BLACK MOUNTAIN TOWN COUNCIL MINUTES

April 13, 2026 | Regular Session | 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, April 13, 2026, at 6:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

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

The following staff members were present: Richard Hicks, Interim Town Manager; Scott Buffkin, Interim Assistant Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Chad Goins, Interim Project Manager; Jennifer Tipton, Senior Admin., Matt Begley, Budget Analyst.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS- *None.*

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Brief Remarks by Dr. Shantelle Simpson, President and CEO of Appalachian Mountain Health

Dr. Shantelle Simpson, President and CEO of Appalachian Mountain Health (AMH) provided remarks. Dr. Simpson offered a brief update on the AMH Black Mountain clinic that will open later this year.

3.B. Presentation and Update on Temporary Facilities for Police & Fire Departments

The Council at the last meeting requested a presentation from the Police Chief and Fire Chief on their temporary facilities and the effects on their current operations. Police Chief Steve Parker and Fire Chief John Coffey made a presentation on temporary facilities for the Public Safety staff stating there is some forward movement as public safety staff will be relocating from Ridgecrest on April 20th and 21st to a temporary location at Givens Highland Farms. This will improve workspace conditions and help centralize operations, which is a step in the right direction. Firefighters will remain at the Black Mountain Presbyterian Church parsonage; however, this was not an ideal solution, it was the only viable option to maintain response capability. We have kept our apparatus secured in the station bays, which is critical. There are thousands of dollars in equipment, and maintaining security and preventing tampering is non-negotiable. But the displacement is creating real operational impacts. There is a measurable delay in

response times due to the separation between living quarters and apparatus. Despite that, we are doing everything possible to meet ISO standards and state requirements. At the same time, morale has been significantly affected. Our firefighters are operating in conditions that are far from normal, and they are taking a toll. There is an immediate need to move forward with modular units. These units are critical for secure evidence storage, safe ammunition storage, and functional workspace. This is not a long-term enhancement; this is an immediate operational necessity. We have evaluated the triple-wide option in Hendersonville. It remains viable, but transportation costs are significant, which requires a more thorough review before moving forward.

Further, the Chiefs stated the community is facing an urgent public safety challenge driven by a severe staffing shortage within the police department, which currently has seven vacant officer positions and expects two more retirements soon. This is more than a personnel issue—it is affecting response times, daily coverage, officer safety, and the overall level of service provided to residents. Just as concerning is the low morale among officers, who consistently report feeling underpaid, underappreciated, and unsupported, creating a serious risk of losing more experienced staff while making recruitment and retention even harder. At the same time, several essential departments—including Police, Fire, EMS, Parks and Recreation, Planning and Zoning, Water and Sewer, and Public Works—are operating without proper facilities, leading to growing concern that core government responsibilities are not being prioritized. When public safety agencies are displaced, under-resourced, and undervalued, the consequences are real: reduced efficiency, slower emergency response, and declining public trust. Immediate action is needed to provide modular unit solutions, secure safe and functional facilities, improve compensation and morale, and clearly reaffirm that serving and protecting the community remains the highest priority.

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4. CITIZEN COMMENTS

- Ben Hill, 15 Knoll Hill, spoke on wife's business located in town and the multiple failed inspections from the Town's building inspector even when the work was completed by a qualified contractor, who does not want to take on more projects in town due to these difficulties.
- Lauren Murray, 396 Avena Rd., spoke on importance of public safety facilities and displacement. She asked who oversees contacting FEMA to help with these funding needs in a quicker fashion.
- David Galloway, 103 Brookhaven Dr., spoke at last month's meeting about Council declining to take over Brookhaven Dr. Spoke on Town of Black Mountain Street Dedication Policy that is on the website. Public Works Director & Fire Marshal had recommended this street to be taken over. Spoke on procedural concerns. Asked the Council to reconsider this street dedication.
- John Richardson, 111 Church St., made comments on Black Mountain Brewing and the recent mediation that occurred. Mr. Richardson asks how much has been paid to outside counsel on this ongoing matter. He also spoke about town

leadership issues.

- John Garcia, who owns a business at 103 S Ridgeway Ave., spoke on easily addressable issues around town. Spoke to the Council on "getting back to the table," by leaning on the citizens who are willing to help and to meet with the citizens to hear concerns.
- Anna Stearns, 419 Kerlee Heights Dr., spoke about the removal of the fence at 141 Richardson Blvd.
- Jennifer Galloway, 103 Brookhaven Dr., spoke on the street dedication policy and the denial of this street dedication at the March 2026 meeting to take this street over asking Council to reconsider.

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5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- *none.*

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

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7. CONSENT AGENDA

7.A. Monthly Tax Collector Report – February 2026.

Vice Mayor Archie Pertiller made a motion to Approve the Tax Collector Report as presented. A vote of 5-0 in favor.

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7.B. Call for Public Hearing on May 11, 2026, at 6:00 p.m. to Amend Chapter 1, Section 1.2.3, Definitions; Chapter 4, Section 4.7.14, Table of Uses by Zoning District; and Chapter 5, Section 5.19, Data Processing Centers, to add a definition, use, and requirements for data processing centers.

