BLACK MOUNTAIN TOWN COUNCIL MINUTES

March 9, 2026 | 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, March 9, 2026, 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 6:02 p.m. with the following members in attendance: Town Council Member Alice Berry, Town Council Member Doug Hay, Town Council Member Pam King, Town Council Member Ryan Stone. *Vice Mayor Archie Pertiller was absent.*

The following staff members were present: Richard Hicks, Interim Town Manager; Wesley Barker, Town Clerk; Jamey Matthews, Public Works Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Michelle Kennedy, Planning Director; Matt Begley, Budget Analyst.

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 Recognizing the Retirement of Police K-9 Cayman, and Ownership Transfer to Handler.

Council Member Pam King made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

A RESOLUTION HONORING K-9 CAYMAN UPON HIS RETIREMENT FROM THE BLACK MOUNTAIN POLICE DEPARTMENT AND TRANSFER OF OWNERSHIP OVER TO K-9 HANDLER

RESOLUTION NO. R-26-18

WHEREAS, K-9 Cayman has faithfully served the Town of Black Mountain since 2018 as a member of the Black Mountain Police Department, partnered from the beginning of his

distinguished career with his handler, Sgt. Logan Newhouse; and

WHEREAS, now at nine years of age, K-9 Cayman retires after years of dedicated and honorable service to the Department and to the citizens of Black Mountain; and

WHEREAS, throughout his tenure, K-9 Cayman played a vital role in the apprehension of numerous drug offenders, significantly contributing to public safety and the disruption of illegal narcotics activity within the Town's jurisdiction and surrounding areas; and

WHEREAS, K-9 Cayman also assisted in search operations involving citizens in need, demonstrating the versatility, reliability, and professionalism that define a well-trained police K-9; and

WHEREAS, beyond his enforcement responsibilities, K-9 Cayman served as an ambassador for the Black Mountain Police Department, representing the Department at schools, community outreach events, and public demonstrations, strengthening the bond between law enforcement and the community; and

WHEREAS, the partnership between Sgt. Logan Newhouse and K-9 Cayman exemplifies the highest standards of trust, discipline, teamwork, and commitment within the law enforcement profession;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the Council hereby expresses its sincere gratitude and appreciation to K-9 Cayman for his loyal and honorable service to the Town and its citizens; and

BE IT FURTHER RESOLVED that the Town Council extends its appreciation to Sgt. Logan Newhouse for his dedication and steadfast partnership with K-9 Cayman throughout his career, and wishes to transfer ownership of K-9 Cayman over to Sgt. Newhouse.

ADOPTED this 9th day of March 2026.

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2.B. 2026 Mayors' Monarch Pledge.

Mayor Sobol read the following Mayors' Monarch Pledge aloud.

2026 MAYORS' MONARCH PLEDGE

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, both the western and eastern monarch populations have seen significant declines in recent years, and with commitments through the National Wildlife Federation's Mayors' Monarch Pledge, communities work to create habitats for monarch butterflies and pollinators; and

WHEREAS, the Town of Black Mountain is committed to restoring and preserving habitats that support the monarch's migration each year maintaining pollinator-friendly habitat gardens at Town Square, Lake Tomahawk, the Black Mountain-Tyson Public Library, Veteran's Park, Black Mountain Primary School, and other public spaces; and

WHEREAS, since 2015, the Town maintains official monarch waystations at Veteran's Park, Lake Tomahawk, Black Mountain-Tyson Public Library and Black Mountain Primary School, and displays educational signage about these efforts; and

WHEREAS, in 2025, the Town of Black Mountain was one of only seven municipalities in North Carolina that joined the "Leadership Circle" by taking eight or more actions for the monarch butterfly; and

WHEREAS, citizens can make a difference for the monarch by planting native milkweed and nectar plants to provide a habitat for the monarch butterfly in locations where they live, work, learn, play and worship.

NOW, THEREFORE, I, C. Michael Sobol, Mayor of the Town of Black Mountain, do hereby commit to the 2026 Mayors' Monarch Pledge with the National Wildlife Federation and proclaim this, the **9th day of March, 2026** as **"Mayor's Monarch Pledge Day"** and encourage all residents to participate in community activities that support and celebrate monarch butterfly conservation.

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2.C. Resolution Recognizing Women's History Month - March 2026

Council Member Pam King made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

RESOLUTION RECOGNIZING AND HONORING WOMEN'S HISTORY MONTH

RESOLUTION: R-26-25

WHEREAS, the month of March is nationally recognized as WOMEN'S HISTORY MONTH, a time to celebrate and honor the vital contributions of women throughout history and in our communities; and

WHEREAS, women of every race, class, and ethnic background have played an essential role in shaping our nation, state, and local communities through leadership, service, innovation, and dedication in fields including government, education, business, public safety, healthcare, the arts, and civic life; and

WHEREAS, the recognition of Women's History Month provides an opportunity to reflect on

the achievements of women who have helped advance equality, strengthen our communities, and inspire future generations; and

WHEREAS, the National Women's History Alliance (NWHA) has designated the theme for 2026 Women's History Month as "Leading the Change: Women Shaping a Sustainable Future," and

WHEREAS, women continue to make meaningful contributions to the vitality, resilience, and progress of the Town of Black Mountain through public service, volunteerism, entrepreneurship, and community leadership; and

WHEREAS, the Town of Black Mountain recognizes and appreciates the accomplishments, leadership, and dedication of women who have helped shape our community and continue to influence its future.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Black Mountain hereby recognizes March 2026 as Women's History Month and encourages residents to celebrate the achievements, leadership, and lasting impact of women in our community and throughout our nation.

Adopted this the 9th day of March 2026.

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2.D. Resolution Recognizing International Transgender Day of Visibility on March 31, 2026.

Council Member Pam King made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

RESOLUTION RECOGNIZING INTERNATIONAL TRANSGENDER DAY OF VISIBLITY ON MARCH 31, 2026

RESOLUTION: R-26-26

WHEREAS, March 31 is recognized annually as International Transgender Day of Visibility**,** a day dedicated to celebrating the lives, contributions, and achievements of transgender and gender-diverse people while raising awareness of the challenges they continue to face; and

WHEREAS, International Transgender Day of Visibility was first established in 2009 by transgender advocate Rachel Crandall to highlight the experiences and accomplishments of transgender individuals and to promote greater understanding and acceptance within communities worldwide; and

WHEREAS, transgender and gender-diverse people are valued members of communities across the United States and within the Town of Black Mountain, contributing to civic life, business, education, public service, the arts, and community leadership; and

WHEREAS, this day encourages communities to recognize the dignity, resilience, and humanity of transgender people and to promote a culture of respect, visibility, and inclusion for all residents; and

WHEREAS, recognizing International Transgender Day of Visibility provides an opportunity for communities to affirm that all individuals deserve to live with dignity, safety, and equal opportunity.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the **Town of Black Mountain** hereby recognizes **March 31, 2026 as International Transgender Day of Visibility** and encourages residents to acknowledge and celebrate the contributions of transgender and gender-diverse individuals while fostering a community of respect, understanding, and inclusion for all.

