Attorney Craig Justus advised that reading emailed comments is uncommon and raised concerns about lack of content control, as well as issues related to time limits, tone, and delivery, which were further discussed by Council.

After some discussion, the consensus was that any emailed public comments would be made part of the official minutes of a meeting if the citizen specifically requested it be made part of/entered into the record (e.g. minutes), but that emailed comments would not be read aloud by staff or Council Members at a public meeting.

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11.G. Town Attorney Performance Evaluation Templates.

After a short discussion among Council Members, a consensus was made to use a combination of both attorney review templates as included in the agenda packet to draft a review form for the Town's attorney. Items to include in the review form would be to use numbering system from 1-3 or N/A, instead of a numbering system of 1-5; and have comment sections for each evaluation subject in addition to the number. Town staff would compile and create this template for final review.

12. CLOSED SESSION - NCGS 143-318.11 (A)(6): Personnel-related

Council Member Alice Berry made a motion to enter into Closed Session per N.C.G.S. 143-318.11(a)(6) to discuss personnel matters. A vote of 4-0 in favor. Council Member Ryan Stone was absent. The time was 8:25 p.m.

The Council returned to Open Session at 8:54 p.m. No additional actions were taken.

13. ADJOURNMENT. ***With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 8:55 P.M.***

_____

C. Michael Sobol, Mayor

Attest:

_____

Wesley M. Barker, Town Clerk