Multiple towns and cities across the state are beginning to get applications for data processing centers. There are currently no definitions or requirements for data processing centers in the town's zoning ordinances. The proposed amendments will define a data processing center and will allow for requirements to be put in place. The goal is to have the ordinance in place before an application comes in. A public hearing on the proposed text amendments will be held on Monday, May 11, 2026 at 6:00 pm in the Council Chambers.

Vice Mayor Archie Pertiller made a motion to approve the call for a Public Hearing on Monday, May 11, 2026 at 6:00 p.m. for proposed text amendments to the zoning ordinance related to data centers. A vote of 5-0 in favor.

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7.C. Board of Adjustment Alternate Member Removal.

Board of Adjustment alternate member Chloe Brown has not attended a Board of Adjustment meeting, or notified staff that she would not be in attendance since

July 2025. This has caused several meetings to have to be rescheduled due to not being able to get a quorum. The Board of Adjustment Chair and staff are recommending that Ms. Brown be removed from the Board of Adjustment and that an advertisement be placed to recruit a new alternate member to this board. Ms. Brown has been absent from the following meetings, and per the current Advisory Board & Commission Policy, meets the criteria for removal due to being absent for three consecutive meetings: July 17, 2025, August 21, 2025, September 18, 2025, November 20, 2025, December 18, 2025, January 15, 2026, February 19, 2026, and March 19, 2026.

Vice Mayor Archie Pertiller made a motion to approve the removal of Chloe Brown from the Board of Adjustment as recommended. A vote of 5-0 in favor.

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7.D. Appointment of Board of Adjustment Alternate Member to Regular Member.

Mary E. Hall currently serves as Alternate #1 on the Board of Adjustment and was first appointed as an Alternate on August 11, 2025. Due to the resignation of Board of Adjustment Member Lauren Dodgin last month, Mary is now next in line to move up from alternate to a regular member on this board, filling the unexpired term seat vacated by Lauren Dodgin. If appointed, Mary would fill this unexpired term through July 2027. At the conclusion of this term expiration, Mary would still be eligible to still serve two full 3-year terms, if she wishes, as according to the current Advisory Board & Commission Handbook, "a person who has served more than two-thirds of a full term after being appointed to complete the term of a previous board member shall be considered to have served a full term for the purposes of determining eligibility under the provisions of this section," which is not the case for this unexpired term having only approximately one-third remaining. If appointed, the Town will begin recruiting interested citizens for this alternate seat vacancy. Staff recommends Mary be appointed as a regular member.

Vice Mayor Archie Pertiller made a motion to appoint Mary E. Hall to Regular Member, from Alternate Member, on the Board of Adjustment to fill the unexpired term as recommended. A vote of 5-0 in favor.

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7.E. Acceptance of Grant Funds with NC Department of Environmental Quality (DEQ).

Through the efforts of Rechelle Vilevac, Public Works Sanitation Supervisor, the Town has been offered a grant of $525,000 from the NC Department of Environmental Quality's (DEQ) Helene Hurricane Recovery Recycling Infrastructure Grant Program. This grant will allow the Town to purchase additional solid waste equipment, such as garbage packers, and to replace the recycling carts that were lost during the storm. The Town Council has been asked to officially accept this grant award, so the Town can notify DEQ that we accept the grant by April 17, 2026.

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Vice Mayor Archie Pertiller made a motion to accept the grant award for NC DEQ's Helene Recovery Recycling Infrastructure Grant. A vote of 5-0 in favor.

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7.F. Approval of Council Order of Corrective Action - 850 Blue Ridge Road Appeal Hearing held on April 9, 2026.

On April 9, 2026, Town Council held a special meeting for an evidentiary hearing to hear an appeal of an order of corrective action issued by the building inspector at 850 Blue Ridge Road. The Order attached to this item is the official findings of fact and corrective actions that were discussed and agreed upon by the Town Council in relation to this property at that hearing. Per the Town Attorney, Town Council should formally approve this Order that will then be sent to the appellant.

Vice Mayor Archie Pertiller made a motion to approve the Order of Corrective Action & Findings of Fact for 850 Blue Ridge Rd. as presented. A vote of 5-0 in favor. **A copy of this document is included at the end of these minutes as Appendix A.**

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8. PUBLIC HEARING

8.A. Public Hearing 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.

Jennifer Tipton, Senior Admin, with the Planning Department gave an overview to the Council on the proposed text amendments. The current text only allows signs within the historic district to seek a variance from the sign regulations. This means that business owners and property owners outside 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 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 its entirety. The Planning Board heard this proposed amendment at their February 23, 2026, regular meeting and voted 4-0 to recommend the amendment as proposed.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:03 p.m. *No public comment was provided.* ***Vice Mayor Archie Pertiller made a motion to close the public hearing. A vote of 5-0 in favor.***

Town Council Member Doug Hay then made a motion to approve the proposed text amendment to Chapter 1, Section 1.7.3, Variances, and approval that these amendments are consistent with the comprehensive plan, state regulations, good zoning practice & promotes

general welfare. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.7.3, VARIANCES, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO REMOVE VARIANCE REQUIREMENT FOR SIGNS IN THE HISTORIC DISTRICT

ORDINANCE NO. # O-26-07

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it removes ambiguous language and does not limit business in other districts; and

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

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

- Removes ambiguous language and does not limit business in other districts

WHEREAS, after notice duly given, a public hearing was held on April 13, 2026, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 1, Section 1.7.3, Variances, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 1

Section 1.7.3 Variances.