Approved this the 9th day of March 2026.

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3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Trash Trout Installation Presentation.

Eric Bradford with Asheville GreenWorks and Anne Phillip, Town Stormwater Technician & Floodplain Administrator, presented this item to Council. The Town of Black Mountain Stormwater Department proposes installation of a **Trash Trout™**, a floating passive trash collector, in the Swannanoa River at Veteran's Park. The Trash Trout has been designed by Asheville GreenWorks, with consultation by NC Wildlife Resources Commission, to ensure that the trap does not injure or prevent passage of aquatic life in the river. Asheville GreenWorks installed the first Trash Trout in Hendersonville in 2017 and, as of October 2023, has installed 42 Trash Trout's in five states. Asheville GreenWorks received grant funding to fabricate and install several Trash Trout's in Buncombe County. As a part of this funding, a Trash Trout could be installed in Black Mountain. The Trash Trout would be installed and maintained at no cost to the Town. The Trash Trout in Black Mountain would be maintained by Asheville GreenWorks' trained group of volunteers, the StreamKeepers and be located at Veterans Park behind the ball fields in the Swannanoa River. Town Council was in consensus to move forward with the Trash Trout project.

3.B. Update on Public Safety Building Feasibility Study.

Representatives from McGill Associates and Moseley Architects spoke to the Council presenting their findings on the Public Safety Building Facility Condition Assessment, and the project cost estimates for necessary repairs. The representatives spoke on the building's structural integrity, safety and whether the building was safe to occupy. It was stated by the representatives that this building is not safe to be occupied by public safety staff, and that there are potential health risks present. A summary of this assessment is as follows:

The assessment evaluated architectural, structural, and MEP systems; identified deficiencies; and developed a 10-year Capital Improvement Plan (CIP).

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The Facility Condition Index (FCI) was calculated at **0.77**, indicating the building is in **high-priority/critical condition**, with deferred maintenance exceeding the building's replacement value.

Key Findings:

- Total estimated deferred maintenance: ~$2.2 million; replacement value: ~$1.2 million.
- Approximately $1.85 million in immediate (FY26) needs identified.
- Significant deficiencies include:
    - Structural instability (foundation movement, settlement, cracking).
    - Mechanical, plumbing, emergency power, and fire alarm system failures or end-of-life conditions.
    - Root causes likely include water intrusion, drainage failures, and compromised subsurface soils.
    - Report recommends additional structural testing and notes potential need to relocate operations to a temporary facility during investigation/repairs.

Immediate Actions & Recommendations (FY2026)

Priority 1 (High Priority / Immediate):

- Conduct soil borings and drainage pipe investigations to determine structural failure causes. Repair or replace roof and address widespread water intrusion issues.
- Repair/replace stormwater infrastructure and damaged downspouts.
- Replace emergency generator and upgrade emergency power system; relocate out of flood-prone area.
- Install smoke detectors in sleeping areas.
- Repair structural cracks (pending results of soil analysis). Repair IT room thermostat.

Priority 2–3 (Near-Term / Necessary):

- Replace or repair fire station unit heaters and nonfunctional exhaust systems. Replace aging HVAC units and furnaces.
- Replace lighting systems with energy-efficient LED and code-compliant controls. Replace damaged sanitary piping and correct code violations (e.g., piping over electrical panels).
- Refurbish or replace water heaters and plumbing fixtures as needed.

Code Compliance (Priority 5):

- Upgrade emergency lighting and ventilation systems.
- Ensure proper furnace venting and reinstall dehumidifier to code. Insulate water piping to prevent freezing and failures.

Next Steps

- Prioritize projects based on urgency, safety, and budget constraints.
- Address all Priority 1 and code-related deficiencies immediately.
- Develop a phased funding strategy aligning remaining repairs with future fiscal

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years.
- Continue coordination with engineers to refine scope following additional testing and analysis.

Summary
The assessment concludes that the Public Safety Building requires significant capital investment and immediate intervention due to critical structural and system deficiencies. Immediate investigative work and repairs are necessary to ensure occupant safety, maintain operations, and inform long-term decisions regarding renovation versus replacement.

Town Council Member Alice Berry made a motion to authorize the Interim Town Manager to sign the agreement related to testing as recommended in this assessment report. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

The full Public Safety Building Facility Condition Assessment document, dated February 5, 2026, can be found at the end of these minutes as Appendix A.

4. CITIZEN COMMENTS

- Cheryl Milton, spoke on a possible ethics issue with the Montreat College project to expand their campus and the adopted conditional zoning amendments, stating that the current Assistant Manager had a consulting business that advised Montreat College, which was a conflict of interest.
- Town Attorney Craig Justus stated he would like to make a correction to the record about the previous public comments offered stating that this staff member did not have any involvement with Montreat College.
- Lisa Kruss, 201 Poplar Ave., spoke on the lower nine holes at the golf course remaining a green space.
- Kirs Kramer, spoke on using the lower nine holes at the golf course as a green space and not just for golf use.
- Richard Hudson spoke about the golf course being an economic engine for the Town and for tourism and spoke about golf course maintenance needs and hiring of staff to maintain.
- Edwin Aaronson, 167 Vance Ave., spoke about green spaces at the golf course. Allen Tripp, 109 Third St., spoke about reopening the full 18-hole golf course.

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

6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member Pam King recognized outgoing Assistant Town Manager Jessica Trotman for her work and achievements during her tenure with the Town.

Council was in consensus to move the consent item: "Call for Public Hearing on April 13, 2026 at 6:00 p.m. for Update to Town System Development Fees (SDF)" to the first item under New Business.

