BLACK MOUNTAIN TOWN COUNCIL MINUTES

April 1, 2026 | Special Called Meeting | Time: 5:30 PM

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

Black Mountain Town Council held their special-called meeting on Wednesday, April 1, 2026, at 5:30 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 5:30 p.m. with the following council members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone.

The following staff members were present: Richard Hicks, Interim Town Manager; Scott Buffkin, Interim Assistant Manager; Wesley Barker, Town Clerk; Michelle Kennedy, Planning Director; Anne Phillip, Stormwater Technician & Floodplain Administrator; Russell Care, Zoning Administrator; Brent Miller, Golf Course Manager; Matt Begley, Budget Analyst.

Mayor Sobol asked if the Council would consider adding a public comment section to the agenda with speakers limited to two minutes each to speak. ***Council Member Ryan Stone made a motion to add Citizen Comment to the agenda as recommended. A vote of 5-0 in favor.***

Council Member Alice Berry made a motion to add a Unified Development Ordinance (UDO) update to the agenda. A vote of 5-0 in favor.

2. PUBLIC COMMENT *(Added By Council At The Meeting)*

- Gail Young, 1105 Blue View Dr., spoke about data centers and their heavy use of water and electricity, stating she would like to see a plan to restrict these.
- Richard Hudson, 106 Pleasant Dr., spoke about opening the front nine holes of the golf course.
- Eddie Frizsell, 600 Laurel Ave., spoke about fully opening the golf course.
- Mary Marett, 102 Llama Way, spoke about finding solutions to take care of core town services and spoke of her support to open the golf course fully.

3. CONSENT AGENDA

3.A. Consideration of Resolution Naming Interim Town Manager Richard Hicks as the Authorized Representative to Submit Disbursement Request Forms to the Division of Water Infrastructure (DWI) for DWI-Funded Projects. This item will adopt a resolution designating Interim Town Manager Richard Hicks as the Town's authorized representative to submit disbursement request forms to the NC Division of Water Infrastructure (NC DWI) for DWI-funded projects, replacing prior authorized representative, Jessica Trotman, who has left employment with the Town.

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

A RESOLUTION NAMING RICHARD HICKS AS THE AUTHORIZED REPRESENTATIVE TO SUBMIT DISBURSEMENT REQUESTS FORMS TO THE DIVISION OF WATER INFRASTRUCTURE (DWI) FOR DWI FUNDED PROJECTS RESOLUTION NO. R-26-29

WHEREAS, the North Carolina Department of Environmental Quality Division of Water Infrastructure (DWI) requires a Resolution of the Governing Board to delegate the authority to submit disbursement requests; and

WHEREAS, Jessica Trotman, the prior authorized representative, is no longer an employee of the Town of Black Mountain and cannot act as its authorized representative; and

WHEREAS, Richard Hicks is currently serving as the Town's Interim Town Manager; and

WHEREAS, the Town Council wishes to name Richard Hicks as the authorized representative to submit disbursement requests forms to DWI for DWI funded projects.

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

That the Town of Black Mountain authorizes Richard Hicks to submit disbursement requests forms and act as the Town's Authorized Representative on behalf of the Town Council of the Town of Black Mountain.

This Resolution shall take effect immediately upon its adoption.

Approved this the 1st day of April 2026.

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3.B. Consideration of Resolution Authorizing Town Staff to Submit an Application for USDA Disaster Assistance Funding Grant for Replacing Helene-Damaged Vehicles. This item considers a resolution authorizing Town staff to apply for USDA Community Facilities Disaster Assistance Funding in the amount of $556,403.57 to replace public works vehicles damaged during Tropical Storm Helene. The funding would address the gap between insurance proceeds and replacement costs, as FEMA Public Assistance will not cover full vehicle replacement. The resolution also authorizes the Town Manager or designee to submit and execute all required application documents.

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

A RESOLUTION AUTHORIZING TOWN STAFF TO SUBMIT AN APPLICATION FOR UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) DISASTER ASSISTANCE FUNDING GRANT FOR REPLACING HELENE-DAMAGED VEHICLES

RESOLUTION NO. R-26-30

WHEREAS, Tropical Storm Helene caused extensive damage to Town of Black Mountain vehicles; and

WHEREAS, the FEMA Public Assistance has determined they will not fund vehicle replacement beyond insurance proceeds; and

WHEREAS, there exists a substantial gap between insurance proceeds and vehicle replacement costs; and

WHEREAS, replacing damaged vehicles is an eligible activity under the United States Department of Agriculture (USDA) Community Facilities Disaster Assistance Funding program; and

WHEREAS, the Land of Sky Regional Council has offered to assist the Town of Black Mountain with this application; and

WHEREAS, the USDA CF DAF program does not require local matching funds; and

WHEREAS, the Town Council wishes to pursue a formal application in the amount of $556,403.57 to cover the estimated gap between insurance proceeds and replacement vehicle costs based on blue book values.

