BLACK MOUNTAIN TOWN COUNCIL MINUTES

November 10, 2025 | Regular Session Agenda | Time: 6:00 PM

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

The Black Mountain Town Council held their regular session agenda on Monday, November 10, 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 Doug Hay, Town Council Member Pam King, Council Member Ryan Stone. *Council Member Alice Berry was absent.*

The following staff members were present: Josh Harrold, Town Manager; Wesley Barker, Town Clerk; Steve Parker, Police Chief.

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. Resolution- Indigenous Peoples Heritage Month- November 2025

Mayor Sobol read the proposed resolution. Town Council Member Pam King made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

INDIGENOUS PEOPLES HERITAGE MONTH
RESOLUTION # R-25-90.1

WHEREAS, American Indian Heritage Month, also known as Indigenous Peoples Heritage Month, honors and celebrates the important history and heritage of tribal communities within North Carolina's recognized tribes and Indian organizations; and

WHEREAS, North Carolina is home to eight state-recognized tribes: the Eastern Band of Cherokee, Coharie, Lumbee Tribe of North Carolina, Haliwa-Saponi, Sappony, Meherrin, Occaneechi Band of the Saponi Nation, and the Waccamaw-Siouan; and

WHEREAS, Indigenous people of this area lived before forming bands west of the Mississippi

when they were disgracefully forcibly displaced by the Federal Government through the Trail of Tears and Indian Removal Act during the 1800s, a period of Indigenous ethnic cleansing in our nation's history; and

WHEREAS, today, there are more than 130,000 North Carolinians who identify as American Indian, living in all 100 counties, making it the second-largest American Indian population east of the Mississippi River and the seventh-largest American Indian population in the United States; and

WHEREAS, the Town of Black Mountain recognizes Indigenous people have lived upon this land since time immemorial and values the progress our society has accomplished through the contributions of the Indigenous peoples' culture; and

WHEREAS, the Town of Black Mountain recognizes and celebrates Indigenous people and wishes to preserve and promote the history and culture of all Indigenous people.

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council that the month of November 2025 be proclaimed Indigenous Peoples' Heritage Month in the Town of Black Mountain and commend its observance to all citizens.

This the 10th day of November 2025.

****

2.B. Recognition of Josh Harrold, Town Manager, for being named a Top 10 Town Manager by Government Business Review. Vice Mayor Archie Pertiller read a statement recognizing Town Manager Josh Harrold as being named a Top 10 Town Manager by Government Business Review.

****

3. CITIZEN COMMENTS

- David Galloway, 103 Brookhaven Rd., spoke on the disc golf course maintenance needs.
- Jen Galloway, 103 Brookhaven Rd., spoke on the maintenance of the Veterans Park disc golf course.
- A resident at 2 Bowers Rd., spoke on Veterans Park and suggested the installation of a left turn only sign onto Montreat Rd. from State St.
- Shawn Slope, 344 Flat Creek Rd., spoke about the back 9 of the disc golf course and needed maintenance.

****

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES- none.

5. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER- none.

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- none.

7. CONSENT AGENDA

7.A. Approval of Council Meeting Minutes from August 7, August 11, August 13, September 4, 2025. ***Vice Mayor Archie Pertiller made a motion to approve meeting minutes as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

****

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

****

7.C. Resolution Repealing R-25-80 (Resolution Auth Staff to Apply for Capital Grant Funding for Engineering & Construction of New Combined Restroom & Concession Stand at Veterans Park) from November 1, 2025 due to duplication.

Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION REPEALING RESOLUTION NO. R-25-80 ENTITLED "RESOLUTION AUTHORIZING STAFF TO APPLY FOR CAPITAL GRANT FUNDING FOR ENGINEERING AND CONSTRUCTION OF NEW COMBINED RESTROOM & CONCESSION STAND FACILITY AT VETERANS PARK"

RESOLUTION NO. #: R-25-90

WHEREAS, on November 1, 2025, at a special called Town Council work session meeting, Town Council approved Resolution No. R-25-80, entitled "Resolution Authorizing Staff To Apply For Capital Grant Funding For Engineering And Construction Of New Combined Restroom & Concession Stand Facility At Veterans Park"; and

WHEREAS, it was determined following the meeting that another parallel resolution was also adopted at this meeting including the same information, thus creating the need to repeal Resolution R-25-80, to avoid duplication.