7. CONSENT AGENDA

7.A. Adoption of Meeting Minutes- February 5, 9 & 25, 2026. ***Town Council Member Alice Berry made a motion to approve the minutes as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

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

7.C. Call for Public Hearing on April 13, 2026 at 6:00 p.m. to Amend Chapter 1, Section 1.7.3, Variances, to remove the requirement that only signs in the historic district may seek a variance from the sign regulations. Current ordinance text only allows for signs with the historic district to seek a variance from the sign regulations. This means that business owners and property owners outside of the historic district wanting to make a case to the Board of Adjustment that there is something uniquely impinging or restrictive about their property, that presents an unnecessary hardship related to the strict application of the sign regulations, and that is outside of the allowances of Section 9.10, Administrative Adjustments of Signage Regulations, cannot do so. Such a prohibition is unreasonably restrictive and outside the spirit and intent of both Section 1.7.3 and Section 9.1. The recommendation from staff is to delete item (D)(5) in Ch. 1, Section 1.7.3, Variances, in its entirety. ***Town Council Member Alice Berry made a motion to approve the call for public hearing on April 13, 2026 at 6:00 p.m. at Town Hall, for the purposes presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

7.D. Call for Public Hearing on April 13, 2026 at 6:00 p.m. to Amend Chapter 9, Section 9.10, Administrative Adjustment of Signage Regulations, to additional administrative adjustments for ground signs, cantilevered ground signs, and development identification signs. The eight sign standards in the Allowable Administrative Adjustments table support the intent statement Chapter 9, which states that it is the intent of the Town of Black Mountain to allow administrative adjustment of the sign ordinance standards to provide flexibility that is compatible with the town's character; to acknowledge the artistic creativity of sign makers, business owners, and individuals; to create visual harmony between the sign, structure, and site where the sign is located; and to enhance retail areas consistent with Elevate Black Mountain, subsequent small area plans, development agreements, and form-based district codes. The proposed amendment would address the need for the development pattern of the town, as well as evolving marketplace conditions, to be more fully reflected in the standards. ***Town Council Member Alice Berry made a motion to approve the call for public hearing on April 13, 2026 at 6:00 p.m. at Town Hall, for the purposes presented. . A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.***

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7.E. Consideration of Budget Amendment Resolution for Police Department Recognizing Grant Funds & Sale of Capital Assets. Attached are resolutions to amend the FY25-26 budget within the Police Department to recognize and appropriate safety grant funds, and sale of capital assets. These include the following:

1. Safety Grant Funds totaling $2,505.54.
2. Sale of 2018 Dodge Charger in the amount of $4,000.00.
3. Sale of 2010 Ford Taurus in the amount of $3,302.00.

Council should review the proposed budget amendments and then take a vote on the resolutions. These three budget amendment resolutions can be voted on all together.

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

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET FOR BMPD GRANT FUNDS

RESOLUTION NO. R-26-28

WHEREAS, the Black Mountain Police Department has received safety grant funds totaling $2,505.54; and

WHEREAS, the funds received are recommended to be moved to the LEO Supplies & Materials expense line item; and

WHEREAS, the Fiscal Year 2025–2026 budget should be amended to recognize and appropriate the funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Budget Amendments

The following accounts are hereby amended as follows:

Account Number	Account Description	Increase	Decrease
100-0000-43400	Grant Revenues – Nongovernmental	-	$2,505.54
100-4510-52499	LEO Supplies & Materials	$2,505.54	-

Section 2. Effective Date. This resolution shall become effective upon adoption.

Adopted this the 9th day of March 2026.

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

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET FOR SALE OF CAPITAL ASSET

RESOLUTION NO. R-26-27

WHEREAS, the Town sells surplus vehicles on GovDeals;

WHEREAS, the Town sold a 2018 Dodge Charger (VIN 2C3CDXKT3JH140014) on January 30, 2026 for $4,000.00;

WHEREAS, the funds received are requested to be moved to the Police Departments R&M Vehicle expense line;

WHEREAS, the Fiscal Year 2025–2026 budget should be amended to recognize and appropriate the funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Budget Amendments

The following accounts are hereby amended as follows:

Account Number	Account Description	Increase	Decrease
100-0000-48020	Sale of Capital Assets	-	$4,000.00
100-4510-52316	R&M Vehicles	$4,000.00	-

Section 2. Effective Date

This resolution shall become effective upon adoption.

Adopted this the 9th day of March 2026.

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

A RESOLUTION TO AMEND THE FISCAL YEAR 2025–2026 BUDGET FOR SALE OF CAPITAL ASSET

RESOLUTION NO. R-26-15

WHEREAS, the Town sells surplus vehicles on GovDeals;

WHEREAS, the Town sold a 2010 Ford Taurus (VIN 1FAHP2HW9AG165742) on January 30, 2026 for $3,302.00;

WHEREAS, the funds received are requested to be moved to the Police Department R&M Vehicle expense line;

WHEREAS, the Fiscal Year 2025–2026 budget should be amended to recognize and appropriate the funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget for the fiscal year ending June 30, 2026:

Section 1. Budget Amendments

The following accounts are hereby amended as follows:

Account Number	Account Description	Increase	Decrease
100-0000-48020	Sale of Capital Assets	-	$3,302.00
100-4510-52316	R&M Vehicles	$3,302.00	-

Section 2. Effective Date

This resolution shall become effective upon adoption.

Adopted this the 9th day of March 2026.

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7.F. Consideration of Budget Amendment Resolution to Acknowledge Payment to the Black Mountain Parks & Greenways Foundation for the Valentine's 5K Race.

This resolution will amend the FY25-26 budget and authorize payment to the Black Mountain Parks & Greenways Foundation (the "Foundation") for its agreed-upon share of proceeds from the February 28, 2026 Valentine’s Day 5K race.

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

A RESOLUTION BUDGETING FUNDS TO ACKNOWLEDGE PAYMENT TO THE BLACK MOUNTAIN PARKS & GREENWAYS FOUNDATION FOR THE VALENTINE'S DAY 5K RACE

Resolution No. R-26-16

WHEREAS, the Town held the annual Valentine's Day 5k race on February 14, 2026; and

WHEREAS, the Town has an agreement with the Black Mountain Parks & Greenways Foundation to grant them all proceeds from sponsorships and 50% of the registration fees for their role in administering and advertising the race; and

WHEREAS, the Town typically budgets the Black Mountain Parks & Greenways Foundation portion of these proceeds after receiving the full amount of race registration fees; and

WHEREAS, the Town has received $1,500 for sponsorships and $4,252.49 in registration fees;

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

1. The Town makes the following budget amendments to designate payment to the Black Mountain Parks & Greenways Foundation to support the agreement for shared responsibility administering and advertising the Black Mountain Valentine's 5k race.
    - $1,500.00 – to the Non-profit Contributions/Donations account from the Customer Participation/Sponsorship account received for Valentine's Day 5k sponsorships (*to 100-4700-56110 from 100-4700-47015*)
    - $2,126.25 – to the Non-profit Contributions/Donations account from the Special Activities account for 50% of registration fees received for the Valentine's Day 5k race (*to 100-4700-56110 from 100-4700-45690*)
2. The Interim Town Manager is authorized to execute any necessary budget amendments, contracts, or related documents required to implement this allocation.

