BLACK MOUNTAIN TOWN COUNCIL MINUTES

September 14, 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, September 14, 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 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Council Member Lawrence Lytle and Town Council Member Ryan Stone. Council Member Larry Harris was absent.

The following staff members were present: Richard Hicks, Interim Town Manager; Wesley Barker, Town Clerk; Matt Begley, Recovery & Capital Programs Director; James Bingham; Deputy Fire Chief; Russell Cate, Zoning Administrator; John Coffey, Fire Chief; Jay Copley, Finance Director; Chad Goins, Interim Project Manager; Jacob Guiot, Recreation and Parks Director; Michelle Kennedy, Planning Director; Joshua Kiser, Patrol Lieutenant; Chris Kuhn, Deputy Police Chief; Jamey Matthews, Public Works Director; Steve Parker, Police Chief; Anne Phillip, Stormwater Technician & Floodplain Administrator; Jennifer Tipton, Planning & Development Senior Admin; Rechelle Vilevac, Sanitation Supervisor. Town Attorney Craig Justus was also present.

Mayor Sobol led those in attendance in the pledge of allegiance and a moment of silence,

PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

1.A. Presentation of Medal of Valor to Four Citizens.

The Black Mountain Police Department presented the Citizen Valor Award, which recognized four individuals: Andrew Koulouris, Christian Maloney, James Thompson and Phillip T. Whiting, for extraordinary courage and selfless actions during a critical public safety incident at the Trailhead Restaurant on July 2, 2026. During the incident, an armed individual was reportedly threatening others inside the restaurant. The four individuals demonstrated courage, composure, and concern for the safety of others, providing critical assistance during the rapidly evolving situation and supporting responding law enforcement officers. The award recognized their civic responsibility, bravery, and dedication to protecting others.

1.B. Proclamation for September 25 to be "Dolly Parton Day" in Black Mountain.

Mayor Sobol read a proclamation honoring Dolly Parton for her significant contributions as a musician, songwriter, actor, entrepreneur, and philanthropist. The proclamation highlighted her Appalachian roots, six-decade career, promotion of literacy through the

Dolly Parton Imagination Library, and her positive impact on children and families in the Black Mountain community. Hundreds of local children in ZIP code 28711 have benefited from receiving free books through the Imagination Library Program. The Mayor recognized her legacy of service, generosity, and humanitarianism and proclaimed September 25th as "Dolly Parton 9-2-25 Recognition Day" in Black Mountain.

2. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

2.A. Presentation from BearWise Advisory Group.

The BearWise Advisory Group provided a brief presentation on the status of the group's work and expressed support for the call for public hearing for the text amendments to Chapter 6 of the Code of Ordinances adding language regarding bears and public nuisances. The following BearWise Advisory Group members were in attendance: Jill Bielawski, Laura Bugyi, Kiersten Hall, Charlotte McRaine, Cheryl Pitt, and Ashley Hobbs, with NC Wildlife. Members of the group reviewed the timeline for the committee stating that Phase I was to work on text amendments that addressed feeding bears with appropriate fines, emphasizing that it does not prohibit bird feeding. Phase II entails exploring options for implementing new bear resistant sanitation guidelines for trash management. BearWise community education efforts would also be ongoing.

2.B. Presentation on Parking from BMPD.

Patrol Lt. Joshua Kiser with the Police Department spoke about recent issues with parking around the Post Office in town, specifically during the Sourwood Festival. Lt. Kiser stated there was only 5 designated spaces for USPS use and the others were on Tyson's private property. Suggestions were for the USPS to install signs about the designated spaces and for the town to install temporary parking signs along Richardson Blvd for 15-30 minutes to help alleviate some parking concerns. Mayor Sobol asked the department to look into angled parking on Richardson Blvd., similar to Broadway St., to possibly add more spaces for parking.

2.C. Presentation on Swannanoa River Floodbench Project.

Town Council then heard an update on the Swannanoa River Floodbenching project which covered the purpose of the project, the steps taken on the project, and construction progress of the project. The presentation was given by Interim Project Manager Chad Goins and Recovery and Capital Programs Director Matt Begley. **A copy of this presentation is included at the end of these minutes as Appendix A.**

3. CITIZEN COMMENTS

- Larry Behunck spoke about the need for speed reduction measures and signs for Rhododendron Ln. to try to lower speeding and make the road safer.
- Cheryl Milton spoke about the Old Toll Rd. water line project, specifically the 6" ductile water line, and also spoke about the financial accountability of the Town and the Council's accountability of these finances.
- Josh Wells spoke about a social media policy need related to the Mayor's comments on social media.
- Cheryl Hyde, Director of the Swannanoa-Black Mountain Chamber spoke about the

upcoming Town Council forum hosted by the Chamber which was scheduled for September 23, 2026 at the Black Mountain Center for the Arts.

- Teresa Watson spoke about EMS and emergency services response times and requested to work to get the Black Mountain Public Safety building up and working as fast as possible as its delay also affects the community outside of Black Mountain that rely on those services.
- John Richardson spoke about the Town's financial status, stating what was paid out to the former Town Manager.
- Anna Stearns spoke on records from the Planning & Zoning Department and documents that are titled "permits," and how documents were identified if it is not a "permit." She also spoke in support of the recent ordinance proposal by the Chamber that was related to Planning & Inspections processes, asking Council to adopt.
- Shane Lunsford spoke on a recent order of abatement that was issued for his property at 19 Timber Park Dr. stating he has working with the Planning Department staff to remedy violations.
- Frank Cappelli spoke about the Building Inspector's recent photos taken of his home, stating written policy is needed when inspectors are approaching homes. He also asked Council to reconsider the internal review of digital records by the Planning Department that he requested but was not approved by Council.

4. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Sobol spoke about AI and the interest in holding a community meeting soon about Artificial Intelligence (AI)..

5. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Interim Town Manager Richard Hicks introduced Jay Copley, who has been hired as the Town's new Finance Director.

6. CONSENT AGENDA

6.A. Adoption of Meeting Minutes- August 6 & 10, 2026.

Town Council Member Ryan Stone made a motion to approve the meeting minutes as presented. A vote of 4-0 in favor. Council Member Larry Harris was absent.