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

1. That the Town of Black Mountain is authorized to submit a formal application to the USDA Community Facilities Disaster Assistance Funding program for replacing Helene-damaged vehicles.

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2. That the Town Manager (or designee) is authorized to execute and file the application, including all assurances and agreements required, on behalf of the Town of Black Mountain.

This Resolution shall take effect immediately upon its adoption.

Approved this the 1st day of April 2026.

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3.C. Amendment to Contract to Audit Accounts- Gould Killian CPA Group.

The LGC has approved/accepted the Town's ACFR, and it is now finalized. The attached contract amendment amends the due date due to the late release of the 2025 Compliance Statement. Additionally, there is an increase in the fee due to an additional major program being required to be single audited. The not-to-exceed amount in the original contract included one major program. The Town was required to have two major programs audited. The fee amendment reflects an additional $4,500 for the additional major program. The modified audit fee would be $56,900, up from $52,400. Once these amendments to the contract are approved and signatures are obtained, the auditors will be able to get the FY25 audit process closed out with the LGC.

Town Council Member Ryan Stone made a motion to approve the amendment to the contract to audit accounts with Gould Killian CPA Group as recommended. A vote of 5-0 in favor.

4. PRESENTATIONS

4.A. Presentation of Lakeview Center Building Assessment & Repair Considerations.

Architect John Arnaud presented the Lakeview Center Building Assessment report to Council. This report summarizes the current condition of the Lakeview Center Building, identifies applicable building code and floodplain regulations, and outlines considerations for repair and continued use. The building was damaged during Tropical Storm Helene and requires additional repair. Questions have also been raised about the floodplain and compliance with current life safety requirements, particularly an automatic sprinkler system. The Town of Black Mountain requested this report to support decision-making regarding the building's repair and continued use.

Per the report, in determining how to proceed, Town will need to determine whether continued use and maintenance of the building in its repaired configuration is practical and financially reasonable. Considerations to make this determination should include:

1. Whether the building can be restored to its previous capacity without triggering flood damage prevention compliance.
2. Whether FEMA support can be applied to repair or redirected to support lost function.

3. What measures, including an automatic sprinkler system, will be required as part of the repairs.
4. How to manage construction cost risk and regulatory thresholds during repairs.
5. Whether the building can be insured, given its location in a floodplain.

Further, the report states the following conditions should be considered in determining an appropriate path forward for the Lakeview Center:

a. Flood Damage Prevention Requirements – If repair work exceeds $750,000, the flood damage prevention measures of the Unified Development Ordinance will result in the loss of use of the lower floor.
b. FEMA Support – Buildings damaged during FEMA-declared disasters (Tropical Storm Helene) often qualify for funding through the public assistance program. The magnitude of the repair costs and the conditions of the existing building may form the basis for a capped project. A capped project could support the replacement of the building in a more suitable location or configuration.
c. Building Code Considerations – It will need to be confirmed with the building official if an automatic sprinkler system is required in the building. There are code-compliant routes under new or existing building codes that permit improvements, both with or without installing the system.
d. Cost Considerations – Exact construction costs cannot be determined without further design and construction estimating. It is likely that the cost to complete repairs and achieve compliance with contemporary code will approach the $750,000 flood-damage-prevention threshold. Before proceeding with any construction, a detailed estimate should be obtained from a qualified general contractor to help manage cost risk.
e. Insurance and Risk - The building is situated within an established floodplain. Insurance coverage may be restricted or have higher premiums. The town should consult with its insurance provider to verify insurability and associated risk.
f. Useful Life of the Building – The building is approaching 100 years old. The building has undergone numerous renovations and additions, and much of its code compliance is based on acceptance of grandfathered conditions. The building has flooded multiple times, and given its location in the floodplain, future flooding of the lower level is imminent. While replacement of systems like the siding, the wood deck, and the roof are not immediately required, they will need to be addressed in the future. Given its age, history of modification, and exposure to flooding, the building is likely approaching the end of its typical service life.

The report offers the following recommended next steps:

1. Obtain a site survey. Establish base flood elevation, confirm flood-related boundaries, and locate key site utilities.
2. Verify the availability of FEMA support for the project.
3. Coordinate with the authority having jurisdiction to determine exactly what existing conditions can be permitted to remain without change and what improvements are deemed

necessary for the general safety and welfare of the occupants and public.

4. Obtain a cost estimate from a qualified contractor. This can likely be used to support a request for FEMA funding and to determine whether the project will approach or exceed the substantial improvement threshold. Additional analysis and schematic design may be required to secure detailed estimates.