D. In no event shall the board of adjustment grant a variance which would:

1. Allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification or the district boundary of the property in question.

2. Vary from the flood protection provisions within the designated floodway district in any way which would result in any increase in the flood levels during the regulatory flood discharge or threaten the public safety (see flood hazard protection ordinance concerning variances).

3. Conflict with the North Carolina State Building Code, the North Carolina Fire Code, or any other state code unless otherwise authorized by laws and regulations.

~~4. Deviate from the sign regulations within the sign ordinance unless the requested variance is within the town's historic district and the variance would further the goals of the town's historic preservation commission.~~

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 on this the 13th day of April 2026.

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8.B. Public Hearing to Amend Chapter 9, Section 9.10, Administrative Adjustment of Signage Regulations, to add additional administrative adjustments for ground signs, cantilevered ground signs, and development identification signs.

Jennifer Tipton, Senior Admin, from the Planning Dept. gave an overview of this item. The eight sign standards in the Allowable Administrative Adjustments table support the intent statement of 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. The Planning Board heard the amendment at their February 23, 2026 meeting and recommended the amendment be approved as presented by a vote of 4-0.

Town Council Member Doug Hay made a motion to open the public hearing. . A vote of 5-0 in favor. The time was 7:06 p.m. *No public comments were provided.* ***Town Council Member Ryan Stone then made a motion to close the public hearing. A vote of 5-0 in favor.***

Vice Mayor Archie Pertiller made a motion that the proposed text amendment to Chapter 9, Section 9.10, Guidelines for Administrative Adjustment of Signage Regulations be approved as recommended and find that the proposed change is consistent with current state regulations, find that the recommendation promotes the general welfare and is in keeping with good zoning practice. A vote of 5-0 in favor.

AN ORDINANCE TO AMEND CHAPTER 9, SECTION 9.10, GUIDELINES FOR ADMINISTRATIVE ADJUSTMENT OF SIGNAGE REGULATIONS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD ADDITIONAL ADMINISTRATIVE

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ADJUSTMENTS FOR GROUND SIGNS, CANTILEVERED GROUND SIGNS, AND DEVELOPMENT IDENTIFICATION SIGNS

ORDINANCE NO. # O-26-08

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it accommodates the business community and allows more flexibility; and

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

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

- Accommodates the business community and allows more flexibility

WHEREAS, after notice duly given, a public hearing was held on April 13, 2026, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 9, Section 9.10, Guidelines for administrative adjustment of signage regulations, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):
Chapter 9
Section 9.10 Guidelines for administrative adjustment of signage regulations.
Allowable Administrative Adjustments
(Up to the limits set forth in the tape for the type of standard). If the modification exceeds these standards, the applicant may seek a variance from the board of adjustment.

	Standard	Standard Sign Type	Allowable Max. Administrative Adjustment (up to)

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A	Distance from building facade	Wall, Projecting, Shingle, Crown	10%
B	Sign, height, display, area or dimensions	All	10%
C	Sign display area for building greater than 4 stories	Wall	10%
D	Height above sidewalk	Wall, Awning, Canopy, Projecting, Shingle	5%
E	Raceway - % of letter height	Wall, Canopy, Crown	5%
F	Sign depth	Awning, Canopy, Projecting, Shingle	10%
G	Distance from façade, entrances	Projecting, Shingle	20%
H	Distance between signs	Projecting, Shingle, Ground	20%
I	**Distance from abutting right-of-way**	**Ground, Cantilevered Ground**	**30%**
J	**Distance from a property line**	**Development Identification, Ground, Cantilevered Ground**	**30%**

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this the 13th day of April 2026.

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8.C. Public Hearing on System Development Fees 5-Year Update.

A public hearing has been scheduled to obtain citizen input on the 5-year update of the System Development Fees (SDF). Richard Hicks gave a brief update on this item. No action was being asked at this time by the Council, just to hold the public hearing.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 5-0 in favor. *The time was 7:07 p.m. No public comment was provided.* ***Town Council Member Doug Hay then made a motion to close the public hearing. A vote of 5-0 in favor.***

Dale Schepers with McGill Associates gave a quick overview of the SDF 5-year update and answered questions that the Council had. The Mayor spoke about looking forward in the next 10 years to see what the Town would need as far as water capacities. No vote was needed at this time by the Council on this item. Richard Hicks stated these fees would be built into the FY27 budget schedule of fees that the Council would soon review.