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

1. That Resolution No. R-25-80, adopted November 1, 2025, is hereby repealed.

Adopted this the 8th day of September 2025.

****

7.D. Appointment to the Board of Adjustment Alternate Seat.

The Board of Adjustment consists of 5 members each serving a 3-year term, and 3 alternate members without expiring terms. Currently, the Board of Adjustment has one (1) alternate seat with a vacancy. The Town has received an application from Ted Rausch who is interested in serving on the Board of Adjustment. Mr. Rausch's is eligible to serve as he lives in the city limits. Council should review this application and consider appointing Mr. Rausch to serve as an alternate member to the Board of Adjustment.

Vice Mayor Archie Pertiller made a motion to approve the appointment of Ted Rausch to the Board of Adjustment Alternate Seat. A vote of 4-0 in favor. Council Member Alice Berry was absent.

7.E. A Resolution Budgeting Kimley Horn Design Services for Veteran's Park Concessions and Restrooms.

This resolution budgets $7,500 for Kimley Horn to begin their initial designs of a combined restroom and concessions facility at Veteran's Park that will meet current building codes and National Flood Insurance Program (NFIP) standards.

Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION BUDGETING KIMLEY HORN DESIGN SERVICES FOR VETERANS PARK CONCESSIONS AND RESTROOMS

Resolution No. R-25-90.2

WHEREAS, the Town of Black Mountain sustained substantial damage to the Veteran's Park Restrooms and Concession Stands during Tropical Storm Helene; and

WHEREAS, the facilities do not meet National Flood Insurance Program regulations; and

WHEREAS, the Town has obtained a service agreement with Kimley Horn and Associates, Inc. to provide design services for options providing a combined concessions stand and restrooms facility at Veteran's Park; and

WHEREAS, the costs associated with the initial design and generation of facility options for the Town are estimated to be $7,500; and

WHEREAS, budgeting these proceeds allows the Town to initiate the site design work for the concessions and restroom project at Veteran's Park;

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

1. The Town budgets $7,500.00 to support site design activities for the Veteran's Park Restrooms and Concessions Stand.
    - $7,500.00 – for site design for the Veteran's Park Restrooms and Concessions Stand (*to 425-8806-52012 from 425-8806-48900*)

2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 10th day of November, 2025.

****

7.F. A Resolution Authorizing Staff to Apply for Helene Recovery Fund for PARTF 2025-2026 Funding for Engineering and Construction of a New Combined Restroom and Concession Facility at Veteran's Park.

This resolution authorizes staff to pursue $500,000 of grant funding from the Helene Recovery Fund for PARTF, intending to use the anticipated NC Unmet Needs grant and Golden Leaf grant funding for the requisite local matching funds for the project. ***Vice Mayor Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

RESOLUTION AUTHORIZING STAFF TO APPLY FOR HELENE RECOVERY FUND FOR PARTF 2025-2026 FUNDING FOR ENGINEERING AND CONSTRUCTION OF A NEW COMBINED RESTROOM AND CONCESSION FACILITY AT VETERAN'S PARK

RESOLUTION NO. R-25-90.3

WHEREAS, the Town of Black Mountain owns and operates Veteran's Park, a vital public recreation area that sustained severe flood damage during Tropical Storm Helene (DR-4827-NC); and

WHEREAS, the existing restroom and concession stand structures at Veteran's Park were substantially damaged by more than five feet of flood inundation, resulting in unsafe and noncompliant conditions; and

WHEREAS, both structures were located within the Special Flood Hazard Area (SFHA) and one is partially within the floodway, do not meet National Flood Insurance Program (NFIP) standards, and are therefore ineligible for repair or replacement under FEMA Public Assistance (PA) rules; and

WHEREAS, replacement of these critical public facilities will restore essential recreational amenities, support youth sports programming, and promote safe, equitable park access for residents and visitors; and

WHEREAS, the Town seeks to construct a new combined restroom and concession facility within Veteran's Park that will:

- Be located within the 100YFP but fully comply with NFIP and local flood damage prevention ordinance requirements;
- Be covered by flood insurance to ensure long-term resilience and risk reduction; and

WHEREAS, the Town is applying for $350,000 of funding from the NC Helene Local Government Capital Grant Program and $100,000 of funding from the Golden Leaf Foundation to build an NFIP compliant restrooms and concession facility at Veteran's Park; and

WHEREAS, the Town plans to contribute an additional $50,000 toward the project from the Town's own Helene Recovery Fund; and

WHEREAS, this project is also eligible for additional funding through the Helene Recovery Fund for PARTF (Parks and Recreation Trust Fund), which supports North Carolina local governments improving the quality of life for their communities through providing a 50% match in funding for approved parks and recreation infrastructure projects; and

WHEREAS, the planning-level cost estimate for engineering and construction of the new combined facility is $1,000,000, inclusive of site design, structural engineering, utilities, and compliance with accessibility standards; and

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

1. Town staff are hereby authorized and directed to prepare and submit an application to the appropriate state agency for Helene Recovery Fund for PARTF funding in the amount of $500,000.00 to support the engineering and construction of a new combined restroom and concession facility at Veteran's Park.
2. The Town Manager, or their designee, is authorized to execute all necessary documents, certifications, and assurances to complete the application process.
3. The Town Manager is further authorized to coordinate with the Planning Department, Parks and Recreation Department, and Finance Department to prepare detailed design and budget documentation consistent with grant requirements and NFIP compliance.
4. Upon award, the Town Council will consider a budget amendment to appropriate grant funds and any required local match.

Adopted this the 10th day of November 2025.

****

7.G. A Resolution to Loan Funds for Grant Writing Services Related to Water System Projects from the Stormwater Utility Fund to the Water Fund.

This resolution, if approved, will approve loaning $91,000 from the Stormwater Utility Fund to pay for grant writing services for Water System projects. These funds are intended to be made whole through FEMA HMGP reimbursements. This loan is at 0% interest and repayments will begin no later than June 30, 2027.

Town Council Member Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

A RESOLUTION TO LOAN FUNDS FOR GRANTWRITING SERVICES RELATED TO WATER SYSTEM PROJECTS FROM THE STORMWATER UTILITY FUND TO THE WATER FUND

Resolution No. R-25-90.4

WHEREAS, the Town of Black Mountain seeks to make its water system more resilient in the wake of Tropical Storm Helene; and

WHEREAS, the Town has procured contracted grant writing services to assist in creating applications for the FEMA Hazard Mitigation Grant Program (HMGP) to fund projects; and

WHEREAS, the current costs for professional grant writing services for water system HMGP projects exceed what is currently appropriated for professional services within the water fund; and

WHEREAS, the costs associated with these grant writing services are included in the grant budget if awarded; and

WHEREAS, the Town is enabled to loan funds from an enterprise fund to any other fund, as long as sufficient monies remain in the enterprise fund to cover expenses for the fiscal year, in accordance with NCGS 159-13(b)(14);

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

1. The Town loans $91,000.00 from the stormwater utility fund to the water fund (*to 600-5000-52020 from 630-0000-33000*) with the following terms:
    - Loan payments to restore the balance of the stormwater utility fund are to begin no later than June 30, 2027, and payments are to be made at 0% interest.
2. The Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 10th day of November, 2025.

****

7.H. Resolution Authorizing Town to Enter into Agreement with Arete Engineers, PLLC for Professional Engineering & Architectural Services. The proposed Master Services Agreement (MSA) between the Town of Black Mountain and Areté Engineers, PLLC establishes a framework for providing on-demand professional engineering and consulting services to support Town infrastructure projects. The agreement allows the Town to issue individual Task Orders defining specific project scopes, budgets, and timelines under consistent contract terms.

Areté will assist the Town with services such as planning, design, permitting, construction management, cost estimation, and related engineering support. Compensation will be based

on either a negotiated Task Order amount or hourly rates per the Standard Rate and Fee Schedule. The agreement also includes federally required terms and conditions to ensure compliance with FEMA and other federal funding requirements related to Hurricane Helene recovery.