6.B. Resolution to Amend the FY26-27 Budget for BMPD Insurance Recovery Proceeds.

Town Council Member Ryan Stone made a motion to approve the resolution to amend the FY26-27 budget as presented. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION TO AMEND THE FISCAL YEAR 2026-2027 BUDGET FOR BMPD INSURANCE RECOVERY PROCEEDS

RESOLUTION NO. R-26-72

WHEREAS, the Black Mountain Police Department has received recovery proceeds totaling $6844.73 for the following items:

- Ford Edge $6,132.66
- Ford Edge Siren $263.52
- Police Chief Vehicle Windshield Repair $448.65

WHEREAS, the proceeds received are recommended to be moved to the R&M vehicles line item; and

WHEREAS, the Fiscal Year 2026–2027 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, 2027:

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

Account Number	Account Description	Increase	Decrease
100-0000-48010	Insurance Recovery Proceeds	-	$6844.73
100-4510-52316	R&M Vehicles	$6844.73	-

Section 2. Effective Date

This resolution shall become effective upon adoption.

Adopted this the 14th day of September 2026.

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6.C. Monthly Tax Collector Report- July 2026

Town Council Member Ryan Stone made a motion to approve the July 2026 tax collector report as presented. A vote of 4-0 in favor. Council Member Larry Harris was absent.

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6.D. Call for a Public Hearing for Text Amendments to Chapter 6, Animals, Section 6-6, Public Nuisance, and Section 6-19, Civil Penalty to add language regarding bears, to be held on Monday, October 12, 2026, at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain, NC, or as soon thereafter as possible.

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This public hearing is to hear comments about proposed text amendments to the Town's Code of Ordinances, Chapter 6, Animals, Section 6-6, Public Nuisance and Section 6-19, Civil Penalties to add language about the feeding of bears as a public nuisance, and to add language about feeding birds, which constitutes an attractant, to the civil penalties section. This public hearing will be held on Monday, October 12, 2026 at 6:00 p.m. at Black Mountain Town Hall, 160 Midland Ave., Black Mountain, NC 28711. Attorney Craig Justus stated for the record that a public hearing isn't required with Town police power ordinances, such as this, but this is an extra notice being given. ***Town Council Member Ryan Stone made a motion to call for the public hearing as presented on October 12, 2026. A vote of 4-0 in favor. Council Member Larry Harris was absent.***

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6.E. Authorization of the Purchase of Recycling Vehicles through NC Department of Environmental Quality (DEQ) Recycling Grant Program and Adoption of the Capital Project Ordinance.

Town Council will consider a Resolution and Capital Project Ordinance to approve the purchase of two recycling vehicles with funding provided through the NC DEQ Helene Recovery Recycling Infrastructure (HRRI) grant program.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

TOWN OF BLACK MOUNTAIN
NC DEQ HRRI VEHICLES PROJECT
CAPITAL PROJECT FUND ORDINANCE
ORDINANCE NO: # O-26-19

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 purchasing vehicles and other items encompassed by the scope provided to the North Carolina Department of Environmental Quality (NC DEQ) Helene Recovery Recycling Infrastructure (HRRI) grant program.

Section 3: Funding
The project is funded in whole by the NC DEQ HRRI grant program.

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 Project Grant Funding (NC DEQ HRRI)	**$525,000.00**
Total Revenue	**$525,000.00**

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

Budgeted Expenditures	
Expenditure Type	***Anticipated Expenditures***
Purchase of Vehicles	**$390,993.73**
Other grant funded Items (Fencing & Carts)	**$134,006.27**
Total Expenditure	**$525,000.00**

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 14th day of September 2026.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE PURCHASE OF RECYCLING VEHICLES THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NC DEQ) HELENE RECOVERY RECYCLING INFRASTRUCTURE (HRRI) GRANT PROGRAM

RESOLUTION NO. # R-26-73

WHEREAS, Tropical Storm Helene caused irreparable damage to the Town of Black Mountain's sanitation vehicle fleet, rendering many units destroyed or inoperable; and

WHEREAS, the insurance settlement for these vehicles was insufficient to cover the full cost of replacement; and

WHEREAS, the Town applied for assistance for this need through the North Carolina Department of Environmental Quality (NC DEQ) Helene Recovery Recycling Infrastructure (HRRI) Grant; and

WHEREAS, the Town was awarded funding in the amount of $525,000.00 to purchase replacement vehicles; and

WHEREAS, the Town has received quotes for these vehicles from multiple vendors and selected the best value option;

WHEREAS, cash flow funds and reimbursements from the NC DEQ HRRI program will be recognized in the capital project ordinance for the project entitled "NC DEQ HRRI Vehicles."

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

1. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute purchase contracts for the vehicles shown below:

Recycling Vehicles	
Recycling Rear Loader	$ 247,037.71
Recycling Mini Packer	$ 143,956.02
Total:	$ 390,993.73

2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute any documents and perform any required tasks to implement these changes.

Adopted this 14th day of September, 2026.

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6.F. Consideration of Resolution Authorizing the Purchasing of Replacement Vehicles through the USDA Community Facilities Disaster Assistance Fund Grant and Adoption of Capital Project Ordinance.

Town Council will consider a Resolution and Capital Project Ordinance to approve the purchase of seven (7) vehicles with funding provided through USDA Community Facilities Disaster Assistance grant program.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

USDA CF DAF VEHICLES PROJECT CAPITAL PROJECT FUND ORDINANCE
ORDINANCE NO: O-26-20

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 purchasing vehicles encompassed by the scope provided to the United States Department of Agriculture (USDA) Community Facilities Disaster Assistance Fund.

Section 3: Funding
The project is funded in whole by the USDA CF DAF grant program.