These steps should enable the Town to make informed decisions about repairs, funding, and the building and site's future.

Interim Town Manager Hicks asked Mr. Arnaud if staff could occupy this lower level with offices. Mr. Arnaud said yes with some upgrades but would run the risk of the lower-level flooding again and would need to check with the Town's insurance provider on this. Other discussion ensued about options and next steps in the process, with a site survey being the first step to pursue.

4.B. Presentation Regarding Establishing a Limit of Built Upon Area for Infill Development.

Anne Phillip, Stormwater Technician & Floodplain Administrator, provided a presentation regarding establishing a limit of Built Upon Area (BUA) for infill development. Anne noted a rise in subdivision of larger parcels into smaller lots, many at or near the minimum size allowed by zoning. She explained that current regulations do not limit impervious surface (built upon area) on these smaller lots, and that recent updates to the Phase II Stormwater Ordinance, aligned with state rules, have reduced regulatory triggers for single-family development on parcels under half an acre. As a result, many new residential projects, now comprising approximately 85% of development, may proceed without stormwater permitting, even as they maximize lot coverage.

Further, Anne highlighted concerns that continued infill without impervious surface limits could lead to increased stormwater runoff and downstream impacts, particularly affecting older homes. She also noted that accessory dwelling units (ADUs) and required parking further reduce permeable space. To address these issues while maintaining diverse housing opportunities, she outlined potential options including establishing impervious surface limits, adding landscaping/permeability requirements, or creating standards specific to smaller lots. Council direction was requested to refine these options, with potential next steps including Planning Board review and drafting of a text amendment. The Council was in consensus to move forward with this proposal, and to direct the Planning Board to review and recommend prior to bringing it back to the Council.

4.C. Staff Update on Data Center Considerations.

Council was provided a brief update from Planning Director Michelle Kennedy regarding data center discussion and information from the recent Planning Board meeting. Michelle stated the Planning Board wanted to recommend a text amendment that would add a definition to allow data centers with heavy requirements within the heavy industrial district, which included limits on heights, distances from other types of buildings, fencing requirements and buffering requirements. Michelle stated Buncombe County has amended their ordinance to ban cryptocurrency mining centers. Further, Michelle stated a call for

public hearing for text amendments related to data centers would be on the April 13, 2026 agenda to be held at the May 11, 2026 meeting at which time the Council would be able to take action on the proposed text amendments.

4.D. Golf Course Presentation on 18-Hole Hurricane Recovery & 10-Year Plan.

Brent Miller, Golf Course Manager, provided an overview of the funding required to restore full 18-hole operations at the Black Mountain Golf Course and the expected financial outlook once operations resume. Brent's report included information on funding needs, a five-year financial outlook, a capital maintenance strategy for the next 10 years, and a 10-year business plan with course updates/improvements. Brent stated to get the front nine holes open the golf cart bridges would still need to be repaired. Further, Brent

mentioned staffing needs at the golf course. A discussion on using the golf course for community use also ensued. A question was asked about the golf maintenance building within the golf course plans, to which it was explained there is a $1 million grant that can be used for this building and construction could begin soon upon approval of the plans. ***A copy of this golf course presentation is included at the end of these minutes as Appendix A.***

5. NEW BUSINESS

5.A. Consideration of a Capital Project Ordinance for Public Safety Temporary Facilities Project.

This agenda item is to consider a Capital Project Ordinance authorizing the acquisition and setup of temporary facilities for public safety personnel while permanent facilities remain unavailable. The ordinance establishes a project budget of $178,727.55, funded through the Helene Fund unassigned balance, with anticipated reimbursement from FEMA Public Assistance or related grant funding. It also authorizes project expenditures, including IT relocation and rental costs, and designates the Town Manager and Finance Director to administer the project within approved budget and legal requirements.

Town Council Member Alice Berry made a motion to adopt the Capital Project Ordinance for the Public Safety Temporary Facilities Project as recommended. A vote of 5-0 in favor.

Town of Black Mountain
Public Safety Temporary Facilities Project
Capital Project Fund Ordinance
Ordinance No: O-26-06

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any

subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined
The Town of Black Mountain defines a "Capital project" as a project financed in whole or in part by the proceeds of bonds, notes or debt instruments or a project involving the construction or acquisition of a capital asset with expenditures that span across multiple fiscal years.

Section 2: Project Authorization
The project authorized is for the purpose of acquiring temporary facilities for public safety personnel until permanent Town public safety facilities are suitable for occupancy.