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9. CITIZEN COMMENTS. *No additional citizen comments were given.*

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10. UNFINISHED BUSINESS

10.A. Discussion of Golf Cart Bridges Project Bids Received.
At the March 9, 2026, the item to award a bid for the Golf Cart Bridges Project was discussed and rejected by Town Council due to costs. Following the rejection of these bids, it was re-advertised to solicit new bids which were opened on April 1, 2026. The following bids were received from the re-advertisement:

Vendor Name	Location	Base Bid Amount	Total Bid Amount
DanGrady Company, LLC	Sylva, NC	$169,000.00	$169,000.00
AJH Custom Homes	Taylors, SC	$298,000.00	$298,000.00
BRC Design Build	Asheville, NC	$362,000.00	$362,000.00
BHG Landscapes	Sylva, NC	$446,420.00	$446,420.00

Vice Mayor Archie Pertiller made a motion to reject the bids that were received. A vote of 5-0 in favor.

Richard Hicks stated the next steps were to find a company that can build cheaper or find pre-made golf cart bridges that can simply be installed.

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11. NEW BUSINESS

11.A. Presentation of the FY25 Town Audit by Gould Killian CPA Group, P.A.
Council Member Alice Berry asked that this item be moved up on the agenda to item 11 A. under new business. A vote of 5-0 in favor. Travis Keever, CPA, with Gould Killian CPA Group, P.A. presented the FY25/26 Annual Comprehensive Financial Report for the Town of Black Mountain stating they issued an unmodified ((clean) opinion on the June 30, 2025 financial statements, no material weaknesses were reporting in internal control over financial reporting, and no instances of material noncompliance with laws and regulations.

They also performed a single audit over FEMA funding received as well as the Dept. of State Treasurer Disaster Relief Cashflow loan program, and no findings were noted.

Vice Mayor Archie Pertiller made a motion to accept and approve the FY25 audit as presented. A vote of 5-0 in favor. **A copy of the audit wrap-up report is included at the end of these minutes as Appendix B, with a full audit report included in the agenda packet.**

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11.A. Consideration of Black Mountain Pool Seasonal Pay Rate Adjustments for 2026 Season.
Colin Bugniazet, Recreation Coordinator, and Beth Dalton, Pool Manager, spoke to

the Council on this agenda item stating the Town of Black Mountain operates a seasonal public pool that requires qualified staff, including certified lifeguards and supervisory personnel, to ensure safe and efficient operations. In preparation for the 2026 pool season, staff have evaluated current pay rates in relation to cost-of-living increases and regional market conditions. The proposed pay rate adjustments are intended to improve recruitment and retention of seasonal pool staff while maintaining competitive wages with neighboring jurisdictions. Proposed hourly rate increases are as follows: Pool Manager: $18.50 to $22.00, Assistant Manager: $16.00 to $17.50, Head Lifeguard: $15.00 to $16.50, Lifeguard: $14.00 to $15.00, and Concessions Staff: $8.25 to $8.75.

Town Council Member Doug Hay made a motion to approve the seasonal pool staff pay rate adjustments as recommended. A vote of 5-0 in favor.

A RESOLUTION APPROVING SEASONAL POOL STAFF PAY RATE ADJUSTMENTS FOR THE 2026 SEASON

RESOLUTION NO. # R-26-36

WHEREAS, the Town of Black Mountain operates a seasonal public pool that requires qualified personnel to ensure safe and effective operations; and

WHEREAS, the Town Council recognizes the importance of offering competitive wages to recruit and retain certified lifeguards and experienced supervisory staff; and

WHEREAS, a review of regional market conditions indicates that neighboring jurisdictions, including McDowell County, offer higher wages for similar positions, contributing to recruitment and retention challenges; and

WHEREAS, adjustments to seasonal pay rates are necessary to address cost-of-living increases, remain competitive in the labor market, and ensure the continued delivery of safe, high-quality recreational services;

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

1. The following hourly pay rates for seasonal pool staff for the 2026 season are hereby approved:

POSITION	**RATE**
Pool Manager	$22.00
Assistant Manager	$17.50
Head Lifeguard	$16.50
Lifeguard	$15.00
Concessions Staff	$8.75

2. The Town Council finds that these adjustments are necessary to support recruitment and retention efforts, promote public safety, and maintain competitive compensation with surrounding jurisdictions.

3. The total estimated increase of approximately $8,812 for the 2026 season shall be accommodated within the Parks and Recreation budget.
4. This resolution shall be effective upon adoption.

ADOPTED this the 13th day of April, 2026.

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11.B. Resolution to Award the Hilltop Rd. Phase II Construction Project to CRW Land Services, LLC.

This resolution authorizes the award of the Hilltop Road Phase II Construction Project to CRW Land Services, LLC, following an informal bidding process that closed on March 24, 2026. The project addresses significant damage to Hilltop Road caused by Tropical Storm Helene and was designed with assistance from McAdams, the Town's engineering consultant. The Town previously budgeted $600,000 for construction and engineering costs associated with this phase. After review, CRW Land Services, LLC, was identified as the lowest responsive, responsible bidder with a base bid of $323,022.53. Interim Manager Richard Hicks stated that FEMA should pay 100% of the cost as a reimbursement for this project.

Town Council Member Doug Hay made a motion to award the Hilltop Rd. Phase II construction project to CRW Land Services, LLC as recommended. A vote of 5-0 in favor.

A RESOLUTION TO AWARD THE HILLTOP ROAD PHASE II CONSTRUCTION PROJECT TO CRW LAND SERVICES, LLC

RESOLUTION NO. R-26-37

WHEREAS, the Town intends to rebuild Hilltop Road, which was substantially damaged during Tropical Storm Helene; and

WHEREAS, the Town engaged McAdams, an engineering and design firm, to assist the Town in designing, engineering, and reviewing bid submissions for the project; and

WHEREAS, the Town Council of the Town of Black Mountain budgeted $600,000 in a capital project (R-25-92 & O-25-30) for construction and engineering costs associated with phase two of the project; and

WHEREAS, the Town has bid the project through an informal bidding process which closed on March 24, 2026; and

WHEREAS, Town of Black Mountain staff has received bids for the project and McAdams has determined CRW Land Services, LLC was the lowest responsive, responsible bidder, with a total base bid of $323,022.53; and

WHEREAS, the Town of Black Mountain is ready to proceed with awarding the project to CRW Land Services, LLC;

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

1. The Interim Town Manager, and/or a designee(s) thereof, is authorized to execute any necessary budget amendments, contracts, or related documents required to enter into an agreement with CRW Land Services, LLC and oversee the construction outlined in the bid documents.

ADOPTED this 13th day of April 2026.

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11.C. Consideration of Capital Project Ordinance for Fairway Dr. / Tomahawk Ave. Stormwater Project

This ordinance establishes a Capital Project Fund for the Fairway Drive and Tomahawk Avenue Stormwater Project, which will improve stormwater infrastructure, increase system capacity, and enhance flood resilience in the area draining to Tomahawk Branch. The project is funded through a combination of a $75,000 Buncombe County grant received in FY25 and additional funds from the Stormwater Utility Fund, totaling $143,892.50 in both revenues and expenditures. The ordinance authorizes all necessary appropriations for the project across multiple fiscal years and designates the Town Manager and Finance Director to oversee implementation, maintain financial records, and manage fund transfers in accordance with project requirements.

Town Council Member Doug Hay made a motion to approve the Capital Project Ordinance for Fairway Dr. and Tomahawk Ave. Stormwater Project as recommended. A vote of 5-0 in favor.

Town of Black Mountain
Fairway Dr. & Tomahawk Ave. Stormwater Project
Capital Project Fund Ordinance
ORDINANCE NO: O-26-10

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.

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Section 2: Project Authorization
The project authorized is for the purpose of improving stormwater infrastructure and stormwater capacity along Fairway Dr. and Tomahawk Ave. and increase flood resilience for the area feeding into Tomahawk Branch.

Section 3: Funding
The project is funded in part by grant funding received from a $75,000 grant received from Buncombe County for this project in FY25 and the remainder will be sourced from the Stormwater Utility Fund.

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***
Allocation Stormwater Utility Fund Unassigned Fund Balance	$143,892.50
Total Revenue	**$143,892.50**

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

Budgeted Expenditures	
Expenditure Type	***Anticipated Expenditures***
Construction	$143,892.50
Total Expenditure	**$143,892.50**

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 13th day of April 2026.

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11.D. Resolution of Budget Amendment Budgeting Funds to the Fairway Dr. / Tomahawk Ave. Stormwater Capital Project

This resolution authorizes budgeting and allocation of funds for the Fairway Drive and Tomahawk Avenue Stormwater Capital Project, which aims to improve stormwater infrastructure and increase system capacity in the area. The project is supported by a $75,000 grant from Buncombe County, previously received and held in the Stormwater Utility Fund Balance, with additional funding to be supplemented from the Stormwater Utility Fund. The total estimated project cost is $143,892.50, and the project may extend beyond fiscal year 2026. Approval of this resolution also authorizes the reallocation of funds from the golf course cart bridge capital project and permits the Interim Town Manager, or designee, to execute all necessary budget amendments, contracts, and related documents to implement the project.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment to the Fairway Dr. and Tomahawk Ave. Stormwater Capital Project as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS TO THE FAIRWAY DR. TOMAHAWK AVE. STORMWATER CAPITAL PROJECT

RESOLUTION NO. R-26-38

WHEREAS, the Town intends to improve stormwater infrastructure and increase stormwater capacity along Fairway Dr. and Tomahawk Ave.; and

WHEREAS, the Town of Black Mountain received grant funding in the amount of $75,000 from Buncombe County for this project; and

WHEREAS, these funds were received by the Town in a prior fiscal year and have rolled into the Stormwater Utility Fund Balance; and

WHEREAS, the Town anticipates supplementing Buncombe County funds with funding from the Stormwater Utility Fund; and

WHEREAS, the total estimated cost of the project is $143,892.50; and

WHEREAS, the Town anticipates this project, and its associated reporting obligations, may extend past the end of fiscal year 2026; and

WHEREAS, the Town of Black Mountain has passed O-26-XX, a Capital Project Ordinance for the project, on April 13, 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 move funds allocated to the construction of land improvements for the Fairway Dr. Tomahawk Ave. Stormwater Capital Project to the associated capital project.

Account Number	Account Description	Increase	Decrease
630-0000-33000	Unassigned Fund Balance (Stormwater Utility Fund)		$143,892.50
630-5500-57210	Capital Outlay – Land Improvements (Fairway Dr. Tomahawk Ave. Stormwater Capital Project)	$143,892.50	

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

ADOPTED this 13th day of April 2026.

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11.E. Consideration of Capital Project Ordinance for Two Golf Cart Bridges Project.

This project ordinance establishes a Capital Project Fund for the construction of two replacement golf cart bridges at the Black Mountain Golf Course, which were damaged and require rebuilding. The project is funded through $110,196.48 in reimbursements from the Golf Course Irrigation System project, allocated from the Helene Fund unassigned fund balance. The ordinance authorizes all necessary appropriations for the completion of the project across multiple fiscal years and does not require re-adoption in future budgets. It also designates the Town Manager and Finance Director to oversee project execution, maintain proper financial records, and manage fund transfers within the project, ensuring expenditures do not exceed the approved budget.

Vice Mayor Archie Pertiller made a motion to approve the Capital Project Ordinance for the Two Golf Cart Bridges Project as recommended. A vote of 5-0 in favor.

Town of Black Mountain
Two Golf Cart Bridges Project
Capital Project Fund Ordinance
Ordinance No: O-26-09

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 constructing two replacement golf cart bridges on the Black Mountain Golf Course.

Section 3: Funding
The project is funded in whole or in part by reimbursements from the Golf Course Irrigation System project, which have been directed to the Unassigned Fund Balance within the Helene Fund.

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***
Allocation of Helene Fund Unassigned Fund Balance	$110,196.48
Total Revenue	**$110,196.48**

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

Budgeted Expenditures

Expenditure Type	*Anticipated Expenditures*
Construction	$110,196.48
Total Expenditure	**$110,196.48**

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 13th day of April 2026.

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11.F. Consideration of Budget Amendment Resolution for the Two Golf Cart Bridges Capital Project.

This resolution authorizes the budgeting and allocation of funds for the Golf Cart Bridges Capital Project to rebuild bridges damaged during Tropical Storm Helene. The Town previously budgeted $108,000 for bridge and cart path construction, with the intent to cash flow recovery projects using anticipated FEMA reimbursements. The Town has received $110,196.48 in FEMA Public Assistance funding for the Golf Course Irrigation System project, which is now

being reallocated to support this project. The project may extend beyond fiscal year 2026 and is supported by the adoption of a Capital Project Ordinance on April 13, 2026. Approval of this resolution authorizes the necessary budget amendments and allows the Interim Town Manager, or designee, to execute all required contracts and documents to implement the project.

Town Council Member Ryan Stone made a motion to approve the budget amendment resolution for the Two Golf Cart Bridges Capital Project as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS TO THE GOLF CART BRIDGES CAPTIAL PROJECT

RESOLUTION NO. R-26-39

WHEREAS, the Town intends to rebuild golf cart bridges damaged beyond repair during Tropical Storm Helene; and

WHEREAS, the Town Council of the Town of Black Mountain budgeted $100,000 for construction of Golf Cart Bridges and $8,000 for cart paths, on November 1, 2025; and

WHEREAS, the original intention of Town Council was to cash flow Golf Course recovery projects with reimbursements from other Golf Course recovery projects; and

WHEREAS, the Town anticipated these budgeted amounts to be roughly equivalent to the FEMA reimbursement for the Golf Course Irrigation System project; and

WHEREAS, the Town anticipates this project, and its associated obligations, may extend past the end of fiscal year 2026; and

WHEREAS, the Town Council of the Town of Black Mountain has, since November 1, 2025, received a reimbursement from FEMA Public Assistance for the Golf Course Irrigation System project for $110,196.48 (90% from FEMA & 10% from NCEM); and

WHEREAS, the Town of Black Mountain has passed O-26-XX, a Capital Project Ordinance for the project, on April 13, 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 move funds allocated to the construction of golf course cart bridges to the associated capital project.

Account Number	Account Description	Increase	Decrease
425-8806-43100	Grant Revenue – Federal (Golf Course		$99,176.84

	Irrigation System)		
425-8806-43200	Grant Revenue – State (Golf Course Irrigation System)		$11,019.64
425-8806-32000	Unassigned Fund Balance (Helene Fund)	$110,196.48	
425-8806-32000	Unassigned Fund Balance (Helene Fund)		$110,196.48
425-8806-57610	Capital Outlay – Golf Course Bridges (Capital Project)	$110,196.48	

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

ADOPTED this 13th day of April 2026.

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Council then took a five-minute recess at 8:05 p.m. Council returned from the recess at 8:10 p.m.

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11.G. Consideration of Budget Amendment for Replacement of Waterline on Old US 70,

At the February 9, 2026 Town Council meeting, Council authorized the replacement of a waterline along Old US Highway 70 on the way to Ridgecrest. When the Town went to make the water tap for the new subdivision under construction, it was discovered that the existing waterline was directly above the sewer line. The Council approved the replacement and agreed to fund the cost of the project using System Development Fees. The proposed budget amendment would cover those costs.

Vice Mayor Archie Pertiller made a motion to approve the budget amendment for the replacement of the waterline on Old US 70 as recommended. A vote of 5-0 in favor.