ADOPTED this 9th day of March, 2026.

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7.G. Consideration of Budget Amendment Resolution for NCLM Insurance Proceeds and Mobile Office Trailers Lease Payment.

The Town's insurance provider, NC League of Municipalities (NCLM) has stated they will cover the cost of lease payments for the mobile office trailers (Planning & Public Works) for two-months. The cost of the monthly lease payments for these trailers is $17,000. NCLM will cover two months at the cost of $34,000. The budget amendment will recognize these funds - revenue & expense.

A RESOLUTION BUDGETING FUNDS FOR PAYMENT FROM NCLM INSURANCE TO THE TOWN OF BLACK MOUNTAIN TO COVER TWO MONTHS RENT ON OFFICE TRAILERS AT 304 BLACK MOUNTAIN AVE.

RESOLUTION NO. R-26-22

WHEREAS, the Town currently leases mobile office trailers for our Planning & Public Works Departments at a cost of $17,000 per month; and

WHEREAS, the Town's insurance carrier, NC League of Municipalities, will be covering two (2) months of these lease payments in the amount of $34,000, and should be recognized as revenue as well as expenditure once the lease payments are made.

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

1. The Town makes the following budget amendments to recognize revenue to the Town of Black Mountain from the Town's Insurance Carrier, NCLM, in the amount of $34,000, and the expenditure of the two-month lease payments.

Section 1. Budget Amendments. The following accounts are amended as follows:

Account Number	Account Description	Increase	Decrease
100-0000-48010	Insurance Recovery Proceeds	$34,000	
100-4020-54015	Administration- Lease/Rental- Building/Land	$34,000	

2. **Section 2. Effective Date.** This resolution shall become effective upon adoption.

ADOPTED this 9th day of March, 2026.

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7.H. Consideration of Budget Amendment Resolution for Norfolk Southern Railway Lease Payment.

This budget amendment would appropriate monies from the Local Sales & Use Tax line item and move it to the Administration- Lease/Rental - Building/Land line item for the $10,900 lease payment to Norfolk Southern Railroad.

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

A RESOLUTION OF BUDGET AMENDMENTS TO THE FY 2025-26 BUDGET REGARDING THE NORFOLK SOUTHERN RAILWAY LEASE REVENUES AND EXPENDITURES

RESOLUTION NO. R-26-23

WHEREAS, the Town recently approved a revised lease with Norfolk Southern Railroad for parking along Sutton Ave; and

WHEREAS, a lease payment of $10,900 should be recognized within the budget by the corresponding budget amendments.

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

1. The Town makes the following budget amendments to recognize revenue and expenses for the N.S. Railroad lease payment in the amount of $10,900 to the Administration-Lease/Rental – Building/Land line item, from Local Sales & Use Tax line item.

Section 1. Budget Amendments. The following accounts are amended as follows:

Account Number	Account Description	Increase	Decrease
100-0000-42010	Local Sales and Use Tax		$10,900
100-4020-54015	Administration- Lease/Rental- Building/Land	$10,900	

Section 2. Effective Date. This resolution shall become effective upon adoption.

ADOPTED this 9th day of March, 2026.

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7.I. Resolution of Support for the Fonta Flora State Trail - Black Mountain to Point Lookout Trail Feasibility Study.

This resolution of support is for the Fonta Flora State Trail - Black Mountain to Point Lookout Trail Feasibility Study conducted for the Friends of the Fonta Flora State Trail in November 2025. A copy of this study and overview map is made part of the agenda packet for reference.

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

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A RESOLUTION OF SUPPORT FROM THE TOWN OF BLACK MOUNTAIN TOWN COUNCIL FOR THE FONTA FLORA STATE TRAIL: BLACK MOUNTAIN TO POINT LOOKOUT TRAIL FEASIBILITY STUDY

RESOLUTION NO. R-26-24

WHEREAS, the Town of Black Mountain supports efforts to expand safe recreational and multimodal transportation opportunities for residents and visitors; and

WHEREAS, a feasibility study was conducted for the Friends of the Fonta Flora State Trail in November 2025 for an approximately 2.7-mile segment of the Fonta Flora State Trail connecting the Town of Black Mountain to the Point Lookout Trail; and

WHEREAS, the study was completed through a partnership between the Friends of the Fonta Flora State Trail, North Carolina Department of Transportation Integrated Mobility Division, Buncombe County, McDowell County, and the Town of Black Mountain; and

WHEREAS, the recommended alignment generally follows Old U.S. Highway 70 and Mill Creek Road and would improve pedestrian and bicycle mobility, enhance safety, and expand regional recreation opportunities.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Black Mountain expresses its support for the proposed Fonta Flora State Trail connection between Black Mountain and the Point Lookout Trail, and the feasibility study conducted, and encourages continued collaboration to advance the project toward future design and implementation.

ADOPTED this 9th day of March, 2026.

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8. PUBLIC HEARING

8.A. Public Hearing for and Consideration of Approval of Voluntary Annexation of Property Owned by Givens Highland Farms (PIN# 0609-46-7498).