Section 3: Funding
The project is funded in whole or in part by revenue from the FEMA PA reimbursement for the Emergency Operations Center (EOC) project, which has been directed to the Unassigned Fund Balance in the Helene Fund. This funding will be replaced and reimbursed by FEMA PA funding specifically designated for this project or NC Helene Capital Grant funding awarded for Public Safety Building repair or replacement dependent on the eligibility determination from FEMA PA.

Section 4: Directives
The officers of the Town of Black Mountain are hereby directed to proceed with the capital project within the terms and budget contained herein, as approved by the Governing Board of the Town of Black Mountain. The Town Manager is hereby directed to act on behalf of the Town Council in all matters associated with the project within the terms of all contracts, agreements, and legal requirements binding on the project and within limits of the appropriate funds.

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

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
Helene Fund Unassigned Fund Balance Allocation	$178,727.55
Total Revenue	**$178,727.55**

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

Budgeted Expenditures	
Expenditure Type	***Anticipated Expenditures***
IT Relocation	$12,000
Cash Flow for Rental Costs	$166,727.55
Total Expenditure	**$178,727.55**

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Section 7. Records and Reporting
The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 8. Authority to Manage Accounts
The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies
Copies of this Capital Project Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 10. Budget Inclusion
Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. Project Expiration
This project ordinance expires when the project has been completed and all of the Project Funds have been obligated and expended by the Town OR by the date set forth within the grant funding contract, if applicable, whichever comes first.

Duly adopted this 1st day of April 2026.

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5.B. Consideration of Resolution Budgeting Funds for the Temporary Public Safety Facilities Project.

This consideration of a budget amendment resolution is to amend the budget and allocate $178,727.55 from the Helene Unassigned Fund Balance to support temporary public safety facilities following damage to the Public Safety Building during Tropical Storm Helene. Funds will provide interim cash flow for project costs, including IT relocation and facility rental, with anticipated reimbursement from FEMA Public Assistance or NC Helene Capital Grant funding. The resolution also authorizes the Interim Town Manager to execute necessary documents to implement the project.

Town Council Member Alice Berry made a motion to approve the resolution as presented and recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS TO THE TEMPORARY PUBLIC SAFETY FACILITIES PROJECT

Resolution No. R-26-31

WHEREAS, the Town of Black Mountain Public Safety Building was substantially damaged during Tropical Storm Helene; and

WHEREAS, a subsequent assessment by structural engineers found the building unsafe for occupancy; and

WHEREAS, the Town of Black Mountain has explored alternative accommodation for Public Safety personnel while further testing and permanent facility options are assessed, including posting a Request for Proposals for temporary facilities; and

WHEREAS, the Town of Black Mountain anticipates this project to be entirely funded through either FEMA Public Assistance (Category B) or NC Helene Capital Grant funding; and

WHEREAS, the grant funding source depends on the eligibility determination from FEMA PA staff; and

WHEREAS, the Town seeks to provide cash flow for this project while awaiting the FEMA PA eligibility determination to provide stability to public safety departmental staff and public safety services; and

WHEREAS, the Town has received FEMA PA reimbursement for the Emergency Operations Center (EOC) project (Project #814473), which covered personnel expenses during the immediate disaster response, in the amount of $178,727.55; and

WHEREAS, the Town of Black Mountain has passed O-26-XX, a Capital Project Ordinance for the project, on April 1, 2026;

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 support the construction of golf course cart bridges.

Account Number	Account Description	Increase	Decrease
425-8806-43100	Grant Revenue – Federal (EOC)		$178,727.55
425-8806-32000	Unassigned Fund Balance (Helene Fund)	$178,727.55	
425-8806-32000	Unassigned Fund Balance (Helene Fund)		$178,727.55
425-8806-52115	Technology and Software License (Public Safety Capital Project)	$12,000	
425-8806-52340	R&M – Rental of Temporary Facilities (Public Safety Capital Project)	$166,727.55	

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

ADOPTED this 1st day of April 2026.

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5.C. Unified Development Ordinance (UDO) Update.

Planning Director Michelle Kennedy gave an update on the Unified Development Ordinance (UDO) status. Michelle stated the Planning Board plans to meet and recommend the UDO draft at their May meeting for approval by the Town Council. Town Council

would then call for a public hearing at the June meeting for the July meeting when a public hearing and vote to adopt the UDO would be considered. Michelle stated the Planning Department plans to hold a series of public meeting in between May and June about the UDO draft but will confirm with the Town Attorney. Town Council members expressed their interest in getting this UDO process completed as soon as possible and acknowledged the time spent on this by Planning Board members and the staff.

6. ADJOURNMENT

Council Member Doug Hay requested an update from the Police & Fire Chiefs on their temporary locations at the April 13, 2026 regular council meeting.

With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 7:40 PM.

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C. Michael Sobol, Mayor

Attest:

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Wesley M. Barker, Town Clerk

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