A RESOLUTION BUDGETING FUNDS FOR RELOCATION OF A WATERLINE ON OLD US 70 & USING SYSTEM DEVELOPMENT FEES

RESOLUTION NO. R-26-40

WHEREAS, the Town intends to relocate a waterline along Old US Highway 70; and

WHEREAS, this existing waterline was determined to be directly above a sewer line and must be relocated; and

WHEREAS, at the February 9, 2026 Town Council meeting, Council authorized the relocation of this waterline and agreed to fund the cost of the project using System Development Fees (SDF); and

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 move funds allocated to this waterline relocation project:

Account Number	Account Description	Increase	Decrease
600-0000-44130	System Development Fees	$65,000	
600-5000-52015	Professional and Technical Services	$65,000	

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

ADOPTED this 13th day of April 2026.

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11.H. Proposal for Task Order # 5 – Lakeview Center Active Aging Floodplain Improvement Modeling.

At the last special meeting of the Town Council, there was a presentation from the Architect that had reviewed the potential future uses of the Lakeview Center. The Architect suggested that the next step would be to develop floodplain improvement models to support the renovation and floodproofing of the Lakeview Center. The project will consist of 3 phases. Phase 1 will develop a corrected effective model that will include the existing terrain survey captured by KCI after the effects of Hurricane Helene. Phase 2 will be incorporating the proposed design by Arete in a proposed conditions model. Phase 3 will be a post-as-built model which will include the post as-built survey and documentation for Letter of Map Revision to FEMA for floodplain compliance. The cost for the proposed Task Order #5 would be $30,750. Discussion ensued.

Town Council Member Pam King then made a motion to table this item until a later date. A vote of 5-0 in favor.

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11.I. Proposal for Black Mountain Ave. & Sutton Ave. Intersection Safety Study.

Several months ago, Council discussed the safety issues surrounding the intersection of Black Mountain Avenue and Sutton Avenue and expressed an interest in having a professional safety study completed for the intersection. The Town has received a proposal from J.M. Teague Engineering and Planning in the amount of $4,500 to complete the safety study. Some discussion ensued and Council would like to hear from the Planning Director.

Town Council Member Doug Hay made a motion to table this item until the May 11, 2026 Council meeting to hear from the Planning Director. A vote of 5-0 in favor.

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11.J. Request for Extension of Lease - Black Mountain Center for the Arts

The Town of Black Mountain has an existing lease with the Black Mountain Center for the Arts that was executed on August 14, 2003 and was for a period of

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25 years. The current lease would expire in August of 2028. They are requesting a lease extension of 5 years, which would carry the lease through August of 2033. This will allow them to search for grants to make building improvements, and they would be able to show that they have a long-term commitment to the building. John Hall, Interim Executive Director with Black Mountain Center for the Arts, provided remarks to the Council.

Town Council Member Pam King made a motion to approve the request for an extension to the lease for the Black Mountain Center for the Arts for 5 years as recommended. A vote of 5-0 in favor.

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11.K. Request for Sewer Easement - Metropolitan Sewerage District.

The Metropolitan Sewerage District (MSD) has been performing operation, maintenance, and service response activities on a 780 linear foot private 4-inch sewer line and 6-inch sewer line that serves more than 10 properties along Carver Avenue in Black Mountain. The existing pipe is undersized for the area and has developed multiple structural defects over time, requiring frequent maintenance. The Metropolitan Sewerage District is proposing to rehabilitate the 780 linear feet at no cost to the property owners, in return for an easement for the rehabilitated line. They are asking that all the property owners provide the necessary easement at no cost. To move the project forward, they are asking all the property owners, including the Town, to sign a “pre-agreement."

Town Council Member Alice Berry made a motion to approve the request for a sewer easement with MSD at 101 Carver Ave. as recommended. A vote of 5-0 in favor

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11.L. Candidate Filing Fees for November 2026 Municipal Election.

Pursuant to N.C.G.S. § 163-294.2, Notice of candidacy and filing fee in nonpartisan municipal elections, section (e): The filing fee for the primary or election shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars ($5.00). The governing board shall have the authority to set the filing fee at not less than five dollars ($5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars ($5.00), in which case the minimum filing fee of five dollars ($5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed. Historically, the Town of Black Mountain's filing fee has been $5. Filing fees are paid to the County's Election Services office at time of candidate filing. Council should review and take a vote to set the filing fee for the 2026 municipal election. Based on the Statue stated above, 1% of the current annual salary of the office sought for Black Mountain offices would be a $63 filing fee for Council Members, and $93 filing for Mayor. Typically, filing fees are set lower to be equitable and affordable to any citizen who wishes to run for an elected office. Council should discuss and can leave the filing fee at $5, which is the minimum, or suggest another filing fee amount, and take a vote. The fee amount voted upon will then be sent to the County's Election Services by the Town Clerk.

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Town Council Member Doug Hay made a motion to approve keeping the candidate filing fees for Black Mountain at $5 for the Mayor and Council member seats. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN
A RESOLUTION ESTABLISHING CANDIDATE FILING FEES FOR THE 2026 MUNICIPAL ELECTION

RESOLUTION NO. R-26-34

WHEREAS, the Town of Black Mountain conducts nonpartisan municipal elections pursuant to the laws of the State of North Carolina; and

WHEREAS, pursuant to North Carolina General Statute § 163-294.2, candidates for municipal office must file a notice of candidacy and pay a filing fee to the county board of elections; and

WHEREAS, subsection (e) of N.C.G.S. § 163-294.2 provides that the governing board shall fix the filing fee for municipal office, with such fee being not less than five dollars ($5.00) and not more than one percent (1%) of the annual salary of the office sought, and that such fee must be established no later than the day before the filing period opens ; and

WHEREAS, the Town Council of the Town of Black Mountain desires to establish the filing fees for the 2026 Municipal Election in accordance with State law.

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

1. The filing fee for candidates seeking election to municipal office in the 2026 Municipal Election shall be set as follows:
    - **Mayor: $5.00**
    - **Council Member: $5.00**
2. All filing fees shall be paid to the Buncombe County Board of Elections at the time the notice of candidacy is filed, in accordance with State law.
3. This resolution shall become effective upon adoption.

ADOPTED this the 13th day of April, 2026.

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11.M. Approval of Amended Asheville Regional Housing Consortium Joint Cooperation Agreement & Resolution Authorizing Mayor to Execute Agreement Documents.

Council Member Alice Berry explained that the Asheville Regional Housing Consortium recently voted to formally add the Town of Mars Hill and the Town of Marshall to the consortium. While these municipalities have historically operated as members, the Consortium has never fully completed the process of adding them with full recognition by the Department of Housing and Urban Development.

Both Mars Hill and Marshall have indicated their desire to formally join the consortium. Each Cooperating Unit of the consortium must complete two actions to formally add these two municipalities that include 1) approval of the amended Joint Cooperation Agreement, and 2) approval of a resolution authorizing the mayor to execute the updated Joint Cooperation Agreement. The Town of Black Mountain is a current cooperating unit of the consortium, and the Town Council has been asked to approve the joint cooperation agreement amendment as recommended, and to authorize the Mayor to execute the amended cooperation agreement.

Town Council Member Alice Berry made a motion to approve the amended Asheville Regional Housing Consortium Joint Cooperation Agreement and the resolution authorizing the Mayor to sign the amended cooperation agreement on behalf of the Town of Black Mountain. A vote of 5-0 in favor.

RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF BLACK MOUNTAIN TO EXECUTE AN AMENDED JOINT COOPERATION AGREEMENT TO ADD THE TOWN OF MARS HILL AND THE TOWN OF MARSHALL TO THE ASHEVILLE REGIONAL HOUSING CONSORTIUM

RESOLUTION NO. # R-26-32

WHEREAS, the Town of Black Mountain, North Carolina, has determined that the health and welfare of its jurisdiction may benefit from increasing the availability of safe, affordable and standard housing; and

WHEREAS, the Town of Black Mountain has determined that providing safe, affordable, and standard housing will benefit work force productivity and area economic development; and

WHEREAS, a cooperative approach to providing housing in the Asheville Regional area will avoid duplication of effort and promote more effective delivery of housing services; and

WHEREAS, a consortium of local governments is entitled to receive funds from the U.S. Department of Housing and Urban Development that they would otherwise be unqualified to receive individually; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general local government may enter into cooperation agreements and form Consortia to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnerships Program; and

WHEREAS, the Town of Black Mountain is a current member of and, along with the other regional units of general local government members, desires to continue the Asheville Regional Housing Consortium to undertake or assist in undertaking affordable housing under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, the Town of Mars Hill and the Town of Marshall each wish to join the Asheville Regional Housing Consortium; and

WHEREAS, it is the desire of Town of Black Mountain to admit the Town of Mars Hill and the Town of Marshall as members of the Asheville Regional Housing Consortium; and

WHEREAS, Article 20 Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking.

NOW, THEREFORE, be it resolved by the Town of Black Mountain that:

1) The Town of Black Mountain hereby supports the addition of Mars Hill and Marshall to the Asheville Regional Housing Consortium, and the Mayor of Town of Black Mountain is authorized to execute an amended Joint Cooperation Agreement with the other member governments of the Asheville Regional Housing Consortium

2) The Mayor is further authorized to sign all contracts, approved by the Town of Black Mountain Attorney, with other Governmental Agencies as may be required to carry out activities of the Cooperation Agreement.

ADOPTED this 13th day of April, 2026, in a regular session of the Town of Black Mountain, North Carolina.

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12. CLOSED SESSION - NCGS 143-318.11(A)(6) TO DISCUSS PERSONNEL-RELATED ITEMS.

The Council would now enter closed session to discuss personnel-related matters and for attorney-client privilege as allowed under N.C.G.S. 143-318.11(a)(3) and (a)(6).

Town Council Member Alice Berry made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(3) & (a)(6). A vote of 5-0 in favor. *The time 8:35 PM.*

13. ADJOURNMENT. Council returned from closed session at 9:37 p.m.

Town Council Member Alice Berry made a motion to go back into Open Session. A vote of 5-0 in favor. 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

Attached: Appendices A & B

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