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 Project Grant Funding (USDA CF DAF)	$548,400.00
Total Revenue	**$548,400.00**

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

Budgeted Expenditures

Expenditure Type	***Anticipated Expenditures***
Purchase of Vehicles	$449,267.97
Reimbursement of Accounts for Previously Purchased Vehicles	$ 99,132.03
Total Expenditure	**$548,400.00**

Section 7. Records and Reporting
The Finance Director is hereby directed to maintain within the Capital Project Fund

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 14th day of September 2026.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT VEHICLES THROUGH THE USDA COMMUNITY FACILITIES DISASTER ASSISTANCE FUND GRANT

RESOLUTION NO. # R-26-74

WHEREAS, Tropical Storm Helene caused irreparable damage to the Town of Black Mountain's vehicle fleet, rendering many units destroyed or inoperable; and

WHEREAS, the insurance settlement for these vehicles was insufficient to cover the full cost of replacement; and

WHEREAS, the Town, with support from Land of Sky Regional Council, applied for assistance for this need through the USDA Community Facilities Disaster Assistance Fund (CF DAF); and

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WHEREAS, the Town was awarded funding in the amount of $548,400 to purchase replacement vehicles; and

WHEREAS, the Town has received quotes for these vehicles from multiple vendors and selected the best value option;

WHEREAS, cash flow funds and reimbursements from the USDA CF DAF program will be recognized in the capital project ordinance for the project entitled "USDA CF DAF Vehicles";

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

1. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute purchase contracts for the vehicles shown below:

USDA Vehicles for Purchase	
Vehicle	**Amount**
F-550 Bucket truck	$163,775.60
Ford F-350 4x4 with Dump Trailer	$78,700.98
Ford F-350 4x4 regular cab utility bed	$44,389.66
Ford F-250 4x4 SD Super Cab regular bed	$45,735.20
Ford F-150 4x4 single cab 5.0 engine standard bed	$41,105.91
Ford F-150 4x4 single cab 5.0 engine standard bed	$41,105.91
2026 Ranger 4x4 SuperCrew 5' box 128.7" WB XL	$34,454.71
TOTAL	**$449,267.97**

2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any documents or other items required to implement these changes.

Adopted this 14th day of September, 2026.

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6.G. Consideration of Resolution to Authorize the Agreement with Anchor QEA of NC, PLLC to Provide Design and Engineering Services for the Flat Creek Greenway Restoration Project.

Anchor QEA PLLC was selected to provide design and engineering services for the Flat Creek Greenway Restoration Project following damage sustained during Tropical Storm Helene. FEMA Public Assistance funding of $39,475, along with $35,000 in State cash flow loan funds, has been allocated for architectural and engineering services. The resolution authorizes the Interim Town Manager and/or designee(s) to execute the agreement and related documents for damage assessment and development of repair alternatives.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION TO AUTHORIZE THE AGREEMENT WITH ANCHOR QEA OF NORTH CAROLINA PLLC TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE FLAT CREEK GREENWAY RESTORATION PROJECT

RESOLUTION NO. # R-26-75

WHEREAS, the Flat Creek Greenway was substantially damaged during Tropical Storm Helene; and

WHEREAS, the Town has been awarded funding from FEMA Public Assistance (hereinafter referred to as "FEMA PA") for architecture and engineering to repair the greenway; and

WHEREAS, the Town requested statements of qualification from firms who wished to be considered for the design and engineering of disaster recovery projects: and

WHEREAS, the Town Council of the Town of Black Mountain awarded this project to Anchor QEA PLLC (hereinafter referred to as "Anchor") after scoring responses to a request for qualifications for engineering services for the project; and

WHEREAS, the Town has allocated funds from the State cash flow loan in the amount of $35,000 and received $39,475 from FEMA PA for A&E services which have been recognized in the associated capital project ordinance (O-25-27);

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 the contract with the Anchor QEA to perform a damage assessment and provide alternatives for repair of the Flat Creek Greenway.
2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any related documents required to implement this agreement for professional services and proceed with the outlined scope of work, as presented.

ADOPTED this 14th day of September 2026.

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6.H. Consideration of Resolution Authorizing the Task Order with Jennings Environmental for Design & Engineering Services for the NC DEQ Blueprint Veterans Park Floodbenching Project and Adoption of a Capital Project Ordinance for this Project.

The Town Council will consider a task order from Jennings Environmental to perform engineering and design tasks for the NC DEQ Blueprint Floodbench Project in Veteran's

Par and adopt a Capital Project Ordinance for the project.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE TASK ORDER WITH JENNINGS ENVIRONMENTAL FOR DESIGN & ENGINEERING SERVICES FOR THE NC DEQ BLUEPRINT VETERAN'S PARK FLOODBENCHING PROJECT

RESOLUTION NO. # R-26-76

WHEREAS, the Town applied to the North Carolina Division of Environmental Quality (NC DEQ) Blueprint grant program for floodbenching improvements in Veteran's Park; and

WHEREAS, the Town was awarded funding from the NC DEQ Blueprint program in the amount of $1,650,000; and

WHEREAS, Jennings Environmental was selected as the most qualified firm based on their response to the Town's request for statements of qualification for the project; and

WHEREAS, Jennings Environmental has submitted to the Town a task order outlining their proposed scope and cost for design and engineering services for the project; and

WHEREAS, cash flow funds and reimbursements from the NC DEQ Blueprint program will be recognized in the capital project ordinance for the project entitled "Veteran's Park Blueprint Floodbenching Project";

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

1. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute the task order with Jennings Environmental to perform engineering and design tasks outlined in the attached scope of work.
2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any related documents required to implement this agreement for professional services and proceed with the outlined scope of work, as presented.

Adopted this 14th day of September, 2026.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

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TOWN OF BLACK MOUNTAIN
VETERAN'S PARK BLUEPRINT FLOODBENCHING PROJECT
CAPITAL PROJECT FUND ORDINANCE

ORDINANCE NO: # O-26-21

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 completing the Veteran's Park Blueprint floodbenching project as outlined in the scope submitted to the North Carolina Department of Environmental Quality.

Section 3: Funding

The project is funded in whole by the North Carolina Department of Environmental Quality Blueprint grant program.

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 Project Grant Funding (NC DEQ Blueprint)	$1,650,000.00
Total Revenue	**$1,650,000.00**

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

Budgeted Expenditures	
Expenditure Type	***Anticipated Expenditures***
Professional Services – Design and Engineering	$390,000.00
Capital Outlay – Land Improvements	$1,260,000.00
Total Expenditure	**$1,650,000.00**

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 14th day of September 2026.

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6.I. Consideration of Resolution Authorizing the Task Order with Jennings Environmental for Design & Engineering Services for the Veterans Park River Restoration Project and Adoption of the Capital Project Ordinance.

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The Town Council will consider a resolution authorizing a task order from Jennings Environmental to perform engineering and design tasks for the Veterans Park River Restoration project and to adopt a Capital Project Ordinance for the project.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

TOWN OF BLACK MOUNTAIN
VETERANS PARK RIVER RESTORATION FEMA PROJECT
CAPITAL PROJECT FUND ORDINANCE

ORDINANCE NO: # O-26-22

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 completing the Veteran's Park River Restoration Project.

Section 3: Funding
The project is funded by Federal Emergency Management and North Carolina Department of Public Safety grants.

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.

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Section 5. Revenues

The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
Revenue Type	***Anticipated Revenues***
FEMA PA funding for Veteran's Park River Restoration	$536,450.00
Total Revenue	**$536,450.00**

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures	
Expenditure Type	***Anticipated Expenditures***
Professional Services – Design and Engineering	$95,240.00
Capital Outlay – Land Improvements	$441,210.00
Total Expenditure	**$536,450.00**

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 14th day of September 2026.

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Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE TASK ORDER WITH JENNINGS ENVIRONMENTAL FOR DESIGN & ENGINEERING SERVICES FOR THE VETERAN'S PARK RIVER RESTORATION PROJECT

RESOLUTION NO. # R-26-77

WHEREAS, the riverbank at Veteran's Park was substantially damaged during Tropical Storm Helene; and

WHEREAS, these damages are included in a FEMA PA project; and

WHEREAS, the Town requested statements of qualification from engineering firms who wished to perform the design and engineering for the project; and

WHEREAS, the Town has selected Jennings Environmental as the most qualified firm based on the qualifications-based selection process; and

WHEREAS, Jennings Environmental has submitted to the Town a task order outlining their proposed scope and cost for design and engineering services for the project; and

WHEREAS, cash flow funds and reimbursements from the NC DEQ Blueprint program will be recognized in the capital project ordinance for the project entitled "Veteran's Park River Restoration Project"; and

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

1. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute the task order with Jennings Environmental to perform engineering and design tasks outlined in the attached scope of work.
2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any related documents required to implement this agreement for professional services and proceed with the outlined scope of work, as presented.

Adopted this 14th day of September, 2026.

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6.J. Consideration of Resolution Authorizing the Task Order with Kimley-Horn & Associates to Perform Design & Engineering Services for the Veterans Park Pedestrian Bridge Project.

Town Council will consider a resolution to approve the Task Order from Kimley-Horn to complete full designs and engineering of the Veteran's Park Pedestrian Bridge project.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE TASK ORDER WITH KIMLEY-HORN & ASSOCIATES TO PERFORM DESIGN & ENGINEERING SERVICES FOR THE VETERAN'S PARK PEDESTRIAN BRIDGE PROJECT

RESOLUTION NO. # R-26-78

WHEREAS, the Veteran's Park pedestrian bridge was destroyed during Tropical Storm Helene; and

WHEREAS, the Town has been obligated funding through the FEMA Public Assistance program to build a replacement bridge; and

WHEREAS, Kimley-Horn has given a task order to the Town outlining the scope and cost to complete the design and engineering of the bridge; and

WHEREAS, Town Council has previously passed the Capital Project Ordinance for this project (O-25-29) on November 1, 2025;

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

1. The Town Council hereby authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute the attached task order for design and engineering related to the Veteran's Park pedestrian bridge project.
2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any related documents required to implement this agreement for professional services and proceed with the outlined scope of work, as presented.
3. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to perform budget adjustments required to recognize reimbursements for the project in the Veteran's Park Bridge capital project ordinance (O-25-29) and make payments to Kimley-Horn for their services for the scope of work, as presented.

Adopted this 14th day of September, 2026.

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6.K. Consideration of Resolution Authorizing the Amendment to the Agreement for Professional Engineering & Design Services from the John R. McAdams Company for FEMA Town Roads Group 2 Project.

Town Council will consider a resolution to approve the attached Amendment to the Agreement for Professional Services for the John R. McAdams Company, Inc. to perform Design & Engineering services for five Town roads which are included in the Town Roads Group 2 project. These roads are as follows: (1) Fairway Dr., (2) Valley Vista Dr., (3) South Laurel Circle, (4) Old Lakey Gap Rd., and (5) N Cherokee Ave.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING & DESIGN SERVICES FROM THE JOHN R. MCADAMS COMPANY, INC. ASSOCIATED WITH THE FEMA TOWN ROADS GROUP 2 PROJECT

RESOLUTION NO. # R-26-79

WHEREAS, several Town roads were substantially damaged during Tropical Storm Helene; and

WHEREAS, many of these roads have been incorporated into FEMA Public Assistance projects to repair damages; and

WHEREAS, the Town received an assessment from McAdams detailing methods of repair and thorough documentation of storm-related damages to inform FEMA of which roads repairs required further engineering to restore safe road conditions; and

WHEREAS, five of these roads (Fairway Dr., Valley Vista Dr., South Laurel Cir., Old Lakey Gap Rd., and N Cherokee Ave.) sustained damages requiring engineered design; and

WHEREAS, FEMA has acknowledged the need for engineering on these damages; and

WHEREAS, the Town has received the proposed amendment to professional services to prepare designs and perform engineering tasks for these sites; and

WHEREAS, these costs will ultimately be funded through FEMA Public Assistance funding and will use State Cash Flow Loan funding until FEMA funds are received; and

WHEREAS, Town Council has previously authorized a budget amendment (R-25-93) and capital project ordinance (O-25-33) allocating cash flow loan funds to the project; and

WHEREAS, these costs are fully covered by the amounts currently recognized in the capital project ordinance.

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

1. The Town Council hereby authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute the amendment to professional services for engineering related to the Town Roads Group 2 project.
2. The Town Council authorizes the Interim Town Manager, and/or a designee(s) thereof, to execute and file any related documents required to implement this amendment to this agreement for professional services and proceed with the outlined scope of work, as presented.

Adopted this 14th day of September, 2026.

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6.L. Consideration of Application to Pursue Grant Funds for Part-Time Assistant Community Garden Manager Position Funding for FY27-28.

The Town of Black Mountain Recreation and Parks Department requests authorization to apply for up to $25,000 through the Community Foundation of Western North Carolina Human Services and Education Fund. The funding would continue the part-time Assistant Garden Manager position for FY2027-2028, with the Town serving as the applicant for this grant cycle. The position is currently funded for FY2026-2027 through a grant received by the Friends of the Community Gardens. During the current grant period, the position has become an important part of maintaining daily operations and meeting the Garden's growing community needs.

Council Member Ryan Stone made a motion to approve the following resolution. A vote of 4-0 in favor. Council Member Larry Harris was absent.

A RESOLUTION AUTHORIZING THE PURSUIT OF GRANT FUNDING FOR A PART-TIME ASSISTANT GARDEN MANAGER AT THE DR. JOHN WILSON COMMUNITY GARDEN

RESOLUTION NO. # R-26-80

WHEREAS, the Dr. John Wilson Community Garden, operated through the Town of Black Mountain Recreation and Parks Department, provides vital community programming, food donation efforts, educational opportunities, rental plots, and volunteer experiences; and

WHEREAS, the part-time Assistant Garden Manager position is currently funded for FY 2026-2027 through a grant received by the Friends of the Dr. John Wilson Community Garden; and

WHEREAS, the position has proven vital to the Garden by supporting daily operations, the Growing for Donation Program, rental plots, volunteer coordination, educational programming, and infrastructure projects, while allowing the Garden Manager to focus on administration, partnerships, fundraising, and long-term improvements; and

WHEREAS, the Garden continues to face increased demand for donated produce, community plots, volunteer opportunities, and programming, and continued staffing is necessary to maintain these services and protect the progress made through recent grant-funded improvements; and

WHEREAS, the Town of Black Mountain seeks to apply directly for the same grant opportunity through the Community Foundation of Western North Carolina Human Services and Education Fund, in an amount up to $25,000, to continue the part-time Assistant Garden Manager position for FY 2027-2028.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that Town staff are hereby authorized to apply for grant funding through the Community Foundation of Western North Carolina Human Services and Education Fund, in an amount up to $25,000, to support a part-time Assistant Garden Manager position at the Dr. John Wilson Community Garden for FY 2027-2028.

Adopted this 14th day of September, 2026.

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8. PUBLIC HEARING

8.A. Public Hearing to Amend Chapter 48, Utilities, Article VI, Stormwater Management Enterprise Fund, Division 2, Stormwater Service Charges.

The current Stormwater Management Enterprise Fund Ordinance does not specify that the property owner is the responsible party for paying the utility bill, as is required by law. The proposed amendments will remove any mention of tenants, agents, or anyone that is not the property owner and will move the responsibility of the utility bill to the property owner.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. Council Member Larry Harris was absent. The time was 7:26 p.m. No public comment was provided. Vice Mayor Archie Pertiller then made a motion to close the public hearing. A vote of 4-0 in favor.

Council Member Alice Berry made a motion to approve the following ordinance amendments as presented and to approve the statement of consistency. A vote of 4-0 in favor. Council Member Larry Harris was absent.

AN ORDINANCE TO AMEND CHAPTER 48 UTILITIES, ARTICLE VI, STORMWATER MANAGEMENT ENTERPRISE FUND, DIVISION 2, STORMWATER SERVICE CHARGES

ORDINANCE NO. # O-26-23

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December 1993, and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January 2010; and

NOW, THEREFORE, BE IT RESOLVED THAT Chapter 48, Article V, Division 2, Stormwater Service Charges, of the Town of Black Mountain Code of Ordinances, be amended to the following:

ARTICLE VI. – STORMWATER MANAGEMENT ENTERPRISE FUND

DIVISION 2. STORMWATER SERVICE CHARGES

Sec. 48-280. – Stormwater service charges.

(a) Jurisdiction: All developed land in the town, whether public or private, **will** ~~shall~~ be subject to a stormwater service charge set by the town council. Exemptions **will** ~~shall~~ not be allowed based on age, tax exemption, or other status of an individual or organization. Service charges may be subject to a credit system as further provided.

(b) Establishment of stormwater charges and fees: There is hereby established a stormwater utility fee to be imposed on all property within the boundaries and jurisdiction corporate limits of the town, including all areas hereafter annexed thereto, whether public or private, based on the fees, charges, and penalties adopted by the town council. Stormwater service charges on developed land **will** ~~shall~~ be based on a scheduled of rates, charges, tiers, and late fees fixed and established from time to time by the town council, adopted in the annual budget ordinance and maintained on file in the office~~s~~ of the town clerk. Stormwater utility service fees will be determined and modified so that the total revenues generated by said fess will be used to pay such expenses as are reasonably necessary or convenient in the management, administration, planning, regulatory compliance, public education, construction, operation, and maintenance of the stormwater system and to pay principal of and interest on the debt incurred for stormwater purposes.

(c) Fees **will** ~~shall~~ be assessed using a flat tiered system based on the intensity of the principal use of each parcel. Any parcel classified as mixed-use **will** ~~shall~~ be assessed the stormwater utility fee associated with the most intensive use occurring on the property.

(d) The principal use shall be determined by the planning director**, or their designee(s),** who shall base such determination on:

(1) Tier 1 – Minimal impact, residential. Each parcel upon which the principal use is single-family residential dwellings, including duplexes, condominiums, and townhomes, **will** ~~shall~~ be assessed at the Tier 1 rate.

(2) Tier 2 – Moderate impact, commercial and institutional. Each parcel upon which the principal use is neither residential nor industrial, including but not limited by way of limitation, retail establishments; medical offices, restaurants, professional services, automotive services; fitness centers, spas and salons, religious services; apartment complexes; and residential care facilities, **will** ~~shall~~ be assessed at the Tier 2 rate.

(3) Tier 3 – Undeveloped. Each parcel upon which there is no residential, industrial, commercial, institutional, or other non-residential use and which remains in its natural, vegetative state, **will** ~~shall~~ be assessed at the Tier 3 rate.

(4) Tier 4 – Exempt. Each parcel owned by the Town of Black Mountain, Buncombe County, the state of North Carolina, or the United States of America.

(5) Tier 5 – Significant impact, industrial. Each parcel upon which the principal use is light or heavy industrial, including, but not limited by way of limitation, asphalt;

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mining; warehousing; and processing facilities, **will** ~~shall~~ be assessed at the Tier 5 rate.

Sec. 48-281. – Exemptions and credits.

Except as provided in this section, no developed property **will** ~~shall~~ be exempt from stormwater utility service fees or receive credit against such fees.

(1) There **will** ~~shall~~ be no exception, credit, offset, or other reduction in stormwater service charges **granted** ~~grated~~ based upon age, race, tax status, economic status, or religion of the customer, or any other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities.
(2) The **property** owner ~~or current resident~~ of any parcel may be eligible to receive a monthly credit against the assessed stormwater utility fee in recognition of on-site or off-site systems, facilities, measures, and actions taken by customers that exceed minimum requirements for stormwater management, provided that such credit **will** ~~shall~~ be conditioned upon the continuing performance of the systems, facilities, measures, or actions upon which the credits are granted for the remainder of months, and the maximum credit **will** ~~shall~~ not exceed 50 percent of the original assessed fee.
(3) The planning director **will** ~~shall~~ prepare a stormwater credit and incentive manual setting forth the appropriate credit application process, eligibility criteria, and standards upon which such credits are given.
(4) Credits **will** ~~shall~~ be in the amounts set forth in the schedule of rates, fees, charges, and penalties adopted annually by the town council.
(5) This section 48-281 **will** ~~shall~~ be effective by January 1, 2024.

Section 48-282. – ~~[~~Billing and collection of stormwater service fees, rents, rates, charges, and penalties.~~]~~

Billing and collection of stormwater service fees, rents, rates, charges, and penalties **will** ~~shall~~ be administered by the finance director**, or their designee(s),** who is hereby authorized to develop policies and procedures to effectuate the purpose and intent of this section.

(1) Responsible party: As authorized by NCGS Section 160A-314, stormwater utility fees, charges, and penalties will remain the responsibility and obligation of the property owner.
(2) Stormwater service charges may be billed on a combined utility bill that also contains fees and charges for other utility services provided by the town such as, water and/or sewer service. The stormwater utility fee **will** ~~shall~~ be billed monthly upon the normal utility billing and **will** ~~shall~~ be shown as a separate item. ~~(Stormwater service bills for a property that receives other town provided utilities shall be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the stormwater service bill may be sent to the property owner.~~
(3) A stormwater bill will either be sent through the United States mail or delivered by an alternate method, notifying each **property owner** ~~customer~~ of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for

nonpayment. ~~The owner of each parcel of developed land shall be ultimately obligated to pay such fee.~~

(4) Stormwater utility service fees **will** ~~shall~~ be due and payable as set forth in the town's adopted utility billing policy and procedures manual and will be subject to rates, fees, and penalties listed within the schedule of utility rates and fees. ~~The property owner is ultimately responsible for payment of the stormwater utility service fee for property for which the party bill has not paid the stormwater fee as authorized by N.C.G.S. § 160A-314.~~

(5) Combined utility billing: Where stormwater service charges appear on a combined utility bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be prorated and applied to the respective utilities in the following order:
   a. Delinquent stormwater utility fees and service charges,
   b. Delinquent combined sewer and water charges,
   c. Current stormwater changes, and
   d. Current combined sewer and water charges.

(6) Where a property receives water and/or sewer service, if stormwater service charges for that property are not paid, water and/or sewer service to that property may be terminated, whether or not the stormwater charges were included on a combined utility bill. Termination will be handled in accordance with the Adopted Utility Billing Policy and Procedures Manual.

(7) No property for which stormwater service charges are outstanding is entitled to receive water and/or sewer service until the outstanding stormwater service charge on that property is paid. No customer with a delinquent stormwater service account is entitled to open a water and/or sewer account at the same or different location until the delinquency has been satisfied.

(8) Non-combined and/or separate stormwater utility billing: For properties not having otherwise active utility accounts, stormwater utility service fee will shall be billed to the **property owner** ~~owners or other persons listed on the real property tax records~~.

(9) No criminal penalty: A violation of this section subjects the offender to a civil penalty pursuant to the authority granted by N.C.G.S. § 160A-175 and does not subject the offender to the criminal penalty provisions of N.C.G.S. § 14-4.

(10) Back billing: If property is incorrectly billed, or not billed, or a bill is sent to the ~~wrong party~~ **property owner**, the **town** ~~city~~ may back bill a property for up to a three-year period.

(11) Collection on unpaid stormwater fees will shall be done in conformance with the Town of Black Mountain Adopted Utility Billing Policy and Procedures Manual.

Sec. 48-283. – Reserved.

Sec. 48-284. – Appeals.

This article **will** ~~shall~~ not be construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all means in said prior ordinance or otherwise provided by law. No adjustment to a customer's bill may be made by the **planning** director or the **town** manager for more than three-year period immediately preceding the date that the customer's appeal is received by the **town** manager. Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

(1) In the event a ~~current resident or the~~ property owner disputes the stormwater utility charges assessed to that ~~current resident's or~~ property owner's property, including determination of

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the applicable tier rate or determination of applicable credits, the ~~current resident or~~ property owner may apply for a redetermination. The planning director **will** ~~shall~~ decide to approve or deny the application within 30 days of receipt of the completed application. The planning director's decision **will** ~~shall~~ be in writing and if a denial, **will** ~~shall~~ state the reasons for the denial.

(2) In the event the application for a redetermination is denied, the **property owner** ~~applicant~~ may appeal the denial to the town manager by filing a written notice of appeal with the office of the town manager within ten calendar days of the date of denial. The town manager **will** ~~shall~~ review the application for redetermination, including supporting evidence provided with the application, and make a decision to allow or deny the appeal within 30 days of receipt of the completed ~~notice of~~ appeal **application**. The decision **will** ~~shall~~ be in writing, and if denied, **will** ~~shall~~ state the reasons for the denial.

(3) The decision of the town manager may be appealed to Superior Court in the nature of certiorari.

(4) If an application for redetermination is approved, the planning director or the town manager may adjust the fee as long as the adjustment is in conformance with the intent of this article. The stormwater fee **will** ~~shall~~ be adjusted accordingly for the specific parcel and the adjusted rate **will** ~~shall~~ apply to the next regularly generated bill for the entirety of the building period.

(5) No provision of this article allowing for administrative appeal **will** ~~shall~~ be deemed to suspend the due date for payment in full of the stormwater utility service fee.

Sec. 48-285. – Use of revenue; investment of funds; borrowing.

Funds generated for the stormwater management utility from fees, bonds issued, other borrowing and other sources **will** ~~shall~~ be utilized only for those purposes for which the stormwater management utility has been established. Such funds **will** ~~shall~~ be invested and reinvested pursuant to the same procedures and practices established by the **town** ~~city~~ for investment and reinvestment of funds. The town council may use any form of borrowing authorized by law to fund capital acquisitions expenditures for the stormwater management utility.

READ, APPROVED AND ADOPTED, by a vote of **4 to 0** on this the 14th day of September 2026.

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8.B. Public Hearing to Amend Chapter 2, Building Regulations, Section 2.3, Flood Damage Prevention Ordinance.

Stormwater Technician and Floodplain Administrator Anne Phillip presented this item to Council. Anne stated the Hazard Mitigation Section of the North Carolina Department of Emergency Management published a new model flood damage prevention ordinance in 2025. The new model ordinance removes the coastal regulations and adds some regulations from lessons learned from Tropical Storm Helene. Staff reviewed the new model ordinance against the current ordinance and made amendments to better align with the model ordinance. The proposed amendments were reviewed by the Planning Board at their July 27th, 2026 meeting and recommended sending the proposed amendments forward to Town Council. The proposed amendments have also been reviewed by the National Floodplain Insurance Program (NFIP) with no additional changes needed. Anne reviewed 17 proposed changes with Council. These include the following:

2026 Flood Damage Prevention Ordinance proposed changes:

1. Include ALL required definitions from the NFIP 2026 Non-Coastal Model Ordinance.
2. Include new sections of text that NFIP added to the 2026 Model in green text.
3. Include some optional language, in blue in 2026 Model, that either I or the Planning Board felt should be included for Black Mountain.
4. Article 1 Section D Objectives- our draft does not include 6,7, or 8 that are in the Model. We combined the language of #6 from the model with #5 in our ordinance and added 7 and 8 from the Model to our ordinance.
5. Planning Board recommended increasing Freeboard from our current 2' above BFE to 4' above BFE. That is included in the draft as presented.
6. Changed Repetitive Loss definition to 5-year period instead of 10 as suggested in the Model. Repetitive Loss Property definition still uses the 10-year threshold.
7. Chose to retain the current one-year period for SD/SI calculations instead of adopting a longer timeframe suggested in the model (5 or 10 year) and retained the 50% threshold instead of adopting a lower percentage damage trigger.
8. Planning Board recommended including an additional definition of SD that is flood-related damage sustained by a structure on two separate occasions during a 10-year period where cost of repairs at the time of each flood event equals or exceeds 25% of market value.
9. Penalties for violation are now in line with the Model (Article 3 Section H- fined not more than $500.
10. Substantial new language from the 2026 Model regarding violations was added (Article 4 Section D Corrective Procedures).
11. Amended Article 4 Section E Variance Procedures to follow the 2026 Model.
12. Article 5 Section A (17) – BIG CHANGE to include optional language proposed by the Model- to prohibit use of fill to elevate or support a structure in the SFHA.
13. Article 5 Section B (4) we added d & e: d) will not be temperature controlled or conditioned, e) property owners will be required to execute and record a non-conversion agreement.
14. Article 5 Section B (8) specifies requirements for different size accessory structures.
15. Article 5 Section B (9) TANKS and Section (10) were not in our current ordinance but are in the Model. They are both included in the current draft.
16. Neither I nor Planning Board recommended including the optional Article 5 Section C which would have added regulations to the 0.2% ACF which currently is not regulated by the Flood Damage Prevention Ordinance.
17. Planning Board said that they would defer to any comments from NFIP so that way we wouldn't have to take this back to them.

Some discussion ensued about the freeboard, which is currently two (2) feet above base flood elevation. The recommendation from the Planning Board was to increase this freeboard to four (4) feet. Pros and cons were discussed about this freeboard increase.

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Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. Council Member Larry Harris was absent. The time was 7:49 p.m. No public comment was provided. Vice Mayor Archie Pertiller then made a motion to close the public hearing. A vote of 4-0 in favor.

Additional discussion ensued between Council and staff. Town Attorney Craig Justus recommended keeping the freeboard at two (2) feet and briefly discussed fill dirt / infill regulations. Anne stated the Planning Board's rationale for the freeboard increase was to make people feel safer. After more discussion, Council was in consensus to exclude what the Planning Board recommended with the freeboard and provisions in Article 5, section B to remain as is.

Town Council Member Alice Berry made a motion to approve the following ordinance, but to keep the freeboard at two (2) feet and to keep Article 5, Section B as it is currently written. A vote of 4-0 in favor. Council Member Larry Harris was absent.*

***Due to its length, a copy of this ordinance, O-26-24, is included at the end of these minutes as Appendix B.**

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8.C. Public Hearing to Amend Chapter 8, Land Development and Environmental Regulations, Section 8.2, The Phase II Stormwater Ordinance and Chapter 20, Environment, Article X, Illicit Discharge.

Stormwater Technician and Floodplain Administrator Anne Phillip reviewed the suggested list of changes and the reasons for the proposed updates. Anne stated that staff has compared the current ordinance to the model ordinance and have proposed amendments that will make the ordinance easier to understand and follow. Additional definitions have been added, and the illicit discharge section will move from the Environment Chapter of the Code of Ordinances to the Phase II Stormwater Ordinance. Anne provided a document on the recommended updates to the Council. **This document is included at the end of these minutes as Appendix C.** The Planning Board reviewed the proposed amendments at their July 27th, 2026 meeting and recommended the proposed amendments be approved.

Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. Council Member Larry Harris was absent. The time was 8:17 p.m. Cheryl Milton spoke about the requirements for the stormwater review process. With no other comment, Vice Mayor Archie Pertiller made a motion to close the public hearing. A vote of 4-0 in favor.

The Council then took a five-minute recess at 8:20 p.m.

After additional discussion, Council did not take any action on this item but tabled the item until the October 12, 2026 meeting.

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9. CITIZEN COMMENTS- None.

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10. UNFINISHED BUSINESS

10.A. Discussion of Public Safety Building Facilities

Mayor Sobol has requested this agenda item to discuss the Public Safety facilities that include the existing building and forthcoming modular units for Police and Fire. Mayor Sobol would like to obtain a structural engineer for the existing Public Safety Building and get a report. Interim Manager Hicks stated currently that there is $0 in the budget to fix the building, and the Town would need to borrow funds which would need Local Government Commission (LGC) approval. The Mayor stated the cost for obtaining a structural engineer is approximately $10,000. Mr. Hicks stated the monies would need to come out of contingency funds for this. The Town Attorney stated to let the Manager vet it first and the Council could give him discretion to find the companies to perform this structural engineering work. ***Town Council Member Alice Berry made a motion to authorize the Town Manager to secure a structural engineer to preform work with the amount not to exceed $10,000. A vote of 4-0 in favor. Council Member Larry Harris was absent.***

11. NEW BUSINESS

11.A. Resolution to Amend the Fiscal Year 2026-27 Schedule of Fees for facility rental fee increases for the Lakeview Clubhouse facility.

Recreation & Parks Director Jacob Guiot stated the Lakeview Clubhouse rental fee schedule has not been updated since 2024, and the facility has not been available for rental since Hurricane Helene. In preparation for future rentals, Town staff obtained four quotes for cleaning services, with the lowest quote received being $125 per rental. The proposed fee schedule amendment would increase each rental rate by $50 to help offset the increased cost of cleaning and operating the facility. The amended rates would be $430 for residents, $490 for non-residents, $370 for nonprofit organizations, and $280 for Town employees.

Upon approval, the FY26-27 Schedule of Fees will be updated to reflect these amended rental fees for the Lakeview Clubhouse facility.

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

RESOLUTION AMENDING THE LAKEVIEW CLUBHOUSE RENTAL FEES & AMENDING THE FISCAL YEAR 2026-27 TOWN FEE SCHEDULE

RESOLUTION NO. # R-26-81

WHEREAS, the Town of Black Mountain maintains and operates the Lakeview Clubhouse for public use; and

WHEREAS, the rental fees for the Lakeview Clubhouse have not been adjusted since 2024, and the facility has not been available for rental since Hurricane Helene; and

WHEREAS, the cost of providing cleaning services for the Lakeview Clubhouse has increased significantly, and Town staff obtained four quotes for these services, with the lowest quote received being $125 per rental; and

WHEREAS, the proposed fee schedule amendments are a result of increasing costs of services that are needed to operate Lakeview as a public rental facility, and a senior center. The proposed adjustment to the Lakeview Clubhouse rental fees is reasonable and necessary to offset increased cleaning and operating expenses;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain that the rental fees for the Lakeview Clubhouse is hereby amended as follows:

Rental Classification	**Current Fee**	**Amended Fee**
Resident	$380.00	$430.00
Non-Resident	$440.00	$490.00
Nonprofit Organization	$320.00	$370.00
Town Employee	$230.00	$280.00

BE IT FURTHER RESOLVED that these fee amendments shall become effective upon adoption of this resolution and the Town of Black Mountain's Fee Schedule for Fiscal Year 2026-27 shall be amended to reflect the new rental fees for the Lakeview Clubhouse.

Adopted this the 14th day of September 2026.

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11.B. Agreement For Engineering Services With McGill Associates, PA for Water Resiliency Project.

Interim Town Manager Richard Hicks stated that the Town of Black Mountain has been awarded almost $10 million dollars from the State Revolving Fund (SRF) Helene Water Resiliency Project which would include the following scopes of work: development of up to four new water supply wells, rehabilitation of ten existing water supply well and common well treatment building, replacement of existing well supply water lines, proposed water storage tank, relocation of two existing water lines, fourteen water line stream crossings by direction drill or open cut, and standby generator and electrical improvements at existing booster pump stations. Staff is recommending that the Town execute an engineering agreement with McGill Associates, PA for the design work on the project. The total cost of their services, under the agreement, would be $1,410,000.

Vice Mayor Archie Pertiller made a motion to authorize the Interim Town Manager to execute the engineering agreement with McGill Associates, PA, for the Water Resiliency Project, Resolution No. # R-26-82. A vote of 4-0 in favor. Council Member Larry Harris was absent.

Due to size, a copy of this engineering agreement, Resolution No. # R-26-82, is included at the end of these minutes as Appendix D.

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12. CLOSED SESSION. No Closed Session was held.

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13. ADJOURNMENT.

Before adjournment, there was a short discussion of the previously held Public Hearing for Phase II Stormwater Ordinance, Ch. 8, Section 8.2 and Illicit Discharge Text Amendments, Ch. 20, Article X. Town Attorney Justus recommended that this public hearing be opened back up before the end of this meeting, and it can be tabled until the October 12th meeting, but Council closed the hearing earlier in the meeting. This would prevent any re-advertisement of the public hearing if left open by the Council. ***Vice Mayor Archie Pertiller made a motion to reopen the public hearing to Amend Chapter 8, Land Development and Environmental Regulations, Section 8.2, The Phase II Stormwater Ordinance and Chapter 20, Environment, Article X, Illicit Discharge, and to continue the hearing at the October 12, 2026, Town Council meeting. A vote of 4-0 in favor. Council Member Larry Harris was absent.***

With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 8:48 p.m.

_____
C. Michael Sobol, Mayor

Attest: _____
Wesley M. Barker, Town Clerk

DRAFT