Planning Director Michelle Kennedy gave an overview of this voluntary annexation request stating that Givens Highland Farms has acquired 318 Tabernacle Road, PIN #0609-46-7498. The property is 2.5 acres. Givens Highland Farms is seeking voluntary annexation of this parcel to be able to combine the parcel with their existing 87+ acre campus, all of which is inside town limits. The Planning Board heard this request at their February 23, 2026, meeting and found no reason the property should not be annexed into the town limits and recommended the annexation by a vote of 4-0 in favor.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. **The time was 7:24 p.m.** Rebecca Richall provided comments on neighbors of Givens Highland Farms. Jim Boyer, Director of Facilities with Givens Highland Farms, spoke to the Council answering some questions posed by the Mayor. With no further comments, ***Town Council Member Alice Berry made a motion to close the public hearing. A vote of 4-0 in favor.***

Council Member Ryan Stone made a motion to approve the following Annexation Ordinance as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

AN ORDINANCE ANNEXING THAT PROPERTY OF GIVENS HIGHLAND FARMS, LLC, ON THAT PLAT RECORDED IN PLAT BOOK 0095 AT PAGE 0120 INTO THE TOWN OF BLACK MOUNTAIN

ORDINANCE # O-26-03

WHEREAS, Givens Highland Farms, LLC has requested that the Town of Black Mountain annex that property owned by Givens Highland Farms, LLC and described as that 2.5-acre tract of land shown on that plat recorded in Plat Book 0095 at Page 0120, Buncombe County Registry; and

WHEREAS, Givens Highland Farms, LLC owns all of the property proposed to be annexed and submitted an application in their name and signed by them, so that such application and petition is signed by or on behalf of all the property owners as required by N.C.G.S. 160A-31 et seq; and

WHEREAS, the Town Clerk has investigated the annexing petition and has certified that he found as a fact that the petition was signed by all owners of the property lying within the area to be annexed; and

WHEREAS, Givens Highland Farms, LLC has asserted that there are no vested rights that they wish to retain after annexation; and

WHEREAS, a public hearing was held by the Town Council of the Town of Black Mountain after proper notice was given to the public and the parties; and

WHEREAS, the Town of Black Mountain will benefit from annexation of the proposed area to be annexed in that its annexation will allow the Town to regulate development and ensure a use of such property that is beneficial to the area where it is located and not detrimental to the properties surrounding it.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Black Mountain, North Carolina, that the property described in Exhibit A as being all of that 2.5-acre parcel of land shown on that plat recorded in Plat Book 0095 at Page 0120, Buncombe County Registry and is hereby annexed and made a part of the corporate limits of the Town of Black Mountain, North Carolina.

This ordinance shall become effective on the 9th day of March 2026, if confirmed by the Town Council at its regular meeting in March 2026. In the absence of a majority vote of the Council to confirm this ordinance at that meeting, it shall become void and have no force or effect.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this the 9th day of March 2026.

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8.B. Public Hearing and Consideration of Approval to Rezone Property Owned by Givens Highland Farms (known as 318 Tabernacle Road- PIN #0609-46-7498) from R-1 to OI-6.

Planning Director Michelle Kennedy stated the 2.5 acre parcel known as 318 Tabernacle Road, PIN #0609-46-7498, was purchased by Givens Highland Farms. The parcel is currently zoned R-1 by Buncombe County. Givens Highland Farms would like to have the property rezoned from R-1 to OI-6, which is the zoning designation for the existing 87+ acre campus. The Planning Board heard the request at their February 23, 2026, meeting and recommended the property be rezoned to OI-6 upon approval of annexation into the town limits. The motion passed with a vote of 4-0. Since this property was just annexed into the Town limits, the Council will consider this rezoning request as well as the consistency statement.

Town Council Member Doug Hay made a motion to open the public hearing. A vote of 4-0 in favor. The time was 7:31 p.m. No public comments were provided. ***Town Council Member Doug Hay made a motion to close the public hearing. A vote of 4-0 in favor.***

Council Member Ryan Stone made a motion to approve the following Ordinance amending the zoning map as presented and approving the consistency statement. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

AN ORDINANCE AMENDING THE ZONING MAP FOR PROPERTY LOCATED AT 318 TABERNACLE ROAD

ZONING ORDINANCE #O-26-04

WHEREAS, the Town of Black Mountain has the authority pursuant to Article 6 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and map dividing and classifying the property within the Town's zoning jurisdiction was adopted on January 11, 2010, (Ordinance #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town of Black Mountain and is determined to be reasonable and in the public interest for the following reasons:

1. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.

2. The proposed rezoning is consistent with the comprehensive plan or elements thereof.

3. The impact to adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconvenience or harm to the community.

4. The allowable uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

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

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain portion of real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0609-46-7498, recorded in Plat Book 0095 at Page 0120 and currently owned by Givens Highland Farms, LLC, from R-1 to Office and Institutional (OI-6). A copy of the official zoning map showing said lot is attached hereto as Exhibit B and made a part thereof.

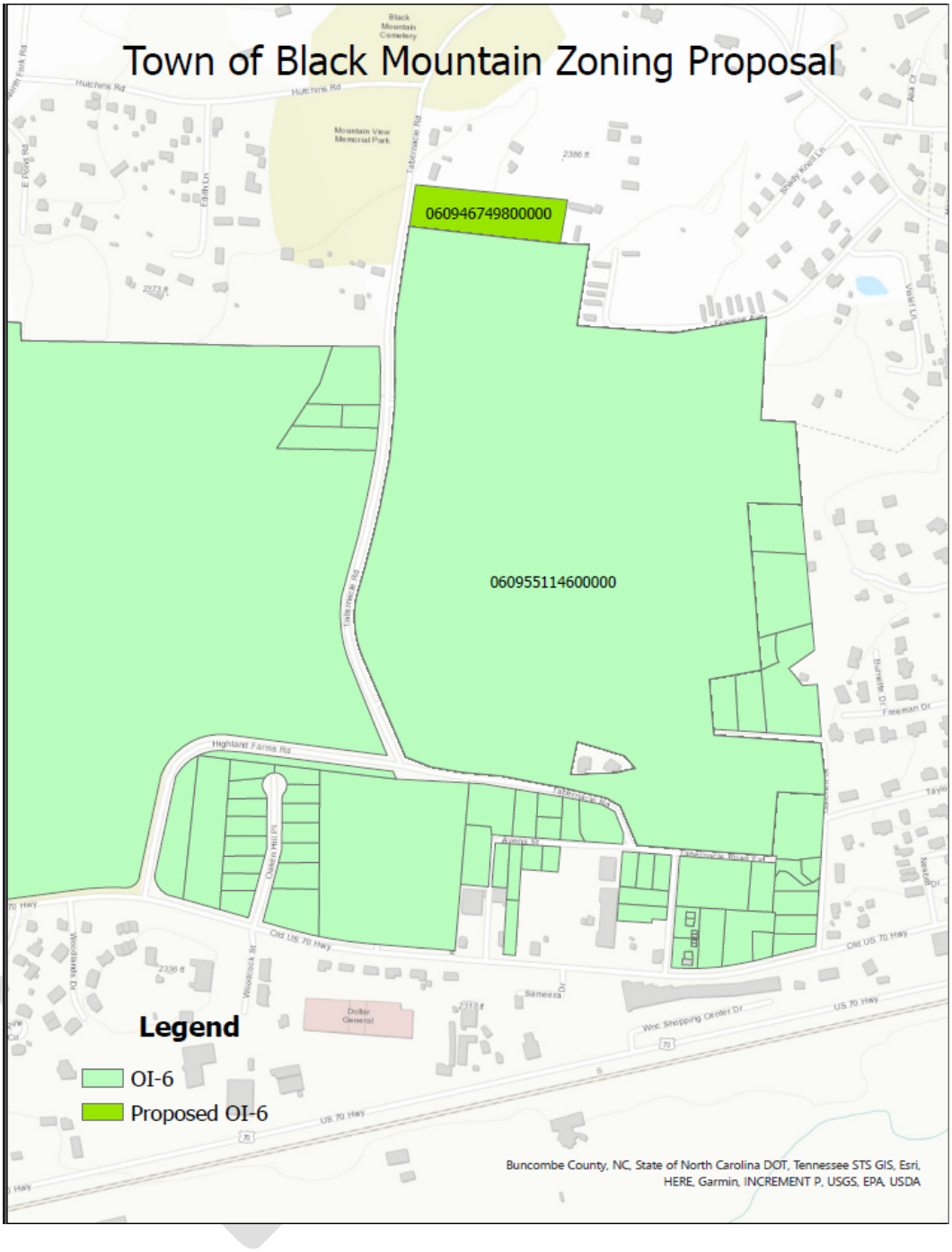
This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 9th day of March 2026.

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

BEGINNING at an iron pin found in the Northeast corner of property described in Deed Book 784, Page 403, Buncombe County Registry; thence North 89 deg. 20' 30" West 84.01 feet to an iron pin; thence North 85 deg. 32' 16" West 70.85 feet to an iron pin; thence North 83 deg. 57' 36" West 110.29 feet to an iron pin; thence North 84 deg. 54' 11" West 109.92 feet to an iron pin; thence North 84 deg. 53' 46" West 144.85 feet to an iron pin; thence North 84 deg. 51' 04" West 215.50 feet to an iron pin; thence North 84 deg. 51' 04" West 15 feet to a point in the Eastern edge of Tabernacle Road; thence running with said road, North 6 deg. 58' 17" East 170.26 feet to a point; thence leaving said road and running south 85 deg. 04' 54" East 12 feet to an iron pin; thence South 85 deg. 04' 54" East 763.92 feet to an iron pin; thence South 15 deg. 42' 53" West 170.26 feet to the point of BEGINNING, containing 3.00 acres, more or less, as shown on a survey for Jack Wheeler dated June 25, 1993, prepared by Michell E Effler, R.L.S., and being all of that property described in Book 2079 at Page 853, Buncombe County Registry, and being that property shown on the tax maps for Buncombe County as PIN #0609-46-7498-00000.

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9. CITIZEN COMMENTS

Jake Disabatino, 25 Goldmont St., provided comments suggesting the Town create a plan for the golf course and moving forward, also to receive community input.

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10. UNFINISHED BUSINESS- None.

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11. NEW BUSINESS

11.A. Call for Public Hearing on April 13, 2026 at 6:00 p.m. for Update to Town System Development Fees (SDF).

Interim Town Manager Richard Hicks stated the town hired McGill Associates to complete the required 5-year update of the Town's Cost-Justified Water System Development Fees (SDF). The draft report was completed in September 2025 and was presented to Council in January 2026. A notice and a copy of the draft report, and requests for citizen comments, were placed on the Town's website mid-January 2026. Citizen comments were accepted within a 45-day review period. The 45-day review period ended on March 1, 2026. Further, a copy of the draft report has been available for public inspection at Town Hall. Prior to adopting the new rates, the Council will need to hold a Public Hearing. Staff is asking that the Council set Monday, April 13, 2026 at 6:00 p.m. as the date & time for the Public Hearing, to be held during the regular monthly Council meeting at Town Hall.

Town Council Member Alice Berry made a motion to approve the call for public hearing on April 13, 2026 at 6:00 p.m. at Town Hall for the updates to the Town's System Development Fees (SDF). A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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11.B. Petition to Dedicate Brookhaven Drive to the Town for Maintenance and Public Use .

The owners of the residences on Brookhaven Drive have filed a petition to dedicate Brookhaven Drive and the subsequent sidewalk to the Town for maintenance and ownership. Public Works and the Fire Marshal have inspected the road and are recommending that the Town take over this road and sidewalk with one provision: 1) A No Parking sign to be installed at the end of the turn-around. The mileage is approximately .12 miles. Dedication and acceptance of this road and sidewalk will include accepting all maintenance of both the street and the sidewalk to include paving, snow removal, and any general maintenance of said street and sidewalk within the 20-foot right-of-way. **This item was tabled by Town Council.**

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11.C. Authorization of Phase 1 Environmental Report for Donated Property to the Town from the State of NC.

Interim Town Manager Richard Hicks explained that staff have been working with the State of North Carolina on the donation of 10.26 acres on North Fork Road for a potential Public Safety complex. The property will be donated by the State of North Carolina in an "as is" condition. The Town would then accept any future liability in the event an environmental condition was discovered on the property. Mr. Hicks recommended that prior to executing the agreement, the Town hire a firm to perform a Phase 1 Environmental review of the

property. This should be part of the Town's due diligence prior to accepting the property. The Phase 1 report would identify potential issues that might be discovered on the property. The Town is also in the process of working out a donation for another piece of property in this area that is estimated to be around 5 acres. A Phase 1 report should be completed on both pieces of property.

Town Council Member Doug Hay made a motion to approve the authorization of Phase I Environmental Report for donated property to the Town from the State of NC as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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11.D. Consideration of Easement Request with Duke Energy.

Interim Town Manager Richard Hicks stated Duke Energy has requested that the Town grant them an easement along the Golf Course. This request is to run an underground line for customer reliability and resiliency measures. Duke would need to bore approximately 1,500 feet of 3 phase primary cable along the edge of Hole #12 of the Golf Course, which runs along North Fork Road and Greene Drive. They would need to place 3 new UG enclosures along the path at the turns and midspan. In addition to the underground lines, they need to replace one pole and add an additional pole along Greene Drive. Some tree work would be necessary along Greene Drive for the pole installations. The underground line would run along the row of white pines that follow Hole #12. This circuit tie would provide increased reliability by allowing their system to back feed between the circuits. This would help reduce the duration and number of customers affected during an outage. Discussion ensued on this item between Council Members and staff.

Council would like a response from Duke Energy on the number of customers who would benefit from this work and any tree removal impacts, and asked representatives from Duke Energy to attend an upcoming meeting to answer outstanding questions, before any decision is made. No motion was made.

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11.E. Consideration to Adopt Stormwater Master Plan and Associated Capital Improvement Plan.

The Town of Black Mountain (Town) Stormwater Master Plan (SWMP) is funded by a Local Assistance for Stormwater Infrastructure Investments (LASII) from the American Rescue Plan Act (ARPA). The purpose of the SWMP is to develop a GIS map of the Town's stormwater system, identify flooding issues, assess the existing conveyance system capacity and infrastructure condition, develop and prioritize flood reduction projects, and establish an implementation strategy for the recommended capital infrastructure projects. The Study Area for the SWMP includes the following:

- Secondary stormwater conveyance system in the Downtown corridor,
- Tomahawk Branch watershed, both the primary system culvert crossings and the secondary stormwater conveyance system located in the surrounding residential areas of Lake Tomahawk,
- Flat Creek Tributary 1 primary system culvert crossings in the vicinity of

Portmanvilla, Sixth, and Seventh Street roads, and
• Tributary 35 (of the Swannanoa River) primary system culvert crossings in the vicinity of Avena and Padgettown roads.

The watersheds within the Town are all tributary to the Swannanoa River. In some cases, the closed system stormwater outfalls are located very closely to or directly into the Swannanoa River. The Town manages an extensive stormwater conveyance system, including streams, roadside ditches and swales, and nearly nine (9) miles of closed pipe conveyance. Privately-owned stormwater infrastructure and private ponds also impact the Town's stormwater system. This SWMP includes assessment of the Town's stormwater conveyance system and includes multiple objectives: (1) reduce street and property flooding, (2) develop solutions to remove pipes presently located underneath commercial and government structures, (3) evaluate stormwater assets for maintenance and criticality, and (4) provide options to achieve a high level of service for roadways.

The stormwater inventory conducted for this SWMP determined that approximately 13 percent of the Town's evaluated structures are partially obstructed at 50% or less and require maintenance/debris removal. Approximately six (6) percent of the evaluated structures were severely obstructed (over 75 percent) at the time of assessment. The remaining 81 percent of evaluated structures were found to be clear of debris. Based on the results of the field assessments, four high-priority maintenance areas were identified and are shown in Figure ES-2. Beyond these four areas, it is recommended that the Town begin a systematic maintenance program to clear obstructions, beginning with the stormwater assets located in the Tomahawk Branch Watershed.

At the January 8, 2026 Special Called Council meeting, representatives from WK Dickson, LLC provided a presentation to the Town Council on the SWMP Draft.

Town Council Member Pam King made a motion to adopt the Stormwater Master Plan and associated Capital Improvement Plan as presented. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

A RESOLUTION ADOPTING THE BLACK MOUNTAIN STORMWATER MASTER PLAN

RESOLUTION NO. #R-26-28.1

WHEREAS, the Town of Black Mountain has completed the development of a comprehensive Stormwater Master Plan (SWMP), funded in part through the Local Assistance for Stormwater Infrastructure Investments (LASII) program under the American Rescue Plan Act; and

WHEREAS, the Stormwater Master Plan provides a detailed assessment of the Town's existing stormwater infrastructure, identifies areas of flooding and system deficiencies, and establishes prioritized capital improvement projects and maintenance strategies; and

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WHEREAS, the Plan includes the development of a GIS-based inventory, infrastructure criticality analysis, and recommendations to improve system performance and reduce flood risks, including a goal of achieving a 50-year level of service where feasible; and

WHEREAS, the Plan identifies and prioritizes stormwater capital improvement projects to enhance public safety, protect property, and improve the resiliency of the Town's infrastructure; and

WHEREAS, Town staff and the Town's consultant have presented the Stormwater Master Plan and recommend its adoption to guide future planning, budgeting, and implementation of stormwater improvements;

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

1. The Black Mountain Stormwater Master Plan and associated Capital Improvement Plan, as presented, is hereby approved and adopted.
2. The Plan shall serve as a guiding document for stormwater infrastructure planning, capital improvements, maintenance activities, and funding strategies.
3. Town staff is authorized to utilize the Plan in pursuing grant funding, prioritizing projects, and implementing recommended improvements as resources allow.
4. The Town Council may amend or update the Plan from time to time as needed to reflect changing conditions, funding opportunities, or priorities.

ADOPTED this the 9th day of March, 2026.

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11.F. Partnership with Carolina Elite Soccer.

The Town Parks and Recreation Department has received a proposal from Carolina Elite Soccer to enhance the youth recreational soccer experience and provide more opportunities for the children participating in the Town program. Collin Bugniazet, Recreation & Parks Coordinator, and Joey Giaritelli with Carolina Elite Soccer Academy Director, presented to the Council stating this would be an enhancement of the existing soccer program, but does come at a cost of $8 per player. The proposal would be that the Town would pay the $8 to Carolina Elite Soccer Academy, and in return Carolina Elite would pay this to NC Youth Soccer. Registration is currently at $70 for residents and $80 for non-residents. One option to cover the cost is to raise the registration fees by $8 per child. As with all recreational programs, for participants that cannot afford the cost of the program, there are scholarships available. Discussion ensued among Council Members and town staff.

Town Council Member Alice Berry then made a motion to authorize the Interim Town Manager to work on an agreement with Carolina Elite Soccer and consult with the Town Attorney on the agreement creation. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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11.G. Consideration of Amendment to Current Buncombe-Madison Regional Hazard Mitigation Plan.

The Town of Black Mountain, NC participates in the Buncombe Madison Regional Hazard Mitigation Plan that was adopted in 2021, and the Town of Black Mountain wishes to be an eligible participant in the Federal Emergency Management Agency's HMGP Program. The North Carolina Department of Public Safety Division of Emergency Management, Hazard Mitigation Section has identified certain required amendments to the aforesaid plan in order to meet eligibility requirements. These include:

1) **Section 9** of the plan, the Mitigation Action Plan, identifies mitigation actions for The Town of Black Mountain.

This amendment will be incorporated into the next regularly scheduled update of the Buncombe Madison Regional Hazard Mitigation Plan. Work has already begun on the next update of this plan. Council is asked to review the proposed amendments and vote to approve the attached resolution.

Council Member Pam King made a motion to approve the following resolution. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

A RESOLUTION BY THE TOWN OF BLACK MOUNTAIN TO AMEND THE BUNCOMBE-MADISON REGIONAL HAZARD MITIGATION PLAN APPROVED & ADOPTED JUNE 14, 2021 THAT AMENDS THE MITIGATION ACTION PLAN SECTION

RESOLUTION NO. R-26-19

WHEREAS The Town of Black Mountain, NC participates in the Buncombe Madison Regional Hazard Mitigation Plan; and

WHEREAS: The Town of Black Mountain wishes to be an eligible participant in the Federal Emergency Management Agency's HMGP Program; and

WHEREAS: The North Carolina Department of Public Safety Division of Emergency Management, Hazard Mitigation Section has identified certain required amendments to the aforesaid plan in order to meet eligibility requirements; and

WHEREAS, the following amendments need to be made to the aforesaid plan:

A) **Section 9** of the plan, the Mitigation Action Plan, identifies mitigation actions for The Town of Black Mountain. The table of actions within the FINAL-April 2021 edition of the Buncombe Madison Regional Hazard Mitigation Plan; Section 9, Page 9:23, Black Mountain Mitigation Actions, is hereby amended to include the following measures:

Mitigation Action PP-3

- Description: Increase resiliency to hazard impacts on water and sewer infrastructure through improvements to utility, distribution, collection, and treatment system components.
- Hazard Addressed: All Hazards

- Relative Priority: High
- Lead Agency/Department: Public Works
- Potential Funding Sources: Grant funding, local enterprise revenues
- Implementation Schedule: 2028
- Implementation Status: Applying for funding, ongoing grant application development and submission

WHEREAS, This amendment will be incorporated into the next regularly scheduled update of the Buncombe Madison Regional Hazard Mitigation Plan.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Black Mountain that the following amendments be approved as presented and incorporated into the next regularly scheduled update of the Buncombe Madison Regional Hazard Mitigation Plan.

ADOPTED this 9th day of March 2026.

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11.H. Consideration of Pursuing Reimbursement through FEMA for Eligible Costs Incurred as a Result of Ice Storm Fern.

Ice Storm Fern impacted Western North Carolina between January 21 and January 27, 2026, resulting in hazardous travel conditions, downed trees, utility disruptions, and the need for emergency response and protective measures. During this period, the Town incurred costs related to emergency operations, public safety, and recovery activities.

On January 24, 2026, the President issued a federal emergency declaration covering the event, making eligible local governments eligible to seek FEMA reimbursement for qualifying costs. Under FEMA's Public Assistance program for emergency declarations, eligible costs are typically reimbursed at a federal cost share, with the remaining portion required as a state and/or local match.

FEMA reimbursement may offset a portion of the Town's emergency response costs associated with Ice Storm Fern. Participation requires detailed documentation, adherence to FEMA eligibility and procurement requirements, and administrative effort by staff or consultants. Not all costs incurred during the incident period may be eligible for reimbursement. Council direction is needed to determine whether staff should proceed with the application process.

Interim Manager Richard Hicks stated the Town's cost of overtime from Ice Storm Fern was an estimated $38,000.

Town Council Member Doug Hay made a motion to instruct town staff to make a decision to pursue reimbursement as presented, if they deem it is worthwhile to apply. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent.

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11.I. Award of Bid Received for Golf Cart Bridge Repairs at Black Mountain Golf Course & Approval of Capital Project Ordinance.

Interim Town Manager Richard Hicks stated the Town received bids for the replacement of golf course bridges on February 9, 2026. The following bids were received:

- Dan Grady Company, LLC $199,500.00
- AJH Custom Homes, LLC $265,000.00
- IPC Paving, LLC dba IPC Structures $550,000.00
- NHM Constructors, Inc. $502,000.00
- B.H. Graning Landscapes, Inc. $437,000.00

At the November 1, 2025 meeting, Town Council approved a budget amendment (R-25-103) allocating $100,000 for bridge replacement and $8,000 for cart path repairs; all required documentation has been submitted to FEMA for reimbursement approval. Staff reported that, based on contractor inspections, the extent of erosion and structural deterioration makes full bridge replacement the most viable option, with an estimated project timeline of 6–8 weeks from bid award to completion. The Golf Course Manager indicated that Bridge #3 may be repairable with bank stabilization and reuse of existing beams, while Bridge #5 requires full replacement due to significant structural failure; however, pursuing a partial repair/partial replacement could complicate FEMA's project scope. The apparent low bidder, DanGrady Company, LLC, has expressed interest in coordinating this work alongside another Town project. Staff noted that proceeding will likely require temporary reallocation of funds from other cash flow loan projects until FEMA reimbursement is approved.

A lengthy discussion ensued among town staff and Council members that included ADA compliant needs of bridges, a list of priorities and costs, and whether to reject the bids received due to costs, and re-advertise for bids, then call a special meeting to award the bid, if needed. ***Town Council Member Ryan Stone made a motion to reject the bids received for the Golf Cart Bridge Repairs at the Golf Course. A vote of 4-0 in favor.***
Vice Mayor Archie Pertiller was absent.

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11.J. Approval of Budget Amendment Resolution for Golf Cart Bridge Repairs at Black Mountain Golf Course.

This item was null and void because the Council rejected the bids received in the previous agenda item to which this coincided with.

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11.K. Discussion of Town Attorney's Annual Evaluation.

At the December 8, 2025 Town Council meeting, the Council voted to approve the Town Attorney Performance Evaluation Document, which would be used to evaluate the Town Attorney annually. Council originally planned to conduct the attorney evaluation in January 2026. Council members have indicated they would like to proceed with the evaluation and asked the item be placed on the agenda for setting a date and time to do so. One suggestion would be for the Council members to each complete the evaluation form

prior to the next meeting, and Council could meet with the Attorney in closed session at the April 13, 2026 regular meeting to discuss. Council could also call for a special meeting for the purpose of discussing the attorney's evaluation in closed session.

The consensus was for Council to complete the attorney evaluation forms and to submit them to the Town Clerk by Wednesday, March 18th who will compile. Further, Council Members Berry & Stone would meet with the Town Attorney to go over the reviews received from Council.

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

Town Council Member Alice Berry made a motion to enter Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) — consult with attorney, attorney-client privilege. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent. The time was 8:48 p.m. Before entering closed session, there was a 5-minute recess.

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13. ADJOURNMENT.

Town Council Member Alice Berry made a motion to return to open session from closed session. A vote of 4-0 in favor. Vice Mayor Archie Pertiller was absent. The time was 9:36 p.m. **With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting.**

_____
C. Michael Sobol, Mayor

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Wesley M. Barker, Town Clerk

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