Key provisions outline responsibilities for both parties, standards of care, payment procedures, insurance requirements, termination clauses, and adherence to applicable state and federal regulations. ***Town Council Member Archie Pertiller made a motion to approve the resolution as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

RESOLUTION AUTHORIZING TOWN TO ENTER INTO AGREEMENT WITH ARETE ENGINEERS, PLLC FOR PROFESSIONAL ENGINEERING & ARCHITECTURAL SERVICES

RESOLUTION NO. R-25-91

WHEREAS, the Town of Black Mountain (the "Town") requires on-demand professional engineering and consulting services to support public infrastructure recovery, planning, and capital improvement initiatives; and

WHEREAS, Areté Engineers, PLLC, a professional engineering firm located in Blowing Rock, North Carolina, was selected through a qualifications-based selection process in accordance with the North Carolina Mini-Brooks Act (G.S. 143-64.31); and

WHEREAS, the Town and Areté Engineers, PLLC desire to enter into a Master Services Agreement to establish terms and conditions under which the Engineer will provide professional services on an as-needed basis, through individually authorized Task Orders; and

WHEREAS, the Master Services Agreement includes federally required terms and conditions applicable to projects funded through FEMA or other disaster recovery programs related to Tropical Storm Helene (DR-4827-NC); and

WHEREAS, Town staff recommends approval of the Agreement to allow timely engagement of professional services necessary to advance infrastructure repair and capital projects.

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

1. The Town Council hereby authorizes the Town Manager to execute the Master Services Agreement between the Town of Black Mountain and Areté Engineers, PLLC, as presented.

2. The Town Manager is further authorized to execute individual Task Orders under the Agreement, subject to availability of funds and compliance with applicable procurement requirements.

Adopted this 10th day of November, 2025.

****

8. PUBLIC HEARING – none.

9. UNFINISHED BUSINESS – none.

10. CITIZEN COMMENTS- none.

11. NEW BUSINESS

11.A. Recommendation to Lower Speed Limit on S Ridgeway Avenue and Sutton Avenue from 25 MPH to 20 MPH.

The Active Mobility Commission discussed alternatives to help improve safety on S Ridgeway Avenue and Sutton Avenue. One of the ideas was to reduce the speed limit. The Commission felt that lowering the speed limit on both streets would be a low-cost modification to start improving safety concerns through this corridor. Some Council discussion ensued with staff.

Town Council Member Ryan Stone made a motion to approve the recommendation to lower the speed limit on S. Ridgeway Ave. and Sutton Ave. from 25 MPH to 20 MPH as presented. A vote of 4-0 in favor. Council Member Alice Berry was absent.

****

11.B. Consideration of Ordinance to Amend the Town Code of Ordinances Ch. 47-Traffic & Vehicles; Article V, to add new Sect. 47-165: Wheeled vehicles other than bicycles and skates.

As Black Mountain continues to grow in residents and tourists alike, the need to prohibit certain wheeled and toy vehicles on sidewalks in the CB zoning district (downtown) has grown. The town currently prohibits bicycles on sidewalks and skates in the CB zoning district. This amendment would prohibit other toy and wheeled vehicles such as scooters, hoverboards, skateboards, motorized vehicles, unicycles, one-wheels, etc. Discussion ensued and Council was in consensus to **table** this item until the next meeting to allow additional research from other communities that have similar ordinances. **No action taken.**

****

12. CLOSED SESSION – pursuant to N.C.G.S. 143-318.11(A)(6)- Personnel-related. The Town Council then prepared to enter closed session pursuant to NC General Statute 143-318.11(A)(6): to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Town Council Member Archie Pertiller made a motion to enter closed session per NCGS 143-

318.11(a)(6) to discuss personnel. A vote of 4-0 in favor. Council Member Alice Berry was absent.

Town Council returned from Closed Session at 7:20 p.m. ***Vice Mayor Archie Pertiller made a motion to exit closed session now that the purpose pursuant to NC General Statute 143-318.11 (a)(6): to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer, has been accomplished and to without a general account of such closed session so long as releasing the same would frustrate the purpose thereof. A vote of 4-0 in favor. Council Member Alice Berry was absent.***

It was announced an additional closed session would be held at the end of the December 8, 2025 regular meeting.

****

13. ADJOURNMENT. ***With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 7:21 pm.***

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk