TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

November 19, 2026 **REGULAR MEETING AGENDA** **Time: 6:00 PM**

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

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1. CALL TO ORDER

1.A. Welcome

1.B. Determination of Quorum

2. ADOPTION OF AGENDA

2.A. Motion: To adopt the agenda as presented [or as amended]

3. ADOPTION OF MINUTES

3.A. Motion: To adopt the minutes of September 17, 2026, as written [or as amended]

4. OLD BUSINESS

5. NEW BUSINESS

5.A. Appeal of Zoning Administrator's Decision re: 1114 Montreat Road

6. **COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT**

7. **COMMUNICATION FROM STAFF**

8. **ADJOURNMENT**

TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, September 17, 2026, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Nicole Stallings, Chair
John Hines, Vice Chair
Mary Hall
David Barley
Alan Simmons, Alternate
Mary Kyryk

Absent:

Linda Brinson
Ted Rausch, Alternate

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and two (2) alternates.

II. ADOPTION OF AGENDA

Mary Hall made a motion to adopt the agenda as presented. The motion was seconded by John Hines and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Mary Hall made a motion to adopt the minutes of August 20, 2026, as written. The motion passed by a consensus vote of 4-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Approval of Variance Order – 504 Pearl View Drive

Nicole Stallings made a motion to approve the order granting a variance to 504 Pearl View Drive. The motion was seconded by John Hines and approved by a vote of 4-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business the meeting was adjourned at 6:19 p.m.

Prepared by:

_____
Nicole Stallings, Chair

_____
Jennifer Tipton, Senior Admin

Town of Black Mountain
Planning & Development
304 Black Mountain Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

November 1, 2026

Chair to the Board of Adjustment
160 Midland Avenue
Black Mountain, NC 28711

VIA Email and Regular Mail

Re: 1114 Montreat Road Appeal to the Board of Adjustment - #ZA-26-0014

Dear Chair,

Pursuant to NCGS §160D-405(e), please find enclosed the Record in the above referenced case, which I am transmitting to the Board of Adjustment. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer Tipton
Clerk to Board of Adjustment

Enclosures

CC: Frank Cappelli
NC Baptist Men on Mission
Brian Gulden, Esq.
Cindy Rice, Esq.
Karlie Hudson, Esq.
Board of Adjustment Members
Russell Cate, Planner I/Zoning Administrator
Michelle Kennedy, Planning Director

BEFORE THE TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT
BUNCOMBE COUNTY

FRANK CAPPELLI	)
APPEAL OF ZONING ADMINISTRATOR DECISION	)
1114 MONTREAT ROAD	)
BLACK MOUNTAIN, NC 28711	)

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BLACK MOUNTAIN TOWN COUNCIL MINUTES

July 13, 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, July 13, 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 Larry Harris, Council Member Lawrence Lytle (joined after he was officially sworn in at the organizational meeting), Town Council Member Ryan Stone.

The following staff members were present: Interim Town Manager Richard Hicks; Town Clerk Wesley Barker; Fire Chief John Coffey; Deputy Police Chief Chris Kuhn; Recreation & Parks Director Jacob Guiot; Planning Director Michelle Kennedy; Recovery & Capital Programs Director Matt Begley; Planner & Zoning Administrator Russell Cate; Stormwater Technician & Floodplain Administrator Anne Phillip; Senior Admin Jennifer Tipton; Interim Project Manager Chad Goins.

Mayor Sobol led those in attendance in the pledge of allegiance and a moment of silence, then read the ethics statement.

Council Member Alice Berry announced she had a conflict with item number 12.E. on the agenda entitled "Concur with NCDOT Award of Bid for Ninth Street Bridge Project," and would excuse herself when this item was discussed.

2. ORGANIZATIONAL MEETING

2.A. Appointment to Fill the Vacant Seat on the Town Council

The Council began with an Organizational Meeting to appoint and fill the vacant seat on the Town Council that was vacated by Doug Hay who resigned from the Town Council on June 30, 2026.

The Town Charter states: “If the elected mayor or an elected councilmember shall fail or refuse to be qualified, or if the holder of any elective office is unable to discharge the duties of such office, or if a vacancy shall otherwise occur in any elective office, such vacancy shall be filled by the remaining members of the council. In the event such vacancy occurs within 135 days of the next general election, the person appointed by the council to fill the vacancy shall serve the

remainder of the unexpired term. Otherwise, a successor shall be elected at the next general election and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term."

**based on the charter and the date when the council vacancy occurred (6/30/26) until the next general election (11/3/26), the number of days was within 135 days of the next general election, therefore the person appointed to fill this vacancy shall serve the remainder of this unexpired term which expires December 2028.

Previously, when a vacancy occurred on the Council, the remaining Council members decided to advertise the vacant seat and invited interested citizens to apply for this vacant seat. The only three requirements for appointing an individual for a Council seat are that they must be 1) a registered voter in Buncombe County, 2) live in the municipal limits of Black Mountain, and 3) be 21 years of age or older. Once the applications were received, Council would review and, in an open meeting, the applicant would be chosen by nomination, or via ballot voting method, with the majority vote being the nominee for appointment.

The Town Council directed the Town Clerk to advertise for this vacancy and seek interested applicants, with the application period open from June 30th through July 10th, 2026. The following citizens submitted an application, or those who applied for the vacant seat in May 2026, requested their application to be considered once again (in alphabetical order): Paul Haynes, Shane Lunsford, Lawrence Lytle, Debra Norman, Cheryl Milton, Lisa Raleigh, John Richardson, Michael Roberts, Sharon Tabor, Brittany Williams.

Council then proceeded to vote via ballot for the vacant seat. The Town Clerk reported that there was no consensus on a majority after the first round of votes with the following applicants receiving a vote: Lawrence Lytle, Cheryl Milton, Lisa Raleigh, Brittany Williams. The Town Attorney advised that the Council should vote again to see if a consensus could be reached. After the second round of votes, a majority vote prevailed with the following applicants receiving votes: Lawrence Lytle (3 votes) and Lisa Raleigh (1 vote). **A copy of the ballots are included at the end of these minutes as Appendix A.**

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2.B. Administration of the Oath of Office to the Appointed Council Member

Mr. Lawrence Lytle was then called up to be issued the oath of office as Town Council member by the Town Clerk. Council Member Lytle then took a seat at the dais.

2.C. Appointment to the Black Mountain-Swannanoa Chamber of Commerce Executive Board- Primary Member

Former Council Member Doug Hay was the Town Council's appointed primary delegate for the Black Mountain-Swannanoa Chamber of Commerce's Executive Board. Council

Member Alice Berry is the current alternate delegate. Council discussed appointing a member as the primary delegate. ***Council Member Larry Harris made a motion to appoint Lawrence Lytle as the primary delegate to the Black Mountain-Swannanoa Chamber of Commerce Board. A vote of 5-0 in favor.***

2.D. Appointment to Land of Sky Regional Council Board of Directors - Alternate Delegate

Former Council Member Doug Hay served as the alternate delegate to the Land of Sky Regional Council Board of Directors. At the May 11, 2026 Council meeting, Council Member Larry Harris was appointed as the primary delegate to this board. Council considered an alternate delegate appointment who would attend the meeting if Council Member Harris were unable. ***Vice Mayor Archie Pertiller made a motion to appoint Lawrence Lytle to the Land of Sky Regional Council Board of Directors as the alternate delegate. A vote of 5-0 in favor.***

2.E. Appointment to the Friends of Fonta Flora State Trail Board of Directors - Alternate Delegate

Former Council Member Doug Hay served as an alternate delegate to the Friends of the Fonta Flora State Trail Board. Mayor Sobol is the current primary delegate to this board. Council discussed an alternate delegate to attend these meetings for the Town, if Mayor Sobol is unable to. ***Council Member Larry Harris made a motion to appoint Lawrence Lytle to the Friends of Fonta Flora State Trail Board of Directors as the alternate delegate. A vote of 5-0 in favor.***

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3. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

3.A. Resolution Recognizing Doug Hay for his service to the Town of Black Mountain.

Council Member Alice Berry read a resolution recognizing Doug Hay for his service to the Town as a Council Member.

Council Member Larry Harris made a motion to approve the resolution as presented and read. A vote of 5-0 in favor.

A RESOLUTION OF THE TOWN COUNCIL RECOGNIZING DOUG HAY FOR HIS SERVICE TO THE TOWN OF BLACK MOUNTAIN
RESOLUTION NO. # R-26-57

WHEREAS, Doug Hay faithfully served the citizens of the Town of Black Mountain as a member of the Town Council from December 2020 through June 2026; and

WHEREAS, throughout his tenure, Doug demonstrated a steadfast commitment to public service through thoughtful leadership, careful consideration of issues, and informed decision-making in the best interests of the Town, its citizens, and staff; and

WHEREAS, Doug's passion for recreation and public safety, together with his dedicated leadership during the Town's response to Hurricane Helene, particularly in supporting Town services, residents, and employees, exemplified his commitment to the Black Mountain community; and

WHEREAS, Doug represented the Town with distinction through his service on the Black Mountain-Swannanoa Chamber of Commerce Board, the Land of Sky Regional Council Board of Delegates, and the Friends of Fonta Flora State Trail Board; and

WHEREAS, the Town Council wishes to formally recognize and express its sincere appreciation for Doug's commitment, service, and contributions to the Town of Black Mountain and its citizens;

NOW, THEREFORE, BE IT RESOLVED that the Black Mountain Town Council hereby wishes to formally recognize and express our gratitude and appreciation to Doug Hay for his dedicated service and sends best wishes all future endeavors.

ADOPTED by the Black Mountain Town Council this 13th day of July 2026.

****

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

4.A. Salvation Army of Buncombe County Presentation.

Captain Sherrie Stokes, Corps Officer with The Salvation Army North & South Carolina Division, Asheville Corps, and her husband, Phillip Stokes, provided a presentation to the Council about the Salvation Army's presence in Buncombe County, with regard to Social Services, Financial Assistance, Prevention of Homelessness, the Center of Hope, Community Center, and Community Care (visitation to local shut-ins & nursing home facilities).

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4.B. Update on the BearWise Recognized Community Program.

Planning Director Michelle Kennedy and Jill Bielawski spoke to the Council on the BearWise Program for Black Mountain. Ms. Kennedy stated that Town staff has implemented the following initial steps:

- **Citizen Engagement** - Black Mountain has for many years had a voluntary group of residents utilizing BearWise best practices. Members of that group have now become the inaugural Town BearWise advisory group. This group will work alongside Town staff to establish a community action plan that includes community based educational programming, outreach materials, establishment of a bear sighting/encounter protocol and other BearWise practices. It is the goal of the

advisory group to work with Town staff in helping Black Mountain become a Recognized Bear Wise Community.

- **BearWise Ordinances** – After discussion with NC Wildlife Resources Commission staff, the Planning Department recommends establishing ordinances that are consistent with existing ordinances in the City of Asheville and Buncombe County. These ordinances include trash regulations, nuisance and wildlife feeding ordinances. We anticipate final ordinance recommendations to Council for the August 2026 meeting, to include:
    - Bear resistant trash container requirements
    - Time restrictions on placement of trash placed on curb for collection
    - Construction site trash containment
    - Wildlife feeding protocols
    - Progressive fines – beginning with education and warnings and progressing to fines for repeat violations

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4.C. Presentation on the Fairway Dr. / Tomahawk Ave. Stormwater Project.

Matt Begley, Recovery & Capital Programs Director and Anne Phillip, Stormwater Technician & Floodplain Administrator, presented on the Fairway Dr./Tomahawk Ave. stormwater project giving an overview of, and the status of, the project.

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5. CITIZEN COMMENTS

- Matthew Deforest spoke in support of the proposed bear ordinances, noting the issues when trash is left out for the bears to get into.
- Ken Floyd, President of the Black Mountain-Swannanoa Chamber, spoke about a recent Chamber business survey that was conducted with Black Mountain businesses.
- Cheryl Pitt, spoke in support of bear ordinances.
- Paul Langston and Richard Weeks both spoke about the Baptists on Mission organization and their Black Mountain location on Montreat Rd.
- Frank Cappelli spoke about continued concerns with Town staff.
- Cheryl Hyde, Black Mountain-Swannanoa Chamber Director, spoke about small businesses and the need for more communication from elected officials to these business owners.
- John Richardson spoke about the continued challenges with Town staff and his business.

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6. COMMUNICATION FROM MAYOR AND TOWN COUNCIL- none.

7. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

Town Attorney Craig Justus provided a brief update on the State's adopted budget and

some new legislative rules that would impact off-street parking rules and requirements for communities.

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8. CONSENT AGENDA

8.A. Adoption of Meeting Minutes: May 7, 11, 20, 21, 27, 28, 2026 and June 1, 4, 2026.

Vice Mayor Archie Pertiller made a motion to approve the meeting minutes as presented. A vote of 5-0 in favor.

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8.B. Monthly Tax Collector Report.

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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8.C. Resolution to Adopt 2026 Buncombe Madison Hazard Mitigation Plan.

State and Federal requirements state that Buncombe County, Madison County, and the jurisdictions within those counties adopt the new Regional Hazard Mitigation Plan in order for the plan to be approved and considered "in force" with NCEM and FEMA. This is critical to the ability to request funding after a hazard of significance occurs. Below is an outline which provides a summary of changes and enhancements from the 2021 plan.

1. **Comprehensive Hurricane Helene integration throughout the plan**: Recovery impacts, lessons learned, and observed damages were incorporated into the planning process, risk assessment, capability assessment, and mitigation strategy.
2. **Integration of recovery data, planning and resilience initiatives**: Mitigation actions were cross-referenced with local recovery efforts, including Envision Buncombe, the Helene Recovery Plan, MARC, Rebuild Hot Springs, Marshall Relief Alliances, and other regional recovery initiatives. Added an Appendix that documents some of the post-Helene assessments and recovery efforts that are used in (or used to inform) the plan update.
3. **New linkage between mitigation actions and recovery priorities**: Each mitigation action was reviewed for alignment with recovery goals, resilience objectives, and ongoing implementation efforts.
4. **Updated community engagement approach**: Public and stakeholder outreach methods were adapted to account for ongoing Helene recovery, emphasizing flexible and accessible participation opportunities coordinated closely with ongoing local outreach efforts.
5. **Addition of Substantial Damage Estimates (SDE) procedures**: New FEMA requirements/guidance were implemented, including substantial damage determination

processes and post-disaster floodplain management capabilities.
6. **Changes to summary conclusions on hazard risk**: Hurricanes/coastal hazards, wildfires and excessive heat increase from moderate risk to high-risk hazards based on findings from hazard profiles and input received from the hazard mitigation planning committee. Radiological emergencies and terrorism hazards increased to moderate risk from previous low-risk designation. Added two new hazards: food emergencies (moderate risk) and civil disturbance (low risk).

Vice Mayor Archie Pertiller made a motion to approve the resolution to adopt the 2026 Buncombe-Madison Hazard Mitigation Plan as presented. A vote of 5-0 in favor.

RESOLUTION TO ADOPT THE 2026 BUNCOMBE MADISON REGIONAL HAZARD MITIGATION PLAN

RESOLUTION NO. # R-26-59

WHEREAS, Buncombe County and Madison County are vulnerable to an array of hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Black Mountain, along with both counties, desires to work together and seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of this Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of this Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Black Mountain; and

WHEREAS, the Town of Black Mountain, in coordination with Buncombe County, Madison County and the other participating municipalities within those counties, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Emergency Management and Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE, BE IT RESOLVED by the Black Mountain Town Council as follows:

1. That this Council hereby adopts the 2026 Buncombe Madison Regional Hazard Mitigation Plan.

2. That this Council agrees to take such other official action as may be reasonably necessary to carry out the proposed action of the Plan.
3. That this resolution shall be effective upon its adoption.

APPROVED AND ADOPTED by the Black Mountain Town Council this the 13th day of July 2026.

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8.D. Call for Public Hearing for One-Year Moratorium for Street Dedications to the Town.

The Town Council asked staff to draft language to impose a one-year moratorium on street dedications to the town due to current budget constraints and potential staffing concerns that would potentially be required for maintenance of extra public streets.
Council will call for a public hearing to be held on Monday, August 10th, 2025 at 6:00 p.m. to hear any public comments on this proposed one-year moratorium. ***Vice Mayor Archie Pertiller made a motion to call for a public hearing on Monday, August 10, 2026 at 6:00 p.m. at Town Hall on amending Ch. 3, Sec. 3.6.3 of the Land Use Code to impose a one-year moratorium on dedication of streets to the Town. A vote of 5-0 in favor.***

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8.E. Resolution to Award Town Drinking Water Resiliency Improvements Project A&E to McGill Associates.

Town Council will consider a resolution to approve the award of the Drinking Water Resiliency Improvements Project design and engineering to McGill Associates, Inc. and authorize Town staff to enter into contract negotiations with McGill Associates, Inc.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0 in favor.

A RESOLUTION TO AWARD THE TOWN DRINKING WATER RESILIENCY IMPROVEMENTS PROJECT DESIGN & ENGINEERING TO MCGILL & ASSOCIATES, INC.

RESOLUTION NO. # R-26-56

WHEREAS, the Town is undergoing the approval process for a State Revolving Fund (SRF) loan through the North Carolina Division of Water Infrastructure (DWI) to modernize and repair the Town's water system; and

WHEREAS, this project will be referenced as the Drinking Water Resiliency Improvements SRF Project; and

WHEREAS, the first requested amount for this program is $4,886,922.00; and

WHEREAS, the first $5M of SRF loan funding is considered a 100% forgivable loan; and

WHEREAS, Town staff have scored the statements of qualification for the project submitted by engineering firms interested in performing design and engineering services for the project; and

WHEREAS, the most qualified firm was determined to be McGill & Associates, Inc; and

WHEREAS, the Town intends to pursue this grant-funded project to modernize and repair the Town's water system.

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

1. The Town Council of the Town of Black Mountain affirms that McGill & Associates, Inc. is the most qualified firm for designing and engineering the Drinking Water Resiliency Improvements project.

2. The Interim Town Manager, and/or a designee(s) thereof, is authorized to enter into contract negotiations with McGill & Associates, Inc. to design and engineer the Town's Drinking Water Resiliency Improvements Project, which will be brought before Town Council for subsequent consideration.

This Resolution shall take effect immediately upon its adoption.

ADOPTED this 13th day of July 2026.

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8.F. Resolution Authorizing Town Staff to Pursue the Design for Decommissioning the Lower Watershed Dam.

The Town Council will consider a resolution authorizing staff to pursue the option to decommission the Lower Watershed Design. S&ME, the Engineers on the project, estimate the cost of decommissioning will be lower than the obligated amount from FEMA PA for the project. FEMA will make a decision on whether decommissioning is an approved alternate project based on the designs. However, initial conversations around the concept have shown signs of being a good option. Any cost savings on the actual cost of the project below the obligated amount may be used on other small projects (FEMA PA projects under $1M) or on improvements in the area around the footprint of the project. The design costs for the project fall within the schedule and fees Council has previously approved for the project, so no budgetary changes are required.

Vice Mayor Archie Pertiller made a motion to approve the following resolution. A vote of 5-0 in favor.

A RESOLUTION AUTHORIZING TOWN STAFF TO PURSUE THE DESIGN FOR DECOMISSIONING THE LOWER WATERSHED DAM

RESOLUTION NO. # R-26-58

WHEREAS, Tropical Storm Helene caused extensive damage to the Lower Watershed Dam; and

WHEREAS, FEMA Public Assistance has obligated $217,153.12 for the project; and

WHEREAS, the Lower Watershed Dam does not have an apparent value for the Town's water or stormwater infrastructure; and

WHEREAS, decommissioning the Lower Watershed Dam would decrease future financial liabilities for the Town to maintain the dam infrastructure and allow for a natural flow of the stream; and

WHEREAS, the Town and the engineers for the project have determined the Lower Watershed Dam is below the regulatory threshold volume for the US Army Corp of Engineers; and

WHEREAS, the engineers for the project have estimated the cost for decommissioning the dam would be lower than the obligated amount; and

WHEREAS, cost savings on FEMA PA small projects (under $IM) can be allocated to other FEMA PA small projects or improvements around the footprint of the project.

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

1. That the Town of Black Mountain is authorized to direct engineers to initiate the design of the decommissioning of the Lower Watershed Dam.

2. That the Town Manager (or designee) is authorized to execute and file the task order and any other assurances and agreements required to authorize the design of the Lower Watershed Dam decommissioning, on behalf of the Town of Black Mountain.

This Resolution shall take effect immediately upon its adoption.

Approved this the 13th day of July 2026.

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9. PUBLIC HEARING – NONE

Council took a five-minute recess at 7:47 p.m.

10. CITIZEN COMMENTS

- Frank Cappelli spoke about the 1114 Montreat Rd. extension of temporary use emergency housing and his concerns with the tenants and his family's privacy.

- Will Troxler, owner of Camp Meri-Mac, provided comments about the 1114 Montreat Rd. property.
- Richard Weeks, NC Baptist on a Mission provided comments about the extension of the temporary use emergency housing.

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11. UNFINISHED BUSINESS – NONE

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12. NEW BUSINESS

12.A. Request from Baptist on Mission for One-Year Extension of Temporary Use Emergency Housing at 1114 Montreat Road.

Planning Director Michelle Kennedy and Zoning Administrator Russell Cate spoke on this item. The temporary use of emergency housing ordinance, item C in Section 5.18.2 (General Provisions) of Section 5.18 (Emergency Housing) of the Land Use Code, was adopted on January 13, 2025 by Council, and was created after Hurricane Helene to help groups, organizations, and individuals who wish to provide housing or need housing. Within the text, the provision was added to allow for a one-year extension that could be granted by the Zoning Administrator. However, no criteria was added to aid that decision. In light of that, staff would like the Council to discuss the one-year extension.
Staff will look at possible language for a future text amendment to correct this oversight. Discussion ensued between Council and staff, and Council would not be approving this extension, as the text states that decision lies with the Zoning Administrator, staff just wanted to receive any guidance from the Council.

****

12.B. Consideration of Resolution Approving the Financing Terms for the Purchase of a Fire Truck.

Interim Town Manager Richard Hicks stated the Town Council approved the purchase of a 1500 GPM Mini Pumper Fire Truck from Custom Fire Apparatus, Inc. in 2025. Staff anticipates the truck being delivered in September, 2026. Before his departure, Scott Buffkin, Interim Assistant Town Manager, reached out to several financial institutions to obtain quotes on the financing of the vehicle. The submitted rates were as follows:

- First Bank 5.31% (Subject to Change at Closing).
- Civic Federal Credit Union 5.32%.
- Pinnacle Financial Partners 4.65%.

The loan amount requested was $450,000 for 59 months. Funds are included in the FY 26/27 to cover the costs of the loan payments. Council Member Stone spoke on the need for a vehicle fleet inventory which would be beneficial for current and future Council members.

Council Member Larry Harris made a motion to approve the resolution approving the financing terms for the purchasing of the fire truck as presented and recommended. A vote of 5-0 in favor.

TOWN OF BLACK MOUNTAIN, NORTH CAORLINA
RESOLUTION APPROVING FINANCING TERMS FOR VEHICLE PURCHASE

RESOLUTION NO. # R-26-55

WHEREAS: The TOWN OF BLACK MOUNTAIN ("Borrower") has previously determined to undertake a project for the financing of a **1500 GPM (gallons per minute) Mini-Pumper Fire Truck**, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through **Pinnacle Financial Partners ("Lender")** in accordance with the proposal dated June 9, 2026. **The amount financed shall not exceed $450,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.65% and the financing term shall not exceed fifty-nine (59) months from closing.**

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form. **The Interim Town Manager is hereby authorized to execute any and all loan documents.**

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

APPROVED this the 13th day of July 2026.

****

12.C. Technical Response Regrading Alleged Use of Email Draft Folders to Avoid Public Records Request.

Interim Town Manager Hicks reported that, following a citizen allegation regarding the possible use of email draft folders to avoid public records requests, the Town's IT provider recommended a limited Microsoft 365 configuration and audit review at a quoted cost of $2,300.50. Advanced Data & Network Solutions concluded that routine covert communication through draft folders appears technically unlikely but noted that a limited review could identify suspicious indicators and help determine whether a broader independent forensic review is warranted.

Discussion between Council and staff ensued. When called for a vote, no motion was made to move forward with this technical review.

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12.D. Consideration of Award of Bid for Highway 70 Waterline Project.

In November of 2022, the Council appropriated $500,000 for the Highway 70 Waterline Project. The funds were originally appropriated from the Town's ARPA funds. I believe the Town ultimately obligated all of the remaining ARPA funds by reimbursing the Town for salaries. Based on current and projected expenditures, staff recommends the following budget:

- Civil Design Concepts (Current Expenditures) $ 93,191.00
- Land of Sky Regional Council (Current Expenditures) $ 11,450.00
- Cooper Construction Co., Inc. $ 796,345.00
- Contract Administration $ 9,000.00
- Construction Observation/Inspection $ 17,500.00
- Closeouts $ 5,000.00

- Contingency $ 50,000.00
- Local Project Management $ 7,500.00

Total Cost: $989,986.00

This leaves a balance of $489,986 that will need to be appropriated. Within the next few weeks, FEMA will be reimbursing the water fund just over $900,000 for expenses the town incurred after Helene. My recommendation would be to use a portion of those funds to cover the balance of $489,986. Staff will prepare a formal budget amendment for your approval at the August meeting. With the award of the bids, the contractor can begin getting their payment and performance bonds in place, execute the contract and other necessary documents. All of this will probably take 30-60 days to complete and will give staff time to prepare the budget amendments.

Council Member Larry Harris made a motion to award the bids for the Highway 70 waterline project to Cooper Construction Company, Inc. in the amount of $796,345. A vote of 5-0 in favor.

****

12.E. Concur with NCDOT Award of Bid for Ninth Street Bridge Project.

Council Member Berry recused herself from the Ninth Street Bridge Project discussion due to a conflict. Interim Town Manager Hicks reviewed updated project costs totaling **$1,957,367**, with the Town's 20% match estimated at **$391,527**. After accounting for a prior **$136,000** appropriation, the Town would need an additional **$255,527**, with possible funding sources including the General Fund Capital Reserve and Powell Bill funds. Hicks noted that some previously paid costs may be reimbursable if the project proceeds, but reimbursement and additional engineering obligations were uncertain if the project is canceled. Additional federal funds have been secured, and canceling the project could affect future funding requests. If Council proceeds, staff can bring a budget amendment in August, while NCDOT must award bids by **July 15, 2026**.

Council Member Larry Harris made a motion that Council concurs with the award of bids on the Ninth Street Bridge Project to Kemp Sigmon Construction in the amount of $1,184,032 and to come back with budget amendment based on three options in August 2026. A vote of 5-0 in favor.

****

12.F. Update on Reactivating Town Wells.

Staff reached out to Rachael Kramer with KACE Environmental, Inc., regarding the steps necessary to reactivate the 2 wells that were turned off several years ago. She has been handling the Town's water samples for years. She did recall that Well #1 at the Golf Course had a fairly consistent detection of herbicides and a hit and miss detection of pesticides.

Based on this information, the initial first year cost for both wells would be $91,694.Staff reported that reactivating the two inactive wells would require State approval, new testing protocols, and replacement equipment. Initial testing would cost **$20,510**, with first-year testing and equipment costs bringing the estimated total first-year cost to **$91,694**. Staff also noted prior herbicide and pesticide detections at Well #1, potential ongoing monitoring or treatment requirements, and public perception concerns related to any detected contaminants.

Council Member Larry Harris made a motion to approve initial testing of the two inactive wells and let the Town Manager work through the formal bids/quotes. A vote of 4-1 in favor. Council Member Alice Berry opposed.

****

12.G. Advisory Boards & Commissions Appointments.

1) **ABC Board Appointment & ABC Board Chair Appointment.**

The Black Mountain ABC Board is composed of three members who are appointed by the Town Council. Each member serves three-year terms. Larry Harris served on the ABC Board, but his term has now expired (July 2026). Larry does not wish to seek a second term on the ABC Board, which leaves a vacant seat. One application was received for the ABC Board from Melisa Pressley, and that application is attached. Council should review and choose to appoint Melisa or continue advertising for more applicants. The appointed member's term will expire in July 2029. Council will also need to appoint an ABC Board member as chair as Larry Harris was the previous chair. Appointment and organization of local ABC Boards are governed under NC General Statutes §18B-700. ***Council Member Larry Harris made a motion to appoint Melisa Pressley to the ABC Board for a three-year term to expire July 2029. A vote of 5-0 in favor. Council Member Larry Harris made a motion to appoint Sharon Tabor as the ABC Board Chair. A vote of 5-0 in favor.***

2) **Planning Board Appointment.**

The Black Mountain Planning Board consists of seven (7) members each serving three-year staggered terms. Over the last couple years, some of the Planning Board members' terms have been extended by one-year at a time by the Council while the Unified Development Ordinance (UDO) process was underway, with the intent of these members remaining on the Board to see the UDO through to adoption. At the May 2026 Planning Board meeting, Town Attorney Craig Justus suggested that the Planning Board members who are due to rotate off of the Planning Board in July 2026 consider staying one (1) more year, pending Council approval. The following members stated they would be willing to stay on another year: Pam Norton, Lauronda Teeple and Chris Collins. Council Members Berry & Stone were present at the Planning Board members and were in favor of members serving one more year and suggested the full Council discuss at the June 8, 2026 meeting. At the June 8, 2026 Council meeting, Council voted in favor of extending these named members' terms for an additional one (1) year, expiring July 2027. Rick Earley resigned from the Planning Board in May 2026, which leaves an open seat on the Planning Board. This vacant seat's term would have expired in July 2026, so whoever is appointed will serve a full three-year term, expiring July 2029. Two applications were received who chose the Planning Board as their primary preference. These applicants are Alan Simmons and Angela Levine.

Town Council Member Alice Berry made a motion to appoint Angela Levine to the Planning Board for a three-year term to expire July 2029. A vote of 5-0 in favor.

3) **Board of Adjustment Appointments.**

The Board of Adjustment consists of 5 members each serving a 3-year term, and 3 alternate members without expiring terms. The Town Council appoints this membership. When a vacancy occurs within the regular membership, alternate members move forward from the alternate seats (in which their 3-year terms begin), and any new membership is appointed to the alternate seats. Having alternate appointments, ensures the Board of Adjustment can have quorums to conduct business if a regular member is absent. Currently, the Board of Adjustment's regular membership is full, but 2 alternate seats are available. One application was received that indicated the Board of Adjustment as a primary preference. This was from Mary Kyryk. Application attached. Additionally, an application submitted by Alan Simmons indicated the Board of Adjustment as a secondary preference (Planning Board primary preference), so if Alan Simmons is not appointed to the Planning Board, he can be considered to fill the other alternate seat on Board of Adjustment. It is recommended that Council appoint Mary Kyryk to the Alternate #2 seat. Then, ***if*** Alan Simmons is not appointed to the Planning Board, it is recommended he be appointed to the Alternate #3 seat. ***Vice Mayor Archie Pertiller made a motion to appoint Mary Kyryk and Alan Simmons to the Board of Adjustment as Alternate #2 and #3, respectively, as presented and recommended. A vote of 5-0 in favor.***

4) **Active Mobility Commission Appointments.**

The Active Mobility Commission (AMC) consists of seven (7) members each serving three-year terms. Currently, two seats on the AMC are expiring and there is one vacant seat. One of these current members has reapplied to serve a second three-year term, while the other member chose not to serve a second three-year term. Two applications were submitted by citizens who indicated the AMC as their primary preference. These were Kristie Bergna (applying for re-appointment) and Edwin Aaronson (new applicant). These applications are attached, and both are eligible to serve. Council should review and make these 2 appointments to the AMC. There will still be one vacancy on the AMC, and recruitment will continue. ***Town Council Member Ryan Stone made a motion to appoint Edwin Aaronson and re-appoint Kristie Bergna to the Active Mobility Commission for three-year terms, both expiring in July 2029, as recommended. A vote of 5-0 in favor.***

5) **Historic Preservation Commission Appointment.**

The Historic Preservation Commission consists of 5 members each serving a 3-year term. Debra Norman's term is expiring on the HPC. She has served one full three-year term, but is eligible and interested in serving a second three-year term. Additionally, two other applications were submitted, and noted HPC as their primary preference. These applicants were Paul Clark and Mary Soyenova. ***Vice Mayor Archie Pertiller made a motion to re-appoint Debra Norman to a second three-year term on the Historic Preservation Commission as recommended, expiring July 2029. A vote of 5-0 in favor.***

****

13. CLOSED SESSION - NC GENERAL STATUTE 143-318.11(A)(3) TO CONSULT WITH AN ATTORNEY EMPLOYED OR RETAINED BY THE PUBLIC BODY IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE BETWEEN THE ATTORNEY AND THE PUBLIC BODY, WHICH PRIVILEGE IS HEREBY ACKNOWLEDGED., AND N.C.G.S. 143-318.11 (A)(6): TO CONSIDER THE QUALIFICATIONS, COMPETENCE, PERFORMANCE, CHARACTER, FITNESS, CONDITIONS OF APPOINTMENT, OR CONDITIONS OF INITIAL EMPLOYMENT OF AN INDIVIDUAL PUBLIC OFFICER.

The Town Council would now enter into closed session pursuant to N.C.G.S. §143-318.11 (a)(3): To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and §143-318.11 (a)(6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. ***Council Member Larry Harris made a motion to enter into Closed Session pursuant to NCGS 143-318.11(a)(3) and (a)(6). A vote of 5-0 in favor. The time was 8:51 p.m.***

14. ADJOURNMENT

The Council returned from Closed Session into Open Session at 9:21 p.m.

Town Council Member Alice Berry made a motion to continue (renew) the contract with Wilkerson Justus as the Town Attorney, Craig Justus, for Fiscal Year 26-27. A vote of 5-0 in favor.

Town Council Member Ryan Stone made a motion to approve the amended employment contract with Richard Hicks to serve as Interim Town Manager through December 31, 2026. A vote of 5-0 in favor.

With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 9:24 p.m.

Round 1 Voting

TOWN OF BLACK MOUNTAIN
VACANT TOWN COUNCIL SEAT APPOINTMENT BALLOT

Meeting Date: July 13, 2026

Council Member: Please circle one (1) applicant from the list below, sign, and return it to the Town Clerk. This ballot sheet will be tallied and made part of the official meeting minutes.

Paul Haynes

Shane Lunsford

Lawrence Lytle

Debra Norman

Cheryl Milton

Lisa Raleigh

John Richardson

Michael Roberts

Sharon Tabor

Brittany Williams

Signed Council Member Name: _____

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John Richardson

Michael Roberts

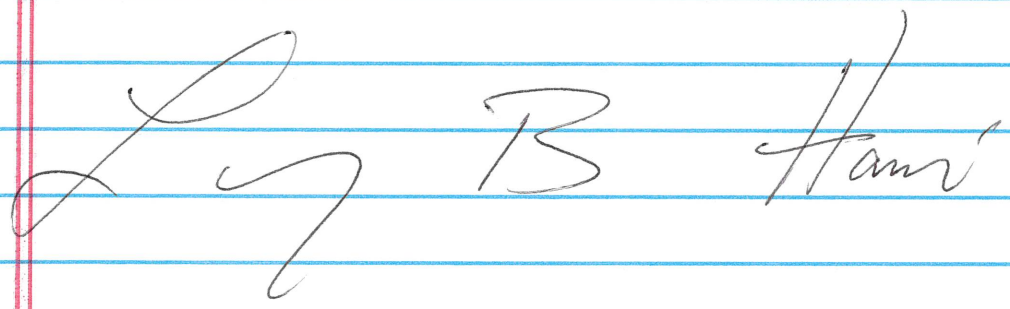
Sharon Tabor

Brittany Williams

Signed Council Member Name: _____

Alice Berry
Lisa Raleigh

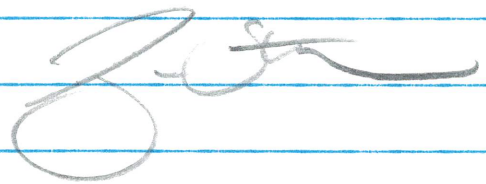
Lawrence Dion Lytle



Lawrence Lytle

Archie Pickett Jr
Council Member

Laurence Lyon



Vacant Council Seat Tally Sheet - July 13, 2026

1st round

Applicants	-	Berry	Harris	Pertiller	Stone	Totals
Paul Haynes		0.00	0.00	0.00	0.00	0.00
Shane Lunsford		0.00	0.00	0.00	0.00	0.00
Lawrence Lytle		0.00	0.00	1.00	0.00	1.00
Debra Norman		0.00	0.00	0.00	0.00	0.00
Cheryl Milton		0.00	1.00	0.00	0.00	1.00
Lisa Raleigh		1.00	0.00	0.00	0.00	1.00
John Richardson		0.00	0.00	0.00	0.00	0.00
Michael Roberts		0.00	0.00	0.00	0.00	0.00
Sharon Tabor		0.00	0.00	0.00	0.00	0.00
Brittany Williams		0.00	0.00	0.00	1.00	1.00
1= vote for applicant						

Town Clerk
7/13/26

Vacant Council Seat Tally Sheet - July 13, 2026

2nd Round

Applicants	-	Berry	Harris	Pertiller	Stone	Totals
Paul Haynes		0.00	0.00	0.00	0.00	0.00
Shane Lunsford		0.00	0.00	0.00	0.00	0.00
Lawrence Lytle		0.00	1.00	1.00	1.00	3.00
Debra Norman		0.00	0.00	0.00	0.00	0.00
Cheryl Milton		0.00	0.00	0.00	0.00	0.00
Lisa Raleigh		1.00	0.00	0.00	0.00	1.00
John Richardson		0.00	0.00	0.00	0.00	0.00
Michael Roberts		0.00	0.00	0.00	0.00	0.00
Sharon Tabor		0.00	0.00	0.00	0.00	0.00
Brittany Williams		0.00	0.00	0.00	0.00	0.00
1= vote for applicant						

Town Clerk
7/18/26

Town of Black Mountain Regular Town Council Meeting, July 13, 2026

YouTube Transcript

13:32

13 minutes, 32 seconds

call the meeting to order. Please stand for the pledge of allegiance to the flag of the United States of

13:41

13 minutes, 41 seconds

America and to the republic for which it stands. One nation under God, indivisible, with liberty and justice for all.

13:51

13 minutes, 51 seconds

Please remain standing. And last weekend, we celebrated our 250th anniversary of this wonderful country.

14:00

14 minutes

And I just want each of us to take a moment to think about all the relatives, the actual parents, the friends who have made this possible.

14:10

14 minutes, 10 seconds

have to understand that it is up to all of us to keep it going by being able to vote.

14:26

14 minutes, 26 seconds

May be seated. Richard, do you have any announcements?

14:35

14 minutes, 35 seconds

Okay. The ethics statement. In accordance with the code of ethics adopted by the council, all council members have a duty to conduct the

14:42

14 minutes, 42 seconds

affairs of the governing body in an open and public manner free of conflicts of interest. Is there any item on the agenda that the outcome of which have a

14:51

14 minutes, 51 seconds

direct substantial read identifiable physical impact for any council member, his or her family or close business associates?

15:01

15 minutes, 1 second

Yes, I will be um stepping out for item 12E. Um my partner and I own a business that um owns one of the properties

15:09

15 minutes, 9 seconds

affected by the Ninth Street Bridge project.

15:14

15 minutes, 14 seconds

Okay. Does any council member have a financial interest in any public contract coming before this council today?

15:21

15 minutes, 21 seconds

No.

15:23

15 minutes, 23 seconds

There being none, all council members have a duty and obligation to vote. All right, Richard.

15:31

15 minutes, 31 seconds

All right. Um starting off with the organizational meeting, the council took applications

15:38

15 minutes, 38 seconds

to fill the vacant position on the council. And if you so desire this

15:44

15 minutes, 44 seconds

evening, you can fill that seat. I would turn it back over to the council for your consideration.

16:00

16 minutes

So, you got your people filling out?

16:03

16 minutes, 3 seconds

Yes. All right, pass them on down. We'll pass over to Wesley and let him stay here. Do the tabulation.

16:12

16 minutes, 12 seconds

Want to express my gratitude. We had 10 applicants for this seat. It's always good to see interest and willingness to serve our town.

16:21

16 minutes, 21 seconds

And keep in mind, even though this seat will not be up for election in the fall, uh there will be three seats that will

16:30

16 minutes, 30 seconds

be available. Those that wish to sign up, the deadline is noon this coming Friday at the Bunko County Board of Elections.

16:43

16 minutes, 43 seconds

Mr. Mayor, we do not have a consensus. Each one voted for someone.

16:50

16 minutes, 50 seconds

[laughter]

16:51

16 minutes, 51 seconds

Never had this happen.

16:55

16 minutes, 55 seconds

I believe they would vote on these four that were selected. I I think they just need to do it again.

17:03

17 minutes, 3 seconds

Okay.

17:04

17 minutes, 4 seconds

Um so I I'm not so sure you're limited to the

17:10

17 minutes, 10 seconds

four because if none of them got any uh you got two. So

17:17

17 minutes, 17 seconds

um you got to do it again. Like there needs to be a discussion here. Would you like me to read out the names?

17:26

17 minutes, 26 seconds

Go ahead.

17:30

17 minutes, 30 seconds

Um we had um Lisa Raleigh, Lawrence Lidle, Cheryl Milton, and Britney Williams.

17:52

17 minutes, 52 seconds

And as Richard pointed out, you don't necessarily have to make a decision right this minute.

18:03

18 minutes, 3 seconds

I know we're going to have one absence at the U August meeting. So this is a meeting where you're all here.

18:11

18 minutes, 11 seconds

So well, it's still here. Just about one more time.

18:18

18 minutes, 18 seconds

Yes.

18:34

18 minutes, 34 seconds

Oh, you got extra

19:36

19 minutes, 36 seconds

Okay, this time we have one for at least Raleigh and three for Lawrence Lidle.

19:49

19 minutes, 49 seconds

Well, everybody okay with that? All right. And I'll issue the oath if he wants to.

19:58

19 minutes, 58 seconds

Yeah. If you'll bring up if Lawrence Lle is here.

20:04

20 minutes, 4 seconds

Oh, also too folks, uh, people in the audience have contacted, pull the mics closer to you because they're just they're just not being able to hear out.

20:29

20 minutes, 29 seconds

I told you.

20:35

20 minutes, 35 seconds

Are you okay with that? Yes. Raise your right hand. Repeat after me. I, Lawrence L. IRL

20:42

20 minutes, 42 seconds

do solemnly and sincerely swear do solemnly and sincerely swear that I will support the Constitution laws of the United States that I will support the Constitution of

20:51

20 minutes, 51 seconds

the United States that I will faithful and bear true allegiance that I will faithfully and bear true allegiance to the state of North Carolina to the state of North Carolina

20:59

20 minutes, 59 seconds

and to the constitutional powers and to the constitutional powers and authorities and authorities which are or may be established which are may be established

21:07

21 minutes, 7 seconds

for the government thereof for the government thereof that I will endeavor to support that I on his leverage to support maintain and defend maintain and defend

21:14

21 minutes, 14 seconds

the Constitution and laws and the Constitution and laws of said state of said state not inconsistent not inconsistent to the Constitution of the United States

21:22

21 minutes, 22 seconds

of the Constitution of the United States to the best of my knowledge and abilities to the best of my knowledge and abilities and I will faithfully discharge the duties of my office

21:31

21 minutes, 31 seconds

and I will faithfully discharge the duties of my office as a council member for the town of Black Mountain for the council member of town Black Mountain. So help me God. So help me God.

21:38

21 minutes, 38 seconds

Congratulations. Thank you.

21:48

21 minutes, 48 seconds

[applause]

22:10

22 minutes, 10 seconds

So, Again, the only the only two uh council members that will not be running this fall will be Mr. Lidle and Archie.

22:20

22 minutes, 20 seconds

All right, that being done, the next item, we need to appoint someone to the

22:27

22 minutes, 27 seconds

Black Mountain Swan Chamber Commerce for the executive board and is a a primary member of the executive board.

22:43

22 minutes, 43 seconds

I think these are all the team he would serve this.

22:53

22 minutes, 53 seconds

Um I'm I'm serving as the alternate.

22:55

22 minutes, 55 seconds

Happy to continue. And council member Lidle, I wonder if you would consider um becoming the primary member for that board.

23:03

23 minutes, 3 seconds

Sure. Yes. Thank you.

23:07

23 minutes, 7 seconds

Um I'd make a motion to um appoint council member Lidle to serve as the primary member of the uh Black

23:14

23 minutes, 14 seconds

Mountain Swanoa Chamber of Commerce executive board.

23:18

23 minutes, 18 seconds

All right. Any discussion on it? If not, all in favor? I. All right. Thank you, Mr. Lama.

23:24

23 minutes, 24 seconds

Next is appointment to the land of Sky Board of Directorate.

23:35

23 minutes, 35 seconds

I would like to do that.

23:36

23 minutes, 36 seconds

I think that I would like to also nominate our newly appointed council

23:43

23 minutes, 43 seconds

member as the alternate delegate for the scar of the council board of directors.

23:55

23 minutes, 55 seconds

Okay? Yes. Jumping in. Quick learning. Quick learning.

24:01

24 minutes, 1 second

[laughter]

24:03

24 minutes, 3 seconds

All right. Any discussion? Not all in favor. Okay.

24:09

24 minutes, 9 seconds

Okay. And the next one and final one is appointment state trail director. Again, that is an alternate delegate.

24:20

24 minutes, 20 seconds

Yeah, I'm the delegate on that one. So, somebody wants to come up with an alternate nomination.

24:28

24 minutes, 28 seconds

Was council member Hay serving that? Yeah.

24:32

24 minutes, 32 seconds

Council member on that [laughter] jumping right

24:39

24 minutes, 39 seconds

in that [laughter] motion to appoint council member to the

24:47

24 minutes, 47 seconds

alternate as an alternate delegate to friends forest state board of directors any discussion not all in favor

24:55

24 minutes, 55 seconds

I all right next

25:02

25 minutes, 2 seconds

the next item would be the adoption of a resolution recognizing Doug Hay for his services to the town of Black Mountain.

25:12

25 minutes, 12 seconds

I believe someone read that. Yeah, I I have the resolution here.

25:17

25 minutes, 17 seconds

This is a resolution of the town council recognizing Doug Haye for his service to the town of Black Mountain. Resolution number R-26-57.

25:28

25 minutes, 28 seconds

whereas Doug faithfully served the citizens of the town of Black Mountain as a member of the town council from December 2020 through June 2026.

25:38

25 minutes, 38 seconds

And whereas throughout his tenure, Doug demonstrated a steadfast commitment to public service through thoughtful leadership, careful consideration of

25:46

25 minutes, 46 seconds

issues and informed decision-making in the best interest of the town, its citizens and staff. And whereas Doug's passion for recreation and public safety

25:55

25 minutes, 55 seconds

safety together with his dedicated leadership during the town's response to Hurricane Helen, particularly in supporting town services, residents, and

26:04

26 minutes, 4 seconds

employees, exemplified his commitment to to the Black Mountain community. And whereas Doug represented the town with distinction through his service on the

26:12

26 minutes, 12 seconds

Black Mountain Swanoa Chamber of Commerce Board, the Land of Sky Regional Council Board of Delegates, and the Friends of Font Flora State Trail Board.

26:20

26 minutes, 20 seconds

And whereas the town council wishes to formally recognize and express its sincere appreciation for Doug's commitment, service, and contributions

26:28

26 minutes, 28 seconds

to the town of Black Mountain and its citizens.

26:32

26 minutes, 32 seconds

Now, therefore, be it resolved that the Black Mountain Town Council hereby wishes to formally recognize and express our gratitude and appreciation to Doug

26:40

26 minutes, 40 seconds

Haye for his dedicated service and sends best wishes for all future endeavors.

26:47

26 minutes, 47 seconds

Any other awards recognitions?

26:53

26 minutes, 53 seconds

I believe you want to vote on it. Okay. Make a motion. Someone make a motion.

27:00

27 minutes

I'll make a motion to approve the resolution. All right. All in favor? I. All right.

27:13

27 minutes, 13 seconds

All right. Moving down to section four.

27:16

27 minutes, 16 seconds

the agenda. The first item number 4A is a presentation from the Salvation Army camp.

27:31

27 minutes, 31 seconds

Good evening.

27:39

27 minutes, 39 seconds

We first want to say um thank you for your time and your willingness to have us on your agenda. Thank you very much for that. Um, I'm Captain Sherry Stokes.

27:47

27 minutes, 47 seconds

This is my husband, Captain Phillip Stokes. We have actually been in uh Bunk County since last June or 2025. Um, but

27:56

27 minutes, 56 seconds

we were just right across the line in Henderson County um for five years before that. Uh, in the Salvation Army, your officers will move around much like

28:04

28 minutes, 4 seconds

the military. Um, so we spend a short amount of time in each place. Um, and so we've been serving here for about a year now and we just want to make sure that

28:13

28 minutes, 13 seconds

your community is aware of the services that we offer. So we prepared a quick slide. We're going to review that.

28:23

28 minutes, 23 seconds

Um, we were uh established in December of 1890. So uh that's a pretty big deal

28:30

28 minutes, 30 seconds

uh for Bunkam County. Uh our first meetings were held in an opera hall near the courthouse. Uh for more than 135 years uh we have been serving Bunkam

28:38

28 minutes, 38 seconds

County. The center of hope which is our shelter uh was established on Haywood Street in 1979.

28:46

28 minutes, 46 seconds

Um it has we are currently serving um 65 residents. We have capacity of up to 80.

28:52

28 minutes, 52 seconds

We also serve during our code purple time as well. Um our mission, we're going to get into that just a little bit more. Our mission is to preach the gospel of Jesus Christ and meet human

29:00

29 minutes

needs without discrimination. We are a faith-based organization. Um, next, um, so this is some of the services that we can offer to your community members.

29:11

29 minutes, 11 seconds

We have emergency food assistance and pantry services, uh, rent and utility assistance. So, um, also mortgage assistance as well. So, we've

29:20

29 minutes, 20 seconds

experienced many homeowners are struggling financially, especially after COVID and then Helen, um, we still have [clears throat] families that are

29:28

29 minutes, 28 seconds

recovering from that. So, mortgage assistance, um energy assistance, food assistance. We um get food in from Mana

29:36

29 minutes, 36 seconds

each week. We load and unload our trucks. We stock our shelves, and then we pass out food. Most of the time, we see about uh probably range between 70

29:45

29 minutes, 45 seconds

to 80 families every Tuesday, Wednesday, and Thursday. So, it's a lot of people.

29:49

29 minutes, 49 seconds

We partner with a lot of different agencies that their case managers come to our location to pick up food for their individuals as well.

29:56

29 minutes, 56 seconds

um homeless prevention and case management. Um as you may know inside the city limits of Asheville, there are

30:02

30 minutes, 2 seconds

a lot of homeless. Um we our program is 90 days to two years. Um we have an 85% successful housing rate.

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That is amazing.

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That number one more time. That number one more time.

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85% successful housing rate. So that means that 85% of our residents are successfully housed whether they u we

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have a lot of seniors that need um constant care. So we provide them with resources for nursing home locations um several other locations that we have.

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But 85% is is amazing in this economy.

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And part of that is we work with the individuals because each client's situation is different.

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Um a lot of them come in, they have nothing. they don't have their basic ID, social security. So, we start with the basics. Then, we figure out a way to get

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them some some type of supplemental income. They have to do the work on their end to go and help themselves doing that. And so, it's that intense

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case management piece. Then once we do that, then we can see what the actual needs are and begin to connect in some type of sustainable housing um and also

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employment. Then, we work with other partners in in the region. So, our staff, like like she said, we've been here a year. our staff has had that success rate prior to us getting here.

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Um, and what we're recognizing is nobody knows our story. And so being able to come and have the opportunity to talk to each and every one of you and then the

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citizens of Le Mountain is an opportunity to tell our story. Um, so it is it is a big deal that we're able to take those people from where they are and get them better off.

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Um, and you also need to know that some of our residents come in um in bad health uh whether that's physical or mental. And so it's our responsibility

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to get them the resources that they need to become um sufficient and stable. Um so emergency shelter support which is

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what we mentioned earlier again we do open during code purple. Uh this past season we

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housed 60 people during each code purple event. So as you know code purple is by

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the weather. Uh so at each night it was 60 men.

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Yes. only men. Um we have one of the lowest low barrier shelters in our community in Bunkham County. Um but we

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still have restrictions on who we can allow uh because we have men, women, and children. We house families. We have

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separated family rooms. Um even for code purple individuals as well. Um uh also youth, family and senior programs. Uh

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and a lot of these programs we have to go to them. uh so that way they are not just coming to us because transportation can be an issue. Uh as I mentioned

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earlier we are faith-based so we do have worship services we offer spiritual emotional care uh we are actually qualified for spiritual emotional care

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for emergency disaster services uh disaster relief and recovery assistance.

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The Salvation Army was the largest uh disaster response team that was in western North Carolina during Helen

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for mass. Yes, that is our niche in disaster response.

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Um, and it was it was a big deal. Um, we were in Henderson County at the time when Helen hit and we were able to house

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all the response units there at the Henderson County location that eventually moved over to UNCC Asheville um after that. So the response for all

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western North Carolina was based out of out of Hendersonville and then based out of University of Asheville which is a big deal because usually in those

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response units they are away from where the actual uh incident occurred uh for safety purposes. So to have it in the same region is a big deal.

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And when he says response units uh that's like our mobile canteen. to a mobile kitchen and each one of those mobile cantens you can cook inside the

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canteen like almost like a food truck and you can serve a thousand meals per meal. So for breakfast 1,000, lunch 1,000, supper 1,000. Next, please.

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All right. So we covered some of our um uh homeless shelter beds that we have the availability. So approximately 80 beds for funding we keep it around 65.

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That way we can maintain safety within the shelter. Um, so 65 residents with our employees as well along with a security team that we've also hired.

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Safe shelter for men, women, veterans, and families. As I mentioned, we have the family rooms available. We don't in most shelters, you'll see that they

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separate families. If it's a a couple, you'll see if there's a male involved, you'll see that the male has to go stay with the men. In our facility, we don't

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do that. We have both parents together with their children in their own dorm.

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Yeah. And currently uh as an example, we have a a gentleman with his child there. He's a single dad.

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He's a single dad and they don't have to separate.

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Mhm. Uh daily meals, three meals a day, essential hygiene resources, uh case management, housing placement assistance, focus on long-term stability

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and self-sufficiency. That's where we want them to be. We want them to be able to be sufficient and good uh community members.

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Yeah. So many of you may have seen the the report on WLOS or the ASU citizen

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times about the potential closure of this said shelter. Uh we are not closing. We're are pausing the services

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so we can secure the funding. Um two years ago uh the COC for Baltimore County granted us a little bit over $2

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million to fund the shelter. The shelter is $1.2 million to operate a year. They funded that. The funding ran out June

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30th. Uh, so we are pausing our services come November 1st. Uh, our day-to-day operation services. However, only in the shelter.

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Only in the shelter. However, in that pause, we're going to still provide the shelter for the coat purple in the winter season. So, even if it gets cold,

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there'll still be a place to go. And like she mentioned, last year we housed uh about 40 men that because of this, we get to house 80. And oh, 60, I'm sorry.

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And then uh in Buckle County, that was the largest population of trying to find someone or place for for men to go with that. So we're able to provide that

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service. And in that in that gap of the the pause, then that's where we're really going to try to secure the funding. So come May 1st when Code

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Purple ends, we'll pick services right back up where we left off.

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All right. We also have a community center. So we have two separate locations for the Salvation Army. We have Hwood Street which is where our

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admin and uh center of hope is and then Haywood Road which is where our church and community center is. Uh and the

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community center is just that. It is for the community. Um we serve as a primary location for worship, fellowship and community engagement. We host youth

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activities, community programs and seasonal outreach efforts. Uh we provide a welcome environment for families and neighbors throughout West Asheville. So,

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um, something fun that we're going to be doing is fireside Fridays in the fall.

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We're actually going to have a fire pit outside. Yes, we've had it all approved by the fire department. We're going to have a fire pit outside and we're just going to invite people that are walking

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by to roast marshmallows with us and just have conversations.

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And also, our food pantry that was mentioned is also located on this property.

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All right. And then, of course, everyone knows the Salvation Army by the ringing of the bells at Christmas time. Um, but we also have another program. It's

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called Angel Tree. Uh, and that's where we provide Christmas gifts for families.

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Um, and our program is a bit different than most. It is actually a toy shop.

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So, parents have the dignity of coming in and picking out their own gifts for their children. And that's for any Bonham County family, uh, resident

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family. Um, we are always looking for community partners and donors to help with that program. Our red cattle cattle campaign raises funds that support ministry and social services year round.

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Um it's important to know that 87 cent of every dollar goes back into the community. So we try to make sure that

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everything that we receive in gets poured out. We do uh pay staff that are local uh residents as well.

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And then uh with the cattle season, some some people think it's all 100% volunteers, others you've seen ringing the bell. We employ people. Uh and I've seen success every time I've done this.

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uh even this current year, we we would employ some of our residents in our homeless shelter. Uh and then they would get offered jobs right there on the spot

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in the stores and doing that. So we look at as a as a stepping board to show, hey, I'm not what what our past dictates

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dictates. Uh and so we're excited to be able to provide that opportunity to give individuals. We'd love to have volunteers. We make more money when we

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have volunteers. However, if we can provide a job for, you know, six weeks and to give them some stability during

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the Christmas season, it's all all worth it. Uh the other other thing too with our funding. Uh the Christmas season is

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our largest fundraiser of the year. All of our funding is local outside of those offer funds we received. We received no

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government money. Um and we are solely based on the donations received by the local people, the local citizens and

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those who believe in what we do. So uh there is no pot of money that we can go to our headquarters or any of that. It's just it's all raised here and stays here

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which is so important why we need to get out and just tell our story to the people of the communities we serve in.

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Okay. And then of course we wanted to make sure that we included a slide about um how our community members can help.

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So that's volunteer, donate, uh ring the bell at Christmas, sponsor an angel tree child, organize a food drive or toy drive, and um of course, if you're a

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person of faith, pray for those that we serve. And we'd like to ask you if you have any questions.

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Appreciate the service you offer.

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Absolutely. Absolutely. Thank you. Thank you.

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Yes. So needed. So thank you. Quite a privilege. Appreciate you.

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Well, and with I deal a lot with have for years with St. Vincent Depal and uh another organization not as large as

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your organization doesn't reach quite as many people but we are seeing a very

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large increase in requests for aid for all types of aid.

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Um just since Helen our food requests have increased 300%. 300%.

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Don't give me talk about too much. I'll start crying. Um we have a lot of people um that are in need. We have a lot of families that are really just trying to

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maintain and uh they need organizations like St. Vincent Paul. They need organizations like the Salvation Army churches that come together and help if

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we need first aid ours is more first aid. Yours is more first aid and also stepping stones as you were saying to try to get them

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involved in the community again. So we thank you for what you've done. Yes sir.

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Appreciate you coming. We'll leave a packet with each of you. Good. Cards are with that. So, if y'all come across anyone that is in need of assistance,

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emails on there, cell phones on there, just feel free to give us a call.

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Having been a having been a salesman all my life, you got to ask for the order.

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[laughter]

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Thank you. Thank you very much.

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All right, mayor. Next item is an update on

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the the mayor wise program and our staff county.

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Good evening and congratulations on joining town council tonight. [laughter] Um, so we we were asked the last council

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meeting to start to put together what the plan was going to be for the town of Black Mountain as it relates to how to protect residents, how to protect may bears, how to do all of those things.

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So, um, I'm just going to quickly read through this. We've got a couple of folks from our advisory group that are going to speak to you briefly and just kind of catch you up on where we are.

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Um, in an effort to protect people, property, and bears and in alignment with Bearwise and the North Carolina Wildlife Resources Commission, staff has implemented the following initial steps.

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Um, and they're really two categories.

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So, there's citizen engagement and one of the things that came to light really quickly is that the town of Black Mountain has had for many years a neighborhood that is a recognized

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Bearwise um community, but it had never been fully embedded into the town as a whole. Um, and so members of this group,

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we've we've Russell and I have met with them a couple times. And what we did was members of that group who've been doing this in Black Mountain for some time

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have become our inaugural advisory group as it relates to the Bearwise program.

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And two of them are going to speak to you here in just a minute. Um, so they'll that advisory group will walk will work alongside town staff to

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establish a community action plan that in includes community- based educational programming, outreach materials, establishment of bear sighting and

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counter protocols and other bear wise practices. And the goal really is to work with town staff and helping Black Mountain become a recognized bear wise

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community. and they will for sure correct me if I'm wrong, but I think Hendersonville is the only recognized Bearwise community um currently. Is that right?

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I think Mont Henderson technically. Technically.

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Yeah. So, it turns out uh there are a lot of communities that say they are Bearwise communities, but Hendersonville is only recognized one. Um then the

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second part of this is really around Bearwise ordinances. Um so we had as we were having these conversations with

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both the group of folks in town and uh representatives from the North Carolina Wildlife Resources Commission um we recommend establishment of ordinances

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that are consistent with existing ordinances in the city of Asheville and Bunkham County and that is largely to just provide consistency across the

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county as a whole. Um it doesn't make a lot of sense for us to go out and do something completely different. Many of those ordinances have been in place for

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some time and are recognized as good practices. There are some that they're still tweaking, but as a general rule, kind of looking to mirror what they're

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doing, what Hendersonville is doing, um, and what Bunkham County is doing. Um, so these ordinances include trash

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regulations, nuisance and wildlife feeding ordinances, um, and we anticipate, the reason we didn't bring something to you tonight, we just got

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the advisory group together. uh we've had our first meeting and we really want this to be a collaborative effort with the advisory group and with members of

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the North Carolina Wildlife Commission and to take a look at at the municipalities around us that have have good practices in place that are working

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well, for example. Uh there's a lot of conversation around trash recepticles, right? What do we do about that? And there are many different ways that that

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has played out. So, we need a minute to kind of wade through that, see what makes sense, what is practical as it relates to that. Um, so that that is one

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of the things that we hope to bring a deeper conversation to you all with in August is bear resistant trash can trash container requirements, time

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restrictions on placement of trash that's placed out for pickup. Um, if trash is left overnight, it's just welcoming this to continue to happen.

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Um, construction site trash containment.

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Uh, a lot of times people don't think about when you're on job sites and folks are working there and throwing their lunch in and doing all these things that

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creates an issue. Um, what our wildlife feeding protocols will be. And pretty much everybody that's doing this well

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has a progressive uh, fine system that starts out with education and kind of warning and helping the community understand what the expectations are.

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but with repeat kind of behavior after significant uh attempts at education.

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Then there is a a a financial penalty phase that kicks into place. And so you have a carrot and a stick um as best we

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can understand with the communities that have done this well. And most of them say they haven't had to do a lot of that. It really is the educational piece that has made the most significant

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difference. Um but with that uh Russell will be the primary staff person connected to the Bearwise advisory

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group. It marries with what he is doing both from a zoning standpoint. It marries with our adoptive comprehensive

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plan. It marries with looking at us becoming a main street program. And so it it fits best in his wheelhouse. I'll be there to support him, but he'll be

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the primary staff liaison. Um, and with that, I'll invite uh Kirsten Hall and Jill Bilowski to come up and talk for just a few minutes, unless Russell, you want to add something.

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Let me just ask a couple things just to be sure you've got this committee, which is great. Yes, sir. Finally needed it. It's recognized.

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I just want to get some ideas on how to make it sustainable.

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Yeah. So, one of the things that we we know is a lot of the materials for like an educational campaign are available to

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us free of charge there. We also have already, this group has already had conversations because they've been doing this a lot longer than Russell and I

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have as it relates to fair wise. There grant opportunities that are available to help us with kind of consistent funding along the way. The biggest

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piece, as I understand it, to really kind of make this a sustainable thing really comes down to the trash processes

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and the trash recepticles. And there are a lot of different ways they do it. Some places do a voluntary program, some places do a essentially like a trash can

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rental program. We have some folks in town that are already using Bearwise receptacles. So, we just need to dig into that a little bit further. It's

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also important to us that we are doing this from a place of equity. So, if there are folks in town that don't have the resources, for example, to go out

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and procure a trash can that's bear resistant, we need to take a look at what's available to us or what we can um bring in that makes that available for

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people at the lower level of our income spectrum. So a rough estimate of what a bare proof container.

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So 80, 90, 100, 200.

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I'd say then Kirsten may have a number that I don't know, but I I had a conversation with um public works Nashville last week and they had been

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using one they've changed out to a tots container and I believe it's $140. Okay.

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Um is that is that about the right ballpark? Do you want to come on up and Yeah. All right. Thank you. Appreciate what you're the one that they're looking

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at's about 140, but there are some other options. But, you know, good to have examples. You think?

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I mean, Michelle, you already said it, but I think what we've learned quickly is that um there's enough uh multi-year

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efforts by other jurisdictions that it's like they've already served as I don't know what the phrase is. Give me a beta. It's kind of served as

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potentially our beta to do the rough um work to figure out best strategies and best investments.

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And I think they've discovered that the cans, for example, that they initially started with didn't turn out to be ideal for a number of reasons. There are

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conversations about locks, but the locks have to be unlocked and then you have labor hours from a public u public facility standpoint going into that.

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These totes containers have essentially a magnetic catch on them. When they get lifted into the garbage that disengages

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and allows it to be dumped. So, it's a that's what Asheville is actively switching to as we speak. Um, and

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they've done a lot of research on it, which is good for us because we're able to piggy back on behind what they've already done. So, okay, good enough.

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I'll let y'all come on up and share a few words if you'd like.

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Hello everybody.

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First of all, thank you for volunteering.

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Yeah, absolutely. We are thrilled to be here because um it's taken a little while to get here, but it's taking a little bit to get one

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building. It's taken a little bit. Um but we are thrilled to be here and to be collaborating with the town. Um, I'm

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going to give just a little bit of history of the Bear Wise movement. I'm going to read it so that I don't miss

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out any of the timeline. Um, and I don't know.

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I don't want to break anything. Okay.

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So, I I am Kirsten Hall. I live in a neighborhood over by Third Street and

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Fourth Street. I became involved with Bearwise in 2019 when I had great concern for the number

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of bears I was seeing in my yard in the middle of the day and my children were small at that time. So, it was very

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concerning. I reached out to Ashley Hobbs with NC Wildlife about how to

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cohabitate with the bears. Ashley Hobbs is the lead biologist in North Carolina with the Bearwise program.

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By 2021, my neighborhood was one of the first neighborhoods in the nation to be Bear

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Wise recognized. To earn this recognition, we had to set up a committee,

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educate our neighbors on the six basics of Bearwise, track activity, and set up an alert system for our neighborhood.

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And the NC Wildlife, they had all the resources. We didn't have to create anything.

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Around this time, 2021, 2022, other neighborhoods in Asheville were

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doing the same thing and also getting recognized.

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The Highlands, North Carolina became the first Bearwise municipality in North Carolina and Montre began to talk about Bearwise.

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Our neighborhood committee started tableabling at the Black Mountain Tailgate Market and we have now been there for four years. We have also

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shared information with community groups and other neighborhoods.

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Our goal then became to make all of Black Mountain Bearwise.

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Ashley Hogs and myself interacted with town leaders over the past three years which included several individual

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meetings with department heads and also Verwise presentations at town hall and um I just would like to thank Fred and

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Carrian for all their coverage over the years of this movement. Um, I even brought some of the newspaper

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um just when Ashley presented at the town even back in 2022.

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Um, in 2023, Bunkham County adopted a nuisance feeding ordinance and Asheville adopted

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the same language for feeding. And I just want everyone in here to know, it

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is not illegal to feed the bears. As crazy as that sounds, it is not illegal to feed the bears.

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It's crazy. Um, then came a hurricane and a lot of the Bear Wise effort was stalled.

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Early this year, this year, five bears were shot in our town and NC Wildlife had to do it. It's not easy for them.

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This was the result of negligent human behavior.

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The bears had become tolerant of people and depended on them as a food source.

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Bird seed and trash are the biggest attractants for bears.

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Mayor Soil then called a town hall meeting at the library to discuss our bears.

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At this meeting, several of us who attended decided to create a townwide bear wise movement and it is called

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Black Mountain North Carolina Bearwise Community.

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Bearwise is a national program. It is the same in every state and it is run by the state wildlife um commissions.

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And I will now let my co-leader Jill explain everything about our new group.

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I will say though, I think it's important that Ashley with the North Carolina Wildlife Commission has agreed also to participate in our advisory

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group which is significant. um to have really kind of the lead person from the state in that role is very helpful and wouldn't have happened without these ladies.

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Thank you. Um hi, I'm Jill Blowski and congratulations Councilman Lidle.

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I would like to um thank the say thank you again to the council and the

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planning department for moving forward to reduce the risk of dangerous bear encounters and more bear killings in

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Black Mountain. I think we all recognize that facilitating responsible human behavior around trash and feeding

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wildlife is the only solution and now is the time. Our group of experts comprises

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local bear wise educators and biologist Ashley Hobbs. Um, for my part, I've co-existed with bears for many years in

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Black Mountain as well as in Colorado where I was a member of our Save Our Bears group and attended presentations

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on reducing conflicts with bears. I also worked for other wildlife groups to minimize conflicts with animals deemed

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nuisances and helped Boulder City Council pass ordinances protecting wildlife.

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Our group is committed to collaborating with you both in ordinance passage and

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in helping with the vital community outreach and education required to

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ensure that they succeed. the ordinances succeed the effort. We also want to make sure that all of our first responders

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are trained in Bearwise, see the ordinances are enforced in our town and eventually have all the neighborhoods

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following the program so that we can be officially recognized as a bare wise municipality.

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This will bring Black Mountain positive publicity rather than more negative publicity and public outrage if we were

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to kill more bears because we failed to stop citizens from feeding them. Um the Bear Wise program is based on these six tenants. Never feed or approach bears.

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Secure food, garbage, and recycling.

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Remove bird feeders when bears are active. Never leave pet food outdoors.

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clean and store grills properly and alert neighbors to bear activity.

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And as as mentioned, I know the town is looking at Highlands, which five years ago made history as the country's first

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certified certified bear wise community by passing strict ordinances against intentional feeding and mandating bearer

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resistant trash carts. According to town officials and Bearwise, this resulted in a noticeable drop in emergency calls to

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local police and sanitation officials regarding bear encounters. Town leaders

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confirmed that the structured ordinances and community compliance directly resulted in fewer unsecured food

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sources, forcing black bears to forage in the forest rather than in our neighborhoods.

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Um, peacemeal efforts don't work. Ashley Hobbs noted that Highlands didn't go

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halfway. They went all in. And because of that, they will see the benefits for

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years to come. I urge Black Mountain to go allin as well and to stick with this

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58 minutes, 46 seconds

effort to protect both our community and our treasured wildlife. Thank you.

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58 minutes, 54 seconds

I'll just just to add two quick things.

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Steal this for a second. Um, sorry I kept saying Hendersonville. My mind was not working. Uh, the to clarify because this is a question that's come up a lot.

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59 minutes, 6 seconds

Nobody is saying we're outlawing bird feeders. The issue is if there is activity in your immediate area, it kind

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59 minutes, 14 seconds

of falls into that alert system and you would say, "Hey, we've got bear activity in your area. You need to bring your bird feeders in while there's heightened activity." Um, and I'll also say that uh

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59 minutes, 23 seconds

we joke in the office that Ronnie Makabe is the bear whisperer. We have a we have a group text thread of just like work, you know, pictures of violations and

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things. He probably sees 8 to 10 a week.

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Um, just out and about and uh so it it's more significant than I think most people realize if you're somebody that's

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59 minutes, 44 seconds

out in the community all the time and seeing it. So, we're we're very excited about this. We're very excited to be working with you all and grateful for the knowledge you bring to this. So, I

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appreciate it. We're happy to answer any questions. [clears throat] Thanks for clarifying that, Michelle.

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59 minutes, 57 seconds

Yeah. One of the things that that I learned in this past since we've had our meeting, which I don't think a lot of

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people completely understand, and that is it's not so much of just that we're not trying to share some bird seed with

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some of the bears, but that the way the bear goes ahead and reproduces, that the eggs are fertilized, stored, and when

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fall comes, they go ahead and she drops an egg indirect. direct proportion to

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the caloric intake that she has had. So that and I'm just going to throw this figure out. I'm not saying this is the exact figure, but it gets the point

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across. She ingests 50,000 calories, she drops one egg. She ingests 100,000

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calories, she drops two eggs. She drops 150,000 calories, she drops three eggs.

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And that's the reason why you're seeing so many cubs now is because mama, she

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got plenty of food for the babies. One last thing and I'll let y'all go, but that, you know, I like this idea of the

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of the education. You know, we definitely need to respond to the people that violate whatever the ordinances that this board passes because I don't

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want it to be a Gustapo thing. You know, we don't want to go out there and find somebody and then gotcha and then find

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them a bunch. No, we want to try to educate them. However, if that doesn't work, we got to have a stick. And so, that's

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what you're going to be working on and coming up with the with the fines. Anybody else got anything? Thank you for your work.

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Yes. Thank you. Appreciate it. Thank you. Thank you. Right.

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[clears throat]

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Next item is a presentation on the Fairway Drive Tomahawk Avenue storm water project where I think you asked

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that they come make a presentation and also give sort of a history where this project started and I think Max will

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give you an update on where it is today.

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Congratulations, Council Member Lidle.

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Good to see a new face up there. Um, so I'll let Ann sort of start off with sort of the history of the project and its

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place in the stormwater master plan and then I'll I'll take over and do some of the stuff on the project performance thus far. uh if you could hold your

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questions till the end that would be appreciated just so we can get through and some of your qu questions will probably be answered during the uh during the presentation.

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Thank you Matt. Can everybody hear me?

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Okay. Okay. Um thank you for the opportunity to present about this. My name is Anne Phillip. I uh am the storm

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water I implement the storm water program for the town and I'm also the flood plane administrator. So that is my involvement in storm water projects. Uh

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we had um a great effort which was a storm water master plan update in 2022 and as part of that we had a storm water

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survey that we sent out to all residents to ask them where they're they were seeing issues um in terms of storm water

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throughout the town. So, I would say my involvement in this project is very much on the front end. Uh, planning, thinking

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about how to ha match these potential projects with grants was part of my supervisor's position, Jessica Troman, when she was here. Um, and then on the

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permitting end of things, I'm a certified flood plane manager, and I permit any development that happens in

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the the regulated flood plane, the special flood hazard area in the town of Black Mountain. So that's also my

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involvement in this project and I have a uh a presentation here that is actually the same presentation that I gave to uh

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the funding agency Bunkham County subcommittee for energy and and the environment had this um sponsored the

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Bunkham County Clean Water Fund and we were the recipient of that grant in 2024 and I recently uh presented to them

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about the status of the project on May 15th during their quarterly ly meeting.

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So this is that presentation and I just thought it would be appropriate and we could uh work through the the reasons for the project and and see a little bit more about the history.

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So the Bunkham County Clean Water Fund was established to engage local nonprofits and government organizations to improve water quality in Bunkham

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County. Um, this fund supports Bunkham County strategic plan vision of highquality air, water, farmland, and renewable energy for future generations.

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And I certainly let them know when I was there at their subcommittee meeting, we're we're very grateful to the Energy and Environmental Stewardship

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Subcommittee for their award of $75,000 for the Town of Black Mountain Fairway Drive storm water diversion project.

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So, I mentioned the 2022 storm water master plan update. This is a screenshot of an ArcGIS online map that was

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composed of a lot of different data points. Um, these data points were incorporated from the storm water survey

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of uh that year for residents of Black Mountain to say, hey, you know, this intersection always floods. There's this

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culvert always gets blocked. Um, you can see that the different issues that were uh located there. The wavy blue lines,

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that's a flooding issue. And you can see here at the intersection of Tomahawk and Fairway that there's 1 2 3 4 5 6 seven

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uh flooding uh problems identified and a blocked culvert. And um I actually spoke

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with the two you see there two that are directly on uh parcels there 602 and 604 Tomahawk Avenue. and I spoke with um one

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of the property owners there soon after this master plan was kind of in motion specifically about the problems he was

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experiencing and at at this location and I'll show you some pictures of that.

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So, you can see here this problem was identified that um if we could daylight the outlet to the golf course, which I'll show you what I mean about that in

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just a moment. Um we would be able to allow the conveyance of the flood of the

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storm water that comes down that was flooding these two houses.

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So, it's a if you this all of this information is available online on the town's website. The 2022 storm water master plan update is there as well.

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This is uh number five. It's called Fairway Drive tomahawk A to the golf course ditch diversion with potential flood storage. So, it's a really cute

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snappy short name, but it's it's essentially this. This is a description of what would be helpful, which is better conveyance of storm water.

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alleviation of the blockage and a way to um have this the storm water actually be treated as well.

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So, here are some photos when I met with a property owner uh in 2022. This is the ditch on the north side of Tomok Avenue

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right before there's a covert that goes under the street and then um I'll show you where that goes later. There was also a swale behind the property line

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that was completely filled in. I don't I didn't think about where the little laser pointer is on here, but basically you can see that this this used to be a

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ditch on the right, and now it's pretty flat at the top, meaning that all the sediment has settled in there and filled the ditch. It's no longer a good

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conveyor of storm water. And the uh the ditch on the left is filled with leaves and can easily block up that pipe.

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So, okay. So, this is where that pipe used to um let uh discharge. So the pipe

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goes under Tomahawk Avenue past these property owners property. That's the golf course there. There's nowhere for

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it to for the water to go. It's essentially I think there was at one time, but this is the condition that it

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was in 2022. There was a pallet or two over top of this hole so that um people could get out of their backyards. But um

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basically this hole was the result of all the water coming from that pipe through uh across Tomahawk A and just

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and just churning the sediment because there was nowhere for it to go. And here's some other pictures of that.

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I actually I actually tried to unclog it at one point with a shovel and it turns out that is not actually possible. This

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is this is a systemic problem. Uh it's it's a larger problem than just one shovel will um will fix as I learned. So

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we um had an engineer design this project uh to include a storm water wetland which would uh be able to

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capture and treat and hold a 1- in rainfall event for water quality. So within a 2 to 5 day draw down, it would

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eliminate 85% of total suspended solids in that water. And as we just saw, there was a lot of sediment coming down, even

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just from the swailes that weren't being maintained. And sediment is the number one uh pollutant in waterways in North Carolina. It's uh a problem for a number

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of reasons. Um one is that when it enters a stream, it can settle and basically smother everything that lives in the creek bed or in the riverbed. Um

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another reason is that sediment is uh a way for um pollutants to travel into the stream. pollutants can absorb onto the

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outside of of uh little particles of silt and then they travel into our rivers and now you've got pollutants in

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the rivers sediment smothering um organisms [clears throat] and other pollutants there as well. That's actually um one of the uh impairments

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for storm uh the Swano River is the bent the community is compromised. So, and then we also wanted to upsize the

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conveyances. So, the way that the water gets through the area for a 10-year event, um to carry a 10-year event and to reduce the flooding to the structures

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between Tomahawk A and the golf course and then just improve the existing swailes that I showed you to get to better control the runoff.

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So this is uh this is a plan showing here um basically improving those swailes in in blue that curve around

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behind the uh first property on the north of the on the northeast side of the Tomahawk A replace the existing

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15-in diameter pipe that goes across Tomahawk A with a 24inch pipe. So improving conveyance there um and then

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having somewhere for it to go. So that's the the other part of it was to design a place for the water to go and be able to settle in because all of this is still

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moving quickly through these soils. So um the design was to bring it down to a storm water wetland which you can see in

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those concentric red circles there and then uh the overflow would go to the tomahawk branch. Um and meanwhile everything gets to settle and soak in.

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These are some more these are the plants basically and uh in the storm water wetland uh it

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was also identified what native plants would be good at each zone. So the zones that would be mostly inundated have a certain uh list of plants and then the

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zones that are exposed to desiccation or drying out have to be different plants.

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So the plan is not just to put a hole there and have allow water to to soak in. plan is to also plant and vegetate

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it so that it can um take root and the plants actually clean the water as well.

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So the roots take up pollutants like extra nitrogen uh and break it down and use that to grow and then the microbes

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in the soil also um will clean the water.

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So you can see here, this is the other way that I was involved in this project, which is um the special flood hazard

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area for Tomahawk Ranch extends to those light blue lines, one on either side of the stream. And uh within there that

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work the storm water wetland actually intersects what's called the non- encroachment area which is the place that the the the area of the stream of

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the area the special flood hazard area that needs to be reserved for the 100red-year flood waters to to be conveyed. And so since that work was

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being done in the non-enroment area, we required a no-rise certificate from our engineer to say that our work was not going to um increase the base flood elevation at that location.

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So our original proposed timeline was July through December 2024. Uh you know mapping the and evaluating the existing

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condition and design and permitting. We foraw I'll just skip forward to say basically we foraw being finished by May

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2025 but the actual timeline of course was different. Um uh we had a scope of work by July of

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August of 2024. Soon after that we had Hela um we were able to get a engineering assessment in 2025 February

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and a conceptual plan to uh in March of 2025.

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I spent a good bit of time working with those two property owners uh communicating with them about what the plan for the for the project was and

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what we needed from them. Initially we uh we thought we needed uh like an easement document that they needed to sign and there was some back and forth

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about that and what it would need to be like but then uh it was discovered that there was a utility easement already in the plat. Uh so the town adopted that by resolution later that year in December.

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So the utility easements are there for that pipe that that goes between the two properties 602 and 604 Tomahawk. Um

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and again we also coordinated with uh MSD uh regarding the the sanitary sewer lines in the area. Some of them are very

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old and you have to do certain things to protect them and not crush them. Uh and then from there uh that's kind of where

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my involvement ends and we transition to Matt's involvement in the project.

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And I'll well actually I'll see if there's anything else in this presentation. So I do have some pictures provided to me by the project manager

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Chad uh here at the town. Uh he he gave me these photos of basically improvement of the swailes you can see here. Um much

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improved. There are uh there's actually room for water to flow through. Um, all of those swailes are just uh on the on

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the golf course side of Tomahawk A. And um these are great pictures that Chad provided me as he was uh working with

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the contractors and overseeing the project. There were a couple issues during excavation. There was a clay pipe that was broken. MSD was called. We

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verified it was not a sewer pipe, but it was an old pipe that routed spring water. These these things can be found

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uh throughout town. different kinds of pipes across private property lines. Um so and then there was an unmapped water

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line that was broken uh which had served the golf maintenance shop but was not marked with the utility locate. So

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public works had to actually get out there and cap that line. Um and that's kind of this the status when I gave this

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presentation which I think I had a thank you slide but that's okay. um

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in May in Midmay and and I'll turn it over to Matt here for the rest of the story.

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So, as you can imagine, when a water line is hit or when a line that might be a sewer line is hit, those kind of

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derail the project a little bit. Um so, they had just started on the project when they hit the line that we had to

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get tested through the MSD. That of course takes some time and they had to move their crews to a different project temporarily and then when we hit that

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second water line they had to do that again. So they've had to put their crews onto different projects. Uh we have

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reached out to the contractor to see if we can get an updated schedule based on their availability for the project. Um

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they have gotten back to us as of today to say that they are going to provide us with an updated schedule. We've given

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them a deadline to do that. Uh I think and so no schedule but that no schedule but they have told us that

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they are going to provide one okay early early next week by the latest and I'm going to press them to do it this week.

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Um so as you can imagine when they have to move their crews they have to uh move some of their equipment as well. So they

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move their equipment off site which is what made us press for the schedule itself. Um, and they've had sort of a

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skeleton crew working it since since that that May presentation. Uh, so they've had two or three people on site

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most of the time and we've been checking it regularly throughout that process.

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I think Ann [clears throat] pretty much covered most of the project progress itself. Do you have any any further questions?

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Yes, I do. Um this particular diagram here,

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it's the one and it shows the ponds out there.

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When was that presented or was that ever presented? I don't ever remember it being presented

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to us. I remember, you know, obviously that y'all came across with this plan.

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You know, we know that Jessica Trotman is the one that started all this and got all this going.

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But unfortunately, this board, as best I know, was never a breast of it. Was never told about the

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fact that we would have these large craters in the golf course. And in checking with the golf course, the golf

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course did. Now, I realize this is water over the dam, but this is one of the things that it is very frustrating to a lot of the citizens.

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Those could have been moved over to the other side. I mean, closer to the the uh

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cart path and getting it more out of the field of play. I mean, right now it's just boom, right there in the middle of

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the of the fairway. Uh then so I think that that if this board had had known about that, I think maybe we could have

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gone ahead and worked to try to maneuver some of this around a little bit. But we we know that.

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So uh just to say that I I don't I'm not familiar with the exact process. It was a storm water master plan that was

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adopted. It was in there. We basically the whole premise for the stormwater master plan is that then you find

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funding and you match it with sizable projects the similar size and that plan had been approved. We have been working

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with golf. Uh we had the golf course represented at the pre-construction meeting which I also attended as as I

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mentioned as a permit uh whole permit authorizer and um I don't know maybe Michelle has any more say about that.

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I mean I hear what you're saying and the short answer is uh to the best of my knowledge that would have been in 2022

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that the original plan was brought to you all and the components were included in it. Yeah, but but none of these none of these ponds the the idea of storm

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water plan. Great. The idea because I know from having been out there not in one, not in two, but three rainstorms.

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I've sat there on the truck and gotten out and notice where that water's coming. It comes coming right down Fairway Drive. It's coming down the

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sixth fairway. It gets into that ditch and then a lot of it will come across, but the ditch is partially full, right?

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But then again, the pipe that goes under Tomahawk is larger than the pipe that goes into the swells.

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That's right.

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And so that then most of this water comes over. A lot of it came over and went right over the green. Right. Mhm.

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So when I heard this, I thought, "Oh, this is exactly what they're going to do. They're really going to be addressing this." Yep. But there were never any specifics

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about it because I remember asking Jessica Traumat about it and she never she quickly went through her spiel and never did address the issue.

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So just to try to give a little bit of clarity. So what happened kind of in the transition of everything as Jessica was

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leaving her role and formerly transition under planning and we now she's now officially part of the planning

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department. Um, simultaneously those projects that Jessica had were being handed fully to Matt. Um, and there was

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I think it's fair to say there was a lot going on and some disconnect. So, one of the things disconnect from the board. That may be true. Absolutely.

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From the board. That is true. Well, there was disconnect for us too.

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And so, one of the things that that uh, you know, from our end we hear you know that folks are like what's happening and what's going on with it? There was some

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I'm I'm from a school of thought of you have your in-house experts as part of your procurement process. There's a reason for that, right? They know what

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to look for and what you're looking at and that kind of got missed in the transition of everything. And so that was absent. So Ann was getting the

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information about what was happening with that project once we'd already hired a contractor. [snorts] Um and that creates issues and creates slowdowns and

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creates problems. I I honestly, you're probably 100% right. I have no idea what was shared with you all in 2022 or what

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was not shared. We're only able to operate under the information that's been kind of passed down to us. So I think all across the board there were

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some disconnects around the way things were happening. So what you see now is as this started and coming in to make

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sure that we followed the guidelines that we needed to follow including things like like the the thing to c capture the silt runoff from the from

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the drainage pipe that was an issue that had to be addressed. Um so I think there's some I would say I think Matt would agree there's some significant

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lessons that have been learned through this process. One of the things that we've established is that our project management team now has regular meetings

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with the planning department so that we are all on the same page and working in tandem instead of this kind of silo based approach that seems to have been a little bit of a norm.

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Well, I hope that I hope that the that that the process is better than what it has been in the past because there has been planning there has been communication between planning and that unfortunately it was over there.

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Sure.

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It was never brought into here. We have been kept in the dark for a lot of projects. This being one of them.

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Our goal in this and and I'm I'm speaking for Matt again, but dive in if I'm wrong on this. We came together last month and said we need to have regular

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project meetings that involved planning, that involved Matt, that involved Chad.

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We all need to be on the same page. Know that we're all operating in unison and then be able to give reports back to you all at council meetings so that you're

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up to speed on where each of these projects are. We've got 41 maybe more projects happening. You need to be

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informed. You need to be informed sooner rather than later. Not some 11th hour catch you up kind of thing.

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1 hour, 24 minutes

Well, then that's where we are. So, and I get it. Okay. Where are we with the project?

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Yeah, I know she you just said that you haven't got a a completion date, but but where does this how is this affecting

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the golf course? Right now, we're probably going to open up the golf course. We I use that nominative plural loosely because it's going to be Brent

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is opening it but prior to the end of this month. So we're going to have to make that a three by par three. Mhm.

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Now is that was was there any indication as to what was going to happen with with that hole from going from a par four to

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a par three. So, as it relates to that, I will defer to Matt from a project management standpoint because to date,

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from a from a planning department standpoint, I've never seen the actual contract with the timeline or with those

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steps in it. So, I I can't answer that because I don't have that information.

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So, I'll hand that back to you. So, as far as what is needed to open the golf course, which I think is the main the

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main scheduling concern here, uh Jamie, the public works director and I as well

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as Chad uh met with the engineer on Thursday of last week and we discussed

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what of this can be phased in the process so that we can finish the stuff that is on the fairway

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pre pre prior to the other parts of the project that need to happen. So, you can see the there's a storm water pipe over

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on the far left there. We basically discussed phasing that to where that doesn't need to happen before the golf

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course can open. The two remaining parts that have yet to be started are the two pipes that are connecting between o over

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the cart path between the part that comes from the road and the pond itself.

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So the parts that the main parts that need to be completed in order to make that happen are the [clears throat] pond itself and just finishing it. The rough

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end's already there and the two pipes going into feeding it.

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So could you put some emphasis on that middle blue pipe there because that's what's going to be close to being in play

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because it's going to have to be a par three with at the north side of that pond which is where the T- box will have

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to be. And if that pipe, if that ditch to the left is dug between now and the end of the month, then that'll be out.

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Yeah. Yeah.

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We've discussed focus on that and try to get that done.

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We've discussed as well if the contract performance is is continues to be subpar, we can figure out in-house how

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to do the rest of this work as well. Um, we had that discussion with the engineer to see what equipment would be needed

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between our public works staff and the engineer of what needed to be completed for the project. And so we've discussed

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that since most of the roughing has happened, large equipment is not necessarily required to do the rest of the work. So if the contractor

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performance continues to to be subpar, then we can we can finish the work ourselves. We have knowledge if if the contractor is experiencing financial difficulties.

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That is my understanding right now. Um I don't think it's

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too surprising for contractors to to be exper I don't think it's too unusual for contractors to be experiencing financial

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difficulties by that that truck the dump truck has been sitting out there.

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There's a lean on it. That's the reason it's sitting out there. Is that true?

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that I I can't verify that. I can say that I've heard that through the grapevine as well and and we're looking into that a little bit.

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What about the actual costs here? What what is the total projected cost of the project? [cough] How much have we already paid and how much money have we received in?

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So, the total projected costs were $143,892.50

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50 cents and so far the contractor has been paid 106,000.

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What do you anticipate will take to finish it? Can we get it done for $37,000?

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I won't say yes or no definitively to that, but I think it would be around that.

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So, there's a good chance that this will go over and we're going to have to will it go to the piggy bank? I would

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say it's about 5050, but I looking at the contractor bids from from the bidding of this project that would still

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end up under the other contractors who bid on the project.

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One last question myself board can then ask questions. That pipe that is under if you come down Fairway Drive, come to

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the stop sign, cross over Tomahawk, go to where the two cabinets are for city of Asheville water department. Yeah.

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That pipe there, is that pipe going to be increased in size?

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Um, I don't believe so. Looking at the

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at the engineer drawings, but I can ask the engineer if that was Yeah, I mean, like I was saying earlier, that that pipe's too small. Anybody else

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got any questions? They want to I have a question. Yeah, go ahead.

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Do you do you expect that the contractor is going to be ready to go and then we or we better serve doing it ourselves?

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I think we're putting pressure on him right now and if he doesn't move very soon

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I think we'll pull that plug and complete the work ourselves.

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I think we we're kind we've kind of been working to see what our options are and preparing our options in case they don't

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follow through on on on this. So when this is all said and done in the

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design of it, is this would this still and I know you spoken to Brent about this. I'm sure suspect. Will this still

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be a par4 with the T boxes where they currently are? I mean, that's a pretty

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big deal. Do we know that? When this was designed, was it designed such that the that the golf course was not ever going to be the same again?

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I think I think that would be more of a Brent question than one that I I would want to take. But and and again, I'm I'm wanting to get that answer, too.

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Yeah.

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But these two folks right here are not responsible for that. Now, I'm not saying that you're, you know, you know, accusing them of it, but uh but I mean, Ann has done a

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wonderful job with this. Matt has unfortunately you were handed something that was not of your doing,

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but we've all got to try to figure it out. Yeah, that's a Yeah, it's a pretty big issue because that's a right that's the number one handicap.

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We have project team meeting tomorrow.

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We can certainly get an answer to that and get an email back to you all following that because if there's something we could do Oh yeah.

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If the town's going to finish this thing, is there something we need to do to maintain the integrity of that golf hole? That's very important. That's the number one handicap hole on the course.

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It is. and turn it into part three really changes the dynamics.

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I think I think in our meeting tomorrow we can run that down and get a better answer.

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I just I don't The mayor's exactly right. Either either of these folks can answer that, right?

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Anybody else got anything?

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Thank you. It's good to Thank you. Appreciate it. Thank you. Appreciate it. And again, we're not blaming you.

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[clears throat]

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Got a lot of folks that want to talk.

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Sounds good. First, that we remember you got three minutes. Give your name and address. Matthew Deforest.

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Hi there. My name is Matthew Forest and I probably won't even need all three minutes. Just wanted to speak up and voice some support for the ordinances

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against for the uh for trash for the compliance with the barrel wise uh

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organization. I'm not uh 100% uh with uh barrels, but I have noticed that the

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trash is a very uh big issue around town with uh beautiful mountain town with uh

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every weekday, a different part of town is covered in trash. Um on some of the

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drives that I take uh daily can tell the yeah uh trash day just before you even

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get to a a driveway uh sorry the uh a lot of these places don't

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even have receptacles. It's just a bag out by the street. And so where I agree that Bear Wise is on the right track,

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you can get bogged down with whether it's a $300 trash can or but I wonder if there's something the town could do uh

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before then just requiring receptacles and uh you know starting small without needing a lot of recommendations that

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can be just done by the town. Also something like Montree where they have the convenience station somewhere that people can take trash if they're going

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to be out of town and all these other reasons that people do leave uh really just garbage bags on the side of the road.

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Good enough.

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Yes. And new to Black Mountain, but it's a beautiful mountain town. I uh Yeah. Thank you.

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Ken Floyd

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should have been enough for everybody.

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Everybody, uh, good evening, mayor and members of council. My name is Ken Floyd. I'm representing the Black Mountain Swanoa

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Chamber of Commerce. I serve as president, uh, 2011 East State Street.

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Um, over the past several weeks, the chamber conducted a confidential business, climate, and advocacy survey to better understand what our business community is experiencing.

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33 businesses participated representing a broad cross-section of our local economy. Tonight, I'm not here to share my opinion. I'm here to share theirs.

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Um the good news is that our business community remains resilient. More than threequarters of respondents are optimistic about the next 12 months.

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They believe in this community. They believe in their businesses and they want to continue investing here.

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But optimism should never be taken for satisfaction.

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Business owners consistently identified rising cost, customer demand, tourism,

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parking, and government processes as their biggest challenges.

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While businesses, while every business has different experiences, one theme appeared over and over again. They want

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government to be a partner, not an obstacle.

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Many respondents praise individual town employees for being responsive, knowledgeable, and willing to help.

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Those positive stories deserve recognition because they show what is possible when business and government work together.

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At the same time, many others describe frustration with permitting, inconsistent communication, lengthy

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processes, and uncertainty that makes investing in Black Mountain more difficult than it should be. Those concerns were repeated through the

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survey and deserve our attention. One of the strongest findings in the report was this. Businesses are not asking for

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special treatment. They're asking for predictability. They're asking for transparency. They're asking for communication

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and they're asking to have a seat at the table before decisions affect their ability to invest, hire employees, and

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serve our community. The chamber is committed to being that bridge. Our goal is not to criticize. Our goal is to

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collaborate. When businesses succeed, our employees succeed. Our nonprofits benefit. Our tax base grows. Our

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downtown stays vibrant. our community becomes stronger. I would encourage this council to continue building

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relationships with our business community. Not only when there is controversy, but consistently

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visit businesses, ask questions, listen before issues become conflicts.

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The survey also showed overwhelming support for continued chamber advocacy.

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Our businesses want us to bring together people together and help solve problems.

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We intend to do exactly that. Let's work together to make Black Mountain known not only as one of North Carolina's most

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beautiful towns, but also one of its most businessfriendly. Good. Thank you very much.

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Thank you, Cheryl Pit.

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Hi there. I'm Cheryl Pit and I'm here also to talk about bear issues. A little background on me. I'm a retired um

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biology and environmental science teacher and a master naturalist. I've worked at a as a naturalist for Grandfather Mountain. Um and now I serve

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as a volunteer naturalist and educator at the nature center in Asheville. So, I spend hours every week educating the

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public how to safely coexist with our urban bears. Um, I also am serving on

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the town's Fair Wise Advisory Council or group. Um, so, you know, I feel so

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privileged to live here. We have an amazing community. I think all of us live here because of its natural beauty

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and our bears are a big part of that charm. But unfortunately, we've had this recent increase in nuisance bear

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behavior that led to the heartbreaking yet necessary decision to put down those bears. Um, we know from working with

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bears that really the only way to change bear behavior is to change human behavior. And you know, bear relocation,

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I have three minutes there. There's a variety of reasons, but bear [cough] relocations don't work. Um, and if the

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bear survives, we've just foisted a problem bear on another community. Um, so I'd like to uh preemptively urge the

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council to uh strongly consider the the recommendations that will be coming down from the planning department and the

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bear wise advisory group. Um, we know that, uh, you know, if we don't step in and do something now, what will happen is the bears will become more populous.

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And Mayor Soil gave us a great lesson on on why that happens. They will become more populous. The mamas will be teaching all those cubs to find food in

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our trash cans. They will be in our neighborhoods more. They will become more habituated to humans. And they will

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become more aggressive. it is a negative spiral that will happen. So, uh we need to step in and we need to strongly

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consider um ordinances for nuisance bears to try to uh turn this around. And

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we do know that a lot of these ordinances do work, especially, you know, when we take into consideration

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the parameters of our town, uh we're talking to the uh the trash department.

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we're we're finding out the information we need to make strong recommendations that will succeed in this town. Um but

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um I just want to commend you for for getting this advisory group together and just say that it's just very important that the that the town council, the

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business community and the residents all continue to really fruitfully work together so that we can address this. We

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can protect our people, our pets, our businesses and our property. Very good. Thank you for what you do.

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Please continue on because it's gonna it's not going to happen overnight.

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Yeah, that's exactly Thank you. Next up, uh Paul Loftton.

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Thank you very much. I'm Paul Langston Langston.

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I'm on staff with Baptist on Mission. we constituted in 1977 as North Carolina Baptist men, but uh in

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the ensuing years we recognized that there were two inaccuracies related to the the facts of who volunteers in that

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name. So for over 20 years, we've done business also under Baptist on mission.

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In fact, that's the name we normally use because 40% of our volunteers come from outside of North Carolina. 60% of our volunteers are either women or students.

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So the the perception that we're we're a bunch of men volunteering is is wrong.

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That's not correct. Uh we are one of the disaster relief organizations in the state. When a disaster hits North

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Carolina, there are 100 or so people in the emergency operations center in Raleigh. Four of those seats at the table are are folks are from Baptist on

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Mission. Uh after Haleem, we've prepared 493,000 hot meals in western North Carolina that were served by people like Salvation

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Army, Red Cross. Nobody prepared anywhere near that many. Uh we have repaired to date in western North

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Carolina 1,020 homes. We've completed repairs through our five rebuild centers, one of which has been operating out of First

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Baptist Swanoa. In the next two to three weeks, we plan to be moving that to the the site here at 1114 Montre Drive. Uh

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it's been about a year in renovating the property that as you know was an eyesore and a danger to the community. So we have almost completed repairs on that.

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Uh many of the repairs interior were done by volunteers and we I said 1,020 that we've completed. We've got 200

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nearly that are in progress right now through the five sites repair projects.

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Uh 25 new homes and then on top of that we've got about 500 more that we have not even addressed yet. Uh when we open

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a rebuild center uh we initially for the first two to four years uh work on uh on the the storm. If we stay longterm, we

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transition to a mission camp. And the mission camps, the age limit goes down. Rebuild has 14 year olds and and above.

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Right now, the volunteers working at the Black Mountain Center are Menites from Pennsylvania, New York. The age will drop once it becomes a camp and and that

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number will go down to 10 year olds. So, we're thankful to have been able to operate in Brunom County and surrounding

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areas for uh 21 months, almost 22, and we look forward to doing it with the

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extension of the emergency uh housing uh zoning permit to for the next year. So, thank you.

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Okay, good enough. Thank you, sir. Next up, Richard Weeks. Okay. So, I was with him, so he spoke.

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All right. Very good. Thank you, Frank Capelli.

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Um, when I'm uh about to speak, it's just during public comment. It is not about our new business item. So, I do intend to speak about our new business

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item uh during that public comment section.

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Name and address. There you've given me the name, but the address.

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Good evening. Frank Capelli, 1120 Montre Road. I've been coming here the last couple months to speak about some alarming behavior from town staff.

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I'd like to speak right now about staff conduct and I'm not speaking about the audit that I've requested from town. I'm

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here because town staff repeatedly refuses to answer basic questions from the public when the work staff does

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1 hour, 45 minutes, 16 seconds

might impact them. I've served on the Black Mountain Historic Preservation Commission, the Black Mountain Recreation and Parks Commission. I'm a

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1 hour, 45 minutes, 24 seconds

proud graduate of this Black Mountain Citizens Academy. I've served as the PTO vice president at both the Black Mountain Elementary School and Black

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1 hour, 45 minutes, 32 seconds

Mountain Primary Schools. I have served on the local youth baseball board. I am currently the president of the youth flag football league in town. Over the

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1 hour, 45 minutes, 41 seconds

last four years, I have coached more than 200 kids in this community. One of the greatest honors of my life was serving on a seven-person task force at

1:45:49

1 hour, 45 minutes, 49 seconds

Black Mountain Presbyterian Church that decided how to distribute millions of dollars in disaster aid to rebuild our community.

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1 hour, 45 minutes, 59 seconds

I understand when I've come to these meetings, I probably sound just like a town's person with a pitchfork.

1:46:06

1 hour, 46 minutes, 6 seconds

Professionally, for the past 12 years, I've worked in HR, specifically the last few, advising local and state

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governments on HR processes, compliance, employee accountability.

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1 hour, 46 minutes, 21 seconds

My team helped the state of North Carolina decide how to implement the software that all state employees use.

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1 hour, 46 minutes, 28 seconds

When I say the behavior I've seen is alarming, I'm saying it with credibility.

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1 hour, 46 minutes, 34 seconds

What I've seen in the town's internal records should concern every person in this community. Again, it is a liability

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for our town. This is bigger than draft emails, deleted folders, technical responses to public records requests.

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This is about whether citizens and business owners can trust town staff are applying rules fairly and acting in good

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1 hour, 46 minutes, 58 seconds

faith. If a citizen, a contractor, a business owner, if we get on the wrong side of staff, how can I trust the process?

1:47:07

1 hour, 47 minutes, 7 seconds

How can I know we're getting treated fairly? How can we know staff aren't looking for ways that they could punish us within the limits of their power?

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1 hour, 47 minutes, 17 seconds

When I first raised concerns during public comment, the department head came to this podium and told you all that I was not being truthful.

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1 hour, 47 minutes, 26 seconds

You all know now that I was.

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1 hour, 47 minutes, 30 seconds

That response reflects the culture problem that is currently plaguing our town.

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1 hour, 47 minutes, 40 seconds

Thank you.

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1 hour, 47 minutes, 40 seconds

Thank you, Cheryl Hyatt.

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[clears throat]

1:47:59

1 hour, 47 minutes, 59 seconds

I'm Cheryl Hyde and I uh am the executive director of the Black Mountain Swanoa Chamber of Commerce. Our address

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1 hour, 48 minutes, 6 seconds

is 2011 East State Street in Black Mountain. I do live in Montre, but I work in Black Mountain.

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As the executive director of the chamber, um, I get to talk to business owners, residents, visitors, nonprofit

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1 hour, 48 minutes, 24 seconds

leaders, volunteers, and elected officials almost every single day. One thing is very clear to

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1 hour, 48 minutes, 31 seconds

me that this valley is full of people who care and that they want results from our local officials.

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1 hour, 48 minutes, 39 seconds

They don't always agree on every issue, but they want to see it thrive. They want to see us thrive. The chamber's role is to be a bridge.

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1 hour, 48 minutes, 49 seconds

The most important job that I do or that we do is to advocate

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1 hour, 48 minutes, 56 seconds

for our businesses. And we believe that strong businesses, strong neighborhoods, and strong local government all depend

1:49:03

1 hour, 49 minutes, 3 seconds

on one another. Not a single one of us succeeds alone.

1:49:09

1 hour, 49 minutes, 9 seconds

Recently, we asked local businesses to share their thoughts through this year's business, climate, and advocacy survey that Ken spoke about a few minutes ago.

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1 hour, 49 minutes, 19 seconds

I'm the only person who's actually seen every single one of their responses, and I'm the only person who knows who said what.

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1 hour, 49 minutes, 28 seconds

I sure wish I could share it all with you. You guys need to know what's going on. Ken gave you what I've built for you

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1 hour, 49 minutes, 34 seconds

so you can see a small percentage of it and I hope that you'll spend time looking at it. It's super important.

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1 hour, 49 minutes, 42 seconds

People want to know. People want to know want you to know what's going on.

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1 hour, 49 minutes, 48 seconds

They did show some optimism in our future, but they also reminded us that business owners expect clear communication.

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1 hour, 49 minutes, 56 seconds

They expect practical solutions and a strong relationship with government.

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More than anything, they want to feel like partners building this community.

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1 hour, 50 minutes, 5 seconds

Please know that while I am not in the office often, in fact, I'm rarely there.

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1 hour, 50 minutes, 10 seconds

If I'm there, I'm not really doing my job. But I have meeting times available seven days a week, more than 12 hours a day. I would love to meet with y'all.

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1 hour, 50 minutes, 21 seconds

The only two people who have ever on this council ever asked me for a meeting are now no longer on the council.

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1 hour, 50 minutes, 31 seconds

That's not cool. Don't like it. I want to work alongside you guys. I want to work with the town council, county

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1 hour, 50 minutes, 38 seconds

commissioners, state delegation, federal representatives, and anyone else who shares the goal of making Swanoa Valley an even better place to live, work, and

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1 hour, 50 minutes, 46 seconds

play. Life is short, and the older I get, the more I realize that the measure of our lives doesn't have a darn thing to do with what our title is, who we've

1:50:54

1 hour, 50 minutes, 54 seconds

met with, and what we're doing. It'll be whether we left our little corner of the world a little better than we found it.

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1 hour, 51 minutes, 1 second

I want to make a difference and I believe that all of you do, too.

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1 hour, 51 minutes, 6 seconds

Let's start talking. Let's start listening and start solving problems together. If we do that, I'm confident

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1 hour, 51 minutes, 14 seconds

we can build a stronger valley for everyone.

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1 hour, 51 minutes, 17 seconds

Thank you for your service and thank you for your time and allowing me to serve alongside you. Thank you, Cheryl.

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1 hour, 51 minutes, 28 seconds

Next up again, Frank Capelli.

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1 hour, 51 minutes, 31 seconds

You're going to put you going to defer to the second citizen comment. Yeah, this is for new business. Correct.

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1 hour, 51 minutes, 41 seconds

John Richardson. Congratulations.

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1 hour, 51 minutes, 57 seconds

John Richardson, 111 Church Street. Good evening, mayor and members of town council. Thank you for your service.

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1 hour, 52 minutes, 5 seconds

It's now July.

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Almost a year ago, I started asking questions about how we arrived at the situation facing Black Mountain Brewing in the Railard.

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I wasn't asking for special treatment. I was asking for transparency.

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I was asking for honest communication. I was asking for leadership.

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Instead, nearly a year later, I am still waiting for answers.

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Since then, our town manager has resigned, saying his values no longer aligned with those of this council.

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Our assistant town manager has left. Two members of this council has left have left. We've learned of a multi-million dollar budget crisis, concerns within

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the water department, and the closure of our police and fire administration building.

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Residents have every reason to ask, "How did we get here?" Leadership isn't measured by campaign

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1 hour, 52 minutes, 58 seconds

promises. It's measured by listening, answering difficult questions, and working to solve difficult problems.

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1 hour, 53 minutes, 5 seconds

So, tonight, I'm asking this council to answer the questions that remain. Why did the town reverse course on projects that were previously reviewed, permitted, inspected, and approved?

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Why did mediation requested by the town produce no meaningful compromise?

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How much taxpayer money has been spent on outside legal counsel related to these disputes?

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1 hour, 53 minutes, 29 seconds

What lessons has this council learned from the decisions that resulted in multiple lawsuits?

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And most importantly, what concrete steps will you take to restore the public trust that has been lost? These are no longer just my questions.

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1 hour, 53 minutes, 43 seconds

They are questions being asked throughout Black Mountain. With Doug's resignation and the appointment of this new commissioner, this council has an opportunity for a fresh start to choose

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1 hour, 53 minutes, 52 seconds

transparency over silence, collaboration over conflict, and solutions over litigation.

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Black Mountain deserves a government that works with its citizens, not against them.

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We have an incredible town worth fighting for. I sincerely hope tonight marks the beginning of a rebuilding of the trust that you have lost.

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1 hour, 54 minutes, 16 seconds

Thank you. Thank you, John. Well said, Will Troler.

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1 hour, 54 minutes, 24 seconds

Mine's also under business as well. Yeah. Yeah. Yeah. Yeah.

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1 hour, 54 minutes, 30 seconds

We have another citizen comment. You want to speak at the second citizen comment?

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1 hour, 54 minutes, 34 seconds

Second citizen comment if I have an opportunity in 12k. Yeah. Yes. Okay. Thank you.

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1 hour, 54 minutes, 41 seconds

Uh next, uh Matt Woods.

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1 hour, 54 minutes, 47 seconds

Oh, okay. All right. That's citizen comment. First citizen comment.

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U communication. Town board have anything?

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town council.

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The mayor does we have been there's a lot of changes that have gone on in this town and I

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hope there's a lot more changes that will go on in this in this town because for too long people have been left in

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the dark whether it's the citizens, the business owners or the mayor. So, I'm just thinking the changes in personnel.

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1 hour, 55 minutes, 33 seconds

I think that we're moving in a right direction. And all I can say is thank goodness that Richard Hicks came to be

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our interim town manager. Here's a gentleman that is excellent at calling balls and strikes, letting us know where

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we stand, not dealing in acronyms all the time, but addressing the issues

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1 hour, 55 minutes, 56 seconds

front and center. So, I think that folks are going to see a big difference in the next few months, too, now that we've

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1 hour, 56 minutes, 3 seconds

gotten through this budget, which again was a fiasco because of some of the past leadership of town employees.

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That's my comment. Communication of town attorney or town manager.

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Uh, Mr. Mayor, the uh general assembly is uh recently adopted a budget. Uh they're in the throws of law

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makingaking. Um one of the things they recently enacted um was a prohibition on off-streetet parking requirements by

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local governments. It's a something you may not have been aware of, but they uh now preempt the ability of local

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governments to designate a minimum amount of parking spaces you have to provide on your property. So um

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that would be for new properties. of that is for that would be for new development. Um so looking forward u so

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that's just one fairly significant policy choice that was made uh that I wanted to make you aware of. So that

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will affect uh in the UDO rewrite the off street parking requirements uh section of the code that will change commiserate with that change.

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Okay, good enough.

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1 hour, 57 minutes, 25 seconds

All right. If not, then let's move on to the consent agenda.

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The consent agenda. The first item is the adoption of the meeting minutes. We have a monthly tax collector.

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Item AC resolution to adopt the 2026 month hazard mitigation plan. Item AD.

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You have a call for a public hearing one year for street dedications to the town.

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Under AD, you have a resolution to award the town drinking water resiliency

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improvements project um architectural

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[snorts]

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engineering services to McGill Associates. And finally, 8F is a resolution authorizing town staff to

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1 hour, 58 minutes, 16 seconds

pursue the design for the D Commissioning of the Lord Dan. That's all we consent agenda.

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1 hour, 58 minutes, 25 seconds

All right. Have I got a motion to accept the consent agenda?

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1 hour, 58 minutes, 30 seconds

All right. Discussion. I've got one here, Richard. And it's not exactly on it's on 8C, which is a resolution to

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adopt the the hazardous mitigation plan, but it does fall under that umbrella of being prepared.

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1 hour, 58 minutes, 47 seconds

Can you I'm not asking you to provide it tonight, but can you please provide this board with some copies of our standard

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1 hour, 58 minutes, 56 seconds

operational procedures that we have in the event of an emergency when Hurricane Helen came. We didn't have duly squat for that.

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1 hour, 59 minutes, 7 seconds

Reference was made to a Bunkham County standard operational procedures which no one had any idea what it was. I know that when I was dealing with the

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1 hour, 59 minutes, 15 seconds

gentleman that the governor, Governor Cooper sent up at that at that time before he left, he said, "Mayor," he said, "That is one thing that you need

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1 hour, 59 minutes, 23 seconds

to get and need to get quickly. It's standard operational procedures that are clear, concise, and to the point for

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each department. So, if you could just make us may not even be this next month, but just let us see those if you would please.

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we can find. Hopefully we've got some. All right.

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Any more discussion? If not, all in favor? I. Okay. All right. We've got a public hearing.

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1 hour, 59 minutes, 55 seconds

None. Does this before we go to citizen comment and then the new business, does people want to folks want to take a break, five minute break or not?

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2 hours, 7 seconds

Sure. Okay, let's take a 5 minute break.

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2 hours, 5 minutes, 37 seconds

Thank you, sir.

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2 hours, 5 minutes, 50 seconds

Um, I also want to submit a email that uh Kevin Martin, a neighbor, also signed it. So, I just want you guys to have it.

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2 hours, 5 minutes, 58 seconds

We have his orders. He's traveling this week. Uh, also you will receive an email from Kevin Kadet. Sorry, Kevin. I don't know how to

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2 hours, 6 minutes, 6 seconds

pronounce your last name, but um he's also another major that's traveling to work this week who was not able to be here tonight. He wanted me to pass along

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2 hours, 6 minutes, 14 seconds

his thoughts to council. Thank you.

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[clears throat and cough]

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2 hours, 6 minutes, 29 seconds

Good evening. Frank Capelli, 1120 Montre Road.

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I do not understand why town staff believes the Baptist men should receive another year at 1114 Montre Road. This

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has been a terrible situation for my neighborhood. The Baptist men have not been clear or consistent with neighbors about their plans. They cut down a

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treeine on my property. They have workers who take breaks by sitting on their roof overlooking my yard where my

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children play. Now, when I've complained about this activity, town town sends out Rick Burton. And I think you all know by now how he goes about doing his job.

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These men intend to bring large 100 person rotating groups into a residential neighborhood on an ongoing basis. Strangers. These aren't people

2:07:22

2 hours, 7 minutes, 22 seconds

who lost their home in the storm, which is what you might expect when you hear emergency housing. Strangers with no tie

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2 hours, 7 minutes, 30 seconds

to our community. This is a text message from my neighbor Rose, who lives on the other side of the facility from myself.

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2 hours, 7 minutes, 37 seconds

I don't like what's happening, but I'm just a renter, so if stuff gets weird, I can always just leave. Rose and her daughter moved out of our neighborhood

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last month. When the ordinance was adopted, the intent was to house people who lost their homes or to support government emergency response. The

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intent was not to allow an outside organization to operate a long-term voluntary lodging hub in the middle of a residential neighborhood. I want to be

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very clear. I don't believe this use was properly allowed in the first place. My understanding is the initial application for this project was to be a boarding

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house. It later became emergency housing after our building inspector suggested that classification. Even planning staff

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had serious concerns about whether it qualified. In the email in front of you from May 13th that I found in the zoning

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administrator's deleted draft email folder, he wrote that this project did not appear to align with section 518 because the property was not damaged.

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The project was not operated by a government entity and the organization has a stated goal of operating for five or so years. Section 518 says emergency

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housing may only be on a site other than a damaged or inaccessible home if housing is operated by FEMA, another

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federal agency, the state, or local government. 1114 Montre Road was not

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someone's damaged home. It was a long vacant former assisted living facility.

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2 hours, 9 minutes, 8 seconds

It had not been occupied for years. It was not damaged in Hurricane Helen. And if you are questioning whether it was

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damaged by Hurricane Helen, the listing agent for the property is here tonight and can confirm it was not damaged

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during the storm as we understand Taff is staff is asserting. So I recommend

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my whole neighborhood behind me do not extend this another year. Thank you very much. Appreciate it.

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2 hours, 9 minutes, 42 seconds

Rich, I'm going to just provide you the picture of the uh the worker that continues to sit on the roof and watch my family.

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2 hours, 9 minutes, 51 seconds

Sorry. All right. Uh next is Will Trox.

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First, procedurally, do I have three minutes or Yes. Okay, great. We'll do it. Um, my name is Will Troxler. Um, my wife and I,

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we own Camp Mary Mack. It's at 1123 Montre Road. Um, I think a lot of y'all are probably familiar. We've been around uh since 1945. We're traditional summer

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camp for girls. Um, we have about 400 people that are in our care every summer. Um, you know, we expressed this

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at the evidentiary hearing as well, but um, I think my main concern with this use, um, to echo a lot of what Mr.

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said is is one the way that we got there. It doesn't seem like um that zoning determination is really at all fits in the balms of what the emergency

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housing use was intended or the letter of the law either. Um I think also my concern is really the scale on which

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this is going to be done. It's documented um through some of the zoning u letters and some of the submittals from the NC Baptist men or NC Baptist mission um that it is up to 100 people.

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Uh it's a revolving door. you know, there's no obligation for them to do any sort of vetting. Um, any I don't know what they might do, but there's

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2 hours, 11 minutes, 10 seconds

certainly no obligation for that. Um, and I would say uh the other thing that I would mention too, um, a little bit

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separately but concerning was in the evidentiary hearing, we were determined not to have standing. Um, which is a little bit of a concerning fact. We have a lot of people that are in our care.

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We're right across the street. We have very clear um potential for material damage as well as we have also um you

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know increased security and that's on the neighborhood of probably extra $10,000 of expenses for the summer um in response to this in a direct response to

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this. Um we were determined in the evidentiary hearing not to have standing. We were um you know ruled party without standing. Um, and then the

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maybe kind of the last thing I want to mention is that um, they referenced in that hearing as they referenced a case that is the um, it's the Winston Salem

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2 hours, 12 minutes, 2 seconds

Town and Country Civic Organization versus the Winston Salem Zoning Board.

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It's a 1986 case. Um, and this is referenced as a case law precedent. It's a little laughable. Um,

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when they were determined that they that we did get constructive notice for this use um, and that case um, considers a

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radio tower being erected on a property and that being constructive notice. Um, and somehow that was taken as if we were

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to receive constructive notice. I would argue that somebody replacing a roof on a building is materially very different

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than a radio tower being constructed um as maybe proof that there is some change in zoning. Um, especially this being an

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emergency use zoning. Um, there was really no notice for that. um the the basis for that dismissed the case. So

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they no longer at the evidentary evidentiary hearing were we allowed to submit any more information. Um and the

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the case was dismissed at that point. Um I think last thing that I have some concerns about is where does this end?

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2 hours, 13 minutes, 6 seconds

Um you know we've gone two years under an emergency zoning act that doesn't seem that this really fits into doesn't seem like it fits in this box. We're

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contemplating going another year. I think the thing right behind that logically is going to be a reasoning request. Okay.

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Thank you. Thank you. I appreciate your time. I think that's it.

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I wanted to speak to this.

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Oh, okay. Okay. All right. Come up. Give your name, address.

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Yes. My name is Richard Weeks. I am um with the North Carolina Baptist on Mission at 111 114

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Montre Road. Um Baptist on Mission um has been existing for over 40 years. Um we have these rebuild centers such as

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what we're trying to do here. Um located as far as Rose Hill, North Carolina and Eastern North Carolina, five of them

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here. Um we exist to bring in volunteers to help after a disaster. That's our

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only gold. Um we bring in at the in the case of this in western North Carolina.

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2 hours, 14 minutes, 14 seconds

We start at the age of 14 years of age to the to however old um PE volunteers can come in. We've had folks that have come and worked with us as 80 year old.

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We've been referred to by some as transient men. That is not who we are at all. I would say in a lot of our cases,

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other than us volunteering, rebuilding houses, and putting lives back together for families who seem to have lost

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everything, we exist much like our counterparts do in some summer camp situations. But we bring youth in, we

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train them, we teach them how to use skills to rebuild homes and to impact lives um after such a disaster where

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they lost lost everything. Um, again, we are not just in Black Mountain. We are throughout Western North Carolina. We

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2 hours, 15 minutes

are in Spruce Pine. We are in East Flat Rock. We are in Marian. Uh, we are also in Boone doing the same thing. At no

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time have we ever had any problems with anybody uh calling us transient men. Um, they understand what we're doing. Uh, we

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work closely um with the governor's office, office of state budget management. and I have have run a site in Rose Hill, North Carolina for the

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last seven years after Hurricane Florence where we operated with Office of State Budget Management um where they help us and funding the rebuilding of

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homes. As currently stated uh by Paul earlier, we've done 120ome rebuilds in western North Carolina. We're presently

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uh rebuilding 25 brand new homes. Um much of which is in this area. I mean, we're spread throughout Western North

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Carolina. And so, I would please cons ask you to consider to give us that year extension. We're we're trying to help folks who are hurting. Uh, that's what

2:15:58

2 hours, 15 minutes, 58 seconds

we're here for. We're not here to disrupt people's lives. We're here to bring their lives back. Hope is what we're here for. Thank you.

2:16:05

2 hours, 16 minutes, 5 seconds

Thank you for your time. Appreciate it. All right.

2:16:11

2 hours, 16 minutes, 11 seconds

Let's move on to new business, which would be the request

2:16:21

2 hours, 16 minutes, 21 seconds

for an extension for the temporary use of emergency housing at 1114 Montre.

2:16:36

2 hours, 16 minutes, 36 seconds

Yeah.

2:16:39

2 hours, 16 minutes, 39 seconds

Do we want to go to 12B without the fire truck? Yeah, we could do that. Sounds good.

2:16:45

2 hours, 16 minutes, 45 seconds

It's It's only after that's that's uh that's daxium. Thank you.

2:16:53

2 hours, 16 minutes, 53 seconds

Uh do I need to suggest a motion to update the agenda so that we move on or is it about No, just move on to 12B.

2:17:03

2 hours, 17 minutes, 3 seconds

Let's do it.

2:17:04

2 hours, 17 minutes, 4 seconds

All right. 12B. As you know, we have um purchased or prepared to purchase a

2:17:13

2 hours, 17 minutes, 13 seconds

1500galon for many mini bumper fire truck from custom fire apparatus. That truck is to be delivered probably

2:17:21

2 hours, 17 minutes, 21 seconds

sometime in September and our budget includes a um

2:17:30

2 hours, 17 minutes, 30 seconds

financing package for that. We got quotes from um different financial institutions. We had a quote from First Bank of 5.31.

2:17:42

2 hours, 17 minutes, 42 seconds

That would be subject to change at the closing date. We had a second quote from

2:17:48

2 hours, 17 minutes, 48 seconds

Civic Federal Credit Union at 5.32% and a quote from Pinnacle Financial

2:17:56

2 hours, 17 minutes, 56 seconds

Partners, which is Pinnacle Bank at a rate of 4.65%.

2:18:02

2 hours, 18 minutes, 2 seconds

So, the loan amount that that was asked for was $459,000

2:18:09

2 hours, 18 minutes, 9 seconds

for a 59 month installment purchase contract. And what we're asking for you

2:18:16

2 hours, 18 minutes, 16 seconds

this evening is to award that to Pinnacle Financial Partners and

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2 hours, 18 minutes, 24 seconds

you have an actual resolution authorizing that and and I'm also authorizing the town manager to execute

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2 hours, 18 minutes, 34 seconds

any documents associated with purchase contract.

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2 hours, 18 minutes, 43 seconds

Anybody wish to make a motion?

2:18:47

2 hours, 18 minutes, 47 seconds

I would make a motion uh to adopt a resolution approving the financing terms of the purchasing of fire truck as presented and the Pinnacle uh financial partners uh financing.

2:19:00

2 hours, 19 minutes

Any discussion?

2:19:02

2 hours, 19 minutes, 2 seconds

I will make statement here because of the fact that all during budget. Uh your mayor was singled out as somebody who

2:19:10

2 hours, 19 minutes, 10 seconds

was not sympathetic to the fire department or the safety of the town, which I challenge that all the time.

2:19:17

2 hours, 19 minutes, 17 seconds

I've never gone ahead and gone ahead against the fire department. They against the spending maybe that some

2:19:24

2 hours, 19 minutes, 24 seconds

things need to be looked at better, but this is one of them here. We now have, we will now, we will have in

2:19:32

2 hours, 19 minutes, 32 seconds

September, not one, not two, not three, not four, not five, but six fire trucks.

2:19:40

2 hours, 19 minutes, 40 seconds

Six fire trucks in a town of 8,900 people. I think we have plenty of equipment. I think we have well funded our fire department.

2:19:51

2 hours, 19 minutes, 51 seconds

May I respectfully add to we do serve a larger fire district than in the town limits um extending up into Montre south

2:19:59

2 hours, 19 minutes, 59 seconds

a ways down nine um and even into a little sliver of McDow.

2:20:05

2 hours, 20 minutes, 5 seconds

Anybody else want to say anything?

2:20:09

2 hours, 20 minutes, 9 seconds

Uh, you know, Richard, just as we talk about this, and certainly I'm in favor of getting the the fire department the equipment it needs, but I do think that

2:20:17

2 hours, 20 minutes, 17 seconds

the mayor and others have raised a a good point that having some type of inventory, a vehicle fleet uh, history

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2 hours, 20 minutes, 26 seconds

that we can look at as we go through budget in the future. something that would be helpful for whoever sits up here just so they can see the the age

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2 hours, 20 minutes, 33 seconds

and and the rotation of how we do this because that would help in making these decisions a little easier and help define it for folks.

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2 hours, 20 minutes, 45 seconds

Did you chief I didn't know if you wanted that's not that's I'll take care of that

2:20:54

2 hours, 20 minutes, 54 seconds

been good if you have done that when you ordered it.

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2 hours, 20 minutes, 56 seconds

True. I agree. I agree. But I'm talking but going forward I mean just you know as we've gone through this whole process we've we've learned what we actually

2:21:04

2 hours, 21 minutes, 4 seconds

need to make these decisions going forward and I think that would be helpful for us.

2:21:07

2 hours, 21 minutes, 7 seconds

Well Richard we really the entire capital budget we the council needs to get a better handle for sure just we're just catching up.

2:21:18

2 hours, 21 minutes, 18 seconds

True. All right. All in favor?

2:21:23

2 hours, 21 minutes, 23 seconds

Richard Hicks: Okay. [clears throat] Going back to item 12 A.

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2 hours, 21 minutes, 33 seconds

Michael Sobol: Yeah. 12A.

2:21:35

2 hours, 21 minutes, 35 seconds

Richard Hicks: Um based on what what the council has already decided your zoning administrator has the authority to deny or grant the extension.

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2 hours, 21 minutes, 47 seconds

No, I think what he wanted from his counselor about your input is not I mean

2:21:54

2 hours, 21 minutes, 54 seconds

that is not a decision that will be made by council at this point in time unless you change the rules.

2:22:02

2 hours, 22 minutes, 2 seconds

Craig Justus: Well, you can't change the rules without going through a text amendment. The text says what it says. It was adopted via public hearing and it's part of your

2:22:09

2 hours, 22 minutes, 9 seconds

code. Uh it's not unusual to have permit extensions given to staff as administrative decision.

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2 hours, 22 minutes, 18 seconds

Um so it's not this is not unusual.

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2 hours, 22 minutes, 23 seconds

Um but you this is not your call to make in this your ordinance says it's the zoning administrator's call. So, uh, as

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2 hours, 22 minutes, 33 seconds

Richard said, if you want to provide some input, uh, you can certainly do that, but it's not your decision to make.

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2 hours, 22 minutes, 44 seconds

Mike Sobol: Any comments from the council?

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2 hours, 22 minutes, 51 seconds

Michelle Kennedy: I think one of the things reason reasons we came up here is for exactly that reason. Um, it is a matter that needs to

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2 hours, 22 minutes, 58 seconds

be put to bed. Um, and I think our intention was to resolve it tonight um, in in one direction or another. We

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2 hours, 23 minutes, 7 seconds

certainly wanted to because of the some of the public feedback uh, give you all an opportunity to to voice any thoughts

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2 hours, 23 minutes, 16 seconds

you may have on it, but we thought it was important um, for it to be, you know, fully transparent and in the light as we make the decision related to this.

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2 hours, 23 minutes, 24 seconds

Russell is recognized as the town's zoning administrator. This is a decision that rests solely with him. We have

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2 hours, 23 minutes, 31 seconds

fully both he and myself vetted this this application through existing

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2 hours, 23 minutes, 38 seconds

ordinances. And one of the things that is important to note is anytime there is a gray area related to town ordinances.

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2 hours, 23 minutes, 45 seconds

It is the obligation of town staff to heir on the side of the applicant. That is the way North Carolina law is written. That is the expectation that

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2 hours, 23 minutes, 54 seconds

exists. So there can be conversations about I don't think it was meant to do this or I don't think it was meant to do that as people are talking about what

2:24:02

2 hours, 24 minutes, 2 seconds

that provision may have meant. But anytime there's a gray area, the the favor goes to the applicant.

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2 hours, 24 minutes, 10 seconds

Russell Cate: And that is um the full extent of what I can offer uh um as the certif certified

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2 hours, 24 minutes, 17 seconds

certified uh C I forget what the C stands for sounding official CZO. All of my training reflects exactly what was

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just stated. So for staff um just like 17 other uses that are permitted they're administratively um the decision the

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2 hours, 24 minutes, 34 seconds

their uses that are permitted as long as the applicant meets the requirements e this use is one of those just like 17

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2 hours, 24 minutes, 42 seconds

other similar uses like secondary dwelling or home occupation. Um what staff is charged with is if the

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applicant uh the person with the use in this case temporary use if they're uh requesting the one-year extension as

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2 hours, 24 minutes, 58 seconds

stated in the in the code um staff must say yes if they meet the requirements

2:25:06

2 hours, 25 minutes, 6 seconds

and the only thing council gave as a direction for the one-year extension it's one sentence and this is it. So, this is all that has all that guides

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2 hours, 25 minutes, 15 seconds

staff in considering a one-year extension request. Um, and I'm quoting from from the se section 5.18 of the

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2 hours, 25 minutes, 24 seconds

land use code. Temporary use emergency housing shall be permitted for up to two years from the the date of the declared

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disaster and may be extended by the zoning administrator for up to one additional year. So, based on the

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language as adopted and based on what um Michelle just phrased, which is exactly

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what I wanted to um have needed to state throughout this about the reality of

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2 hours, 25 minutes, 54 seconds

the context um in in this state that I I have to I feel that there's only one

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2 hours, 26 minutes

answer as zoning administrator as zoning administrator, which is to grant the the one-year request.

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additional one year. And as in the report, which it sounds like I don't need to do the staff report, but just so you know, just the specific dates here, it's a 2-year uh temporary use.

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2 hours, 26 minutes, 20 seconds

The FEMA date disaster declaration was September 28th, 2024.

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So with the one-year extension, the use expires on September 28th, 2027.

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2 hours, 26 minutes, 35 seconds

Michelle Kennedy: And it it is accurate as you've heard from uh from one one of the residents that spoke earlier that the next step in

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2 hours, 26 minutes, 44 seconds

this process should Baptist men on admission decide to make this permanent would be for them to explore the process

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2 hours, 26 minutes, 50 seconds

of a of a of a zoning amendment. Um and that is entirely up to the applicant. They may do that, they may not do that.

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2 hours, 26 minutes, 58 seconds

We will know that if the application comes to us, it will go through the process just as any other zoning amendment would go through the process.

2:27:06

2 hours, 27 minutes, 6 seconds

This decision has nothing to do with that decision. That is not a decision that, you know, impacts this one or vice

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2 hours, 27 minutes, 13 seconds

versa. So, as it stands today, which will not be a decision for the zoning, correct? It's not a decision for the zoning administrator. Michael Sobol: He's out of it. Michelle Kennedy: That's right.

2:27:21

2 hours, 27 minutes, 21 seconds

Michael Sobol: He's in charge now. Michelle Kennedy: That's right.

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2 hours, 27 minutes, 23 seconds

Michael Sobol: So, why why is there a motion? Why wouldn't there be a motion? Richard Hicks: It shouldn't be. Michael Sobol: I mean, we're just we're just talking. Craig Justus: It shouldn't be. That's what I said.

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2 hours, 27 minutes, 31 seconds

Michael Sobol: I mean, that's what I'm just clarifying. Correct.

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2 hours, 27 minutes, 35 seconds

Michelle Kennedy: So, so I think that this summation of that is to your point there. This there's nothing for council to act on uh

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2 hours, 27 minutes, 42 seconds

the determination has been made by our zoning administrator that this one-year additional time will be approved.

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Alice Berry: Well, I I appreciate the um bringing this forward so we can be privy to kind of what's going on with this project and this property. Um,

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2 hours, 27 minutes, 57 seconds

my only concern is just that I think we all want good relationships in town and so I would hope that there can be um

2:28:04

2 hours, 28 minutes, 4 seconds

some working together um within that neighborhood and um yeah, happy to be part of that conversation if that's helpful.

2:28:14

2 hours, 28 minutes, 14 seconds

Thank you all. All right. Thanks.

2:28:19

2 hours, 28 minutes, 19 seconds

Okay, ma'am. Uh, moving on to item 12 C is a technical response regarding land use of email draft owners to avoid

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2 hours, 28 minutes, 29 seconds

public records request. You had a citizen bring that to the council's attention at a prior meeting. Um,

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I submitted a copy of this statement to our uh IT folks which is advanced data

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and add more solutions. Um they reviewed what was said and basically what our

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protocol is and um the conclusion from advanced data and network solutions was

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that based on the town's current Microsoft 365 environment the alleged

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use of email draft folders as a covert method of routine staff communications

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appear technically um unlike likely.

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But he also said it is important not to overstate what technology can prove a

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2 hours, 29 minutes, 27 seconds

technical review and look for indicators of suspicious activity within available records. But it cannot prove a universal

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negative for all users in all time periods. If the limited review identifies evidence of suspicious

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access, unusual mailbox activity or account compromise, the town can then evaluate whether the formal independent forensic investigation is warranted.

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what he has proposed to you is a limited um kind of view of our um Microsoft 365

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operating system at a cost of $2300.50.

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If you decide to move forward with that and if there are items that are discovered or they do bring concerns

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2 hours, 30 minutes, 24 seconds

back to you, then if again it would be a council decision if you wanted to move forward with a more formal uh independent forensic investigation.

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So basically he said unlikely but they can't say 100% that it came out.

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2 hours, 30 minutes, 46 seconds

I would like to go ahead and since we have the the the citizen here who brought this and

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2 hours, 30 minutes, 56 seconds

would Frank would you like to say anything to this or not?

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2 hours, 30 minutes, 58 seconds

Sure I would. um being a a software uh engineer being technically proficient in

2:31:06

2 hours, 31 minutes, 6 seconds

this um this is a a practice that's pretty known. I think that was called

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2 hours, 31 minutes, 12 seconds

out in the report over there. Um one of the the reasons why I think it's so important to move forward with this is

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2 hours, 31 minutes, 21 seconds

it's not just that there's the existence of the draft emails because there are and you have one right in front of you.

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2 hours, 31 minutes, 28 seconds

It was not released to me as part of a public records request initially until I had to ask two more times for it and

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2 hours, 31 minutes, 36 seconds

then I found it in a gigantic document that probably had more information than they thought they were giving me. Now, I

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2 hours, 31 minutes, 44 seconds

do think that this is important to get to the bottom of this. It's a it's a known thing where people hide public

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2 hours, 31 minutes, 51 seconds

records by editing drafts. One gray area that they won't be able to determine in that is I don't think that they're

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2 hours, 31 minutes, 59 seconds

logging in to each other's computers. I I don't think that they're logging into their email addresses. I I think that's

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2 hours, 32 minutes, 7 seconds

pretty hard to do. There's a lot of security around that. There is a possibility though of someone having a computer open on their desk and someone

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2 hours, 32 minutes, 14 seconds

coming by and making an adjustment to an email. I I'm not sure that that forensic audit is going to take a look at it, but

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the foundational trust issue, it it starts with this might be an innocent, you know,

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bunch of drafts that they just, you know, thought maybe that didn't pertain to this situation.

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But when I've asked about it, I don't get any response. There's no like you read that email where it clearly

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2 hours, 32 minutes, 46 seconds

expresses a concern, right? There's never been like, "Oh, well, this is why what we put in there is not accurate." So, for me, this is still really fishy.

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2 hours, 32 minutes, 57 seconds

I've never been explained like, "Why wasn't that released to me? Why wasn't that just explained like it is very

2:33:04

2 hours, 33 minutes, 4 seconds

clearly in that email?" So, I I mean, I read through that document and I, you know, technically agree with it. It's going to be pretty hard. I'm not sure

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2 hours, 33 minutes, 12 seconds

people are logging in at home other people's [clears throat] email addresses. It's not necessarily how you can always do it. Thanks.

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2 hours, 33 minutes, 21 seconds

Can I say one thing just relate to response to that?

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2 hours, 33 minutes, 27 seconds

Um, so obviously this relates to the plan department and you know, let me say that we would absolutely welcome a

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2 hours, 33 minutes, 35 seconds

forensic investigation of this. I think you're going to find out that you're wasting $2,300, but we are more than happy to do that. I think that the

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answer that I I you the conversation about you haven't had a response. The response I think is is pretty straightforward. It is not uncommon, I

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2 hours, 33 minutes, 51 seconds

think, in any profession as an initial question is posed to you to start jotting down thoughts. If you went

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2 hours, 33 minutes, 58 seconds

through anybody's draft folders, there could be any number of things in that. That is something that was never shared with anyone related to the

2:34:06

2 hours, 34 minutes, 6 seconds

department or otherwise. Right. No, I'm aware and this is normal. This is a very to for Russell to write down his

2:34:14

2 hours, 34 minutes, 14 seconds

thoughts on statute on a new zoning issue or for me to jot down notes about something. It could be in an email. It could be on a word doc. It could be on a piece of paper. It's processing.

2:34:26

2 hours, 34 minutes, 26 seconds

There is absolutely nothing that is shared between us in a draft format.

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2 hours, 34 minutes, 32 seconds

It's it's almost laughable that we would even think to do that. We certainly aren't sharing our access. That's

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2 hours, 34 minutes, 40 seconds

virtually impossible. We have two factor authentic authentication requirements.

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2 hours, 34 minutes, 45 seconds

But the notion that we're sitting around with one computer open making edits to a draft and then we're never sending it to subvert public records is just not the

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2 hours, 34 minutes, 53 seconds

case. I think what you have here is essentially a very common process when someone is plowing through what zoning

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2 hours, 35 minutes, 2 seconds

ordinances or regulations say and dropping in this is what this says, let me think about that. This is what this says, let me think about that. I don't

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2 hours, 35 minutes, 10 seconds

there's no secret there. There's there's literally nothing that anybody's hiding or trying to hide. Um,

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2 hours, 35 minutes, 17 seconds

so I just want to say I think that's fair for you to ask, but that is I have a notebook that I'd be happy to hand you that you'd like wait through and see a million of those.

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2 hours, 35 minutes, 26 seconds

Okay, you want to and I I just make a response and I think this will tie it up.

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2 hours, 35 minutes, 32 seconds

I I would I do want to be clear like I I'm not asking for a response of like how could a email draft be written. I'm

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asking for a response to these very clear opinions that he expressed which happen

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2 hours, 35 minutes, 48 seconds

to be the exact same opinions that I've come to when I just clearly read this

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2 hours, 35 minutes, 55 seconds

zoning like so my that's my my question is if if you can't kind of like answer

2:36:03

2 hours, 36 minutes, 3 seconds

well why is this not the thought process I think the answer is the last sentence this is a draft email the last sentence reads I'm holding off on sending the

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2 hours, 36 minutes, 11 seconds

zoning determination a letter until we discuss What then happened was all of the appropriate people who would weigh in on

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a decision like this looked at all the facts that were present. We looked at things like is this an agency that has a

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relationship with and is operating in tandem with a state agency. We have a letter from the North Carolina Department of Emergency Management that they are. That changes things. There

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2 hours, 36 minutes, 35 seconds

were things that came to light as we're investigating a decision that made the difference. And that is very very common practice. It's not something that's trying to be hidden from public.

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2 hours, 36 minutes, 45 seconds

I I think we're getting off of this agenda item. This agenda item is about that audit right now. And I'm I'm sorry.

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2 hours, 36 minutes, 53 seconds

What this planning director is doing right now is she's dancing around the details of this. And I don't think that's what this time is for right now.

2:37:00

2 hours, 37 minutes

I'm I've got this I've got this. Good. Thank you.

2:37:08

2 hours, 37 minutes, 8 seconds

So yeah, that's that's what we're going to end up on this. Thank you.

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I let this go on because there is a culture that has been in this in this building for the past three

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years that has been identified as not being trustful. Understood.

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This is one of those issues that can lead people to to not trust what's going on. So that's why I wanted to take the

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extra time for it to kind of get out so that this board is aware of the fact that maybe something like this could be

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2 hours, 37 minutes, 41 seconds

going on and hold everyone in this building accountable and that's absolutely fair. I appreciate your time. Thank you.

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2 hours, 37 minutes, 50 seconds

So if anybody wishes to go ahead and want to go with an audit then we need to make a motion. If not we'll move on to the next item.

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2 hours, 37 minutes, 58 seconds

Just to just so you understand sort of legal parameters of the determination that's official. The it's set by statute

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the what makes something official. Uh it is delivered to a party who requests the

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determination. If that party is not the land owner involved uh it might also be delivered to the land owner. and it

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2 hours, 38 minutes, 24 seconds

usually says is this is the official determination. It's the official determination that then can be appealed

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to the board of adjustment. It is not unusual to have discussions leading up to an official determination.

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Oftent times you want your staff to talk, to debate, to kick around, to gain information before something becomes

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2 hours, 38 minutes, 49 seconds

official. It's called not shooting from the hip.

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2 hours, 38 minutes, 53 seconds

So there is nothing unusual about an intracommunication among staff broaching a topic and

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2 hours, 39 minutes, 1 second

somebody saying well this is what I'm thinking today but it's not official until it goes to the party requesting it

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2 hours, 39 minutes, 9 seconds

or it's the land owner of the subject property and it usually says official.

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2 hours, 39 minutes, 16 seconds

All right. So that's that's it. And this is not a debatable topic. I'm just giving you what the law says is an

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official determination, but there's nothing sneaky about something that starts out as a thought process.

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All right? now which is a separate question than a public records request that says give me all your communications

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and whether in a preliminary communication should have or should have not been given that's a separate question because as an attorney who goes

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2 hours, 39 minutes, 52 seconds

in front of the board of adjustments often for property owners I might send a public records request in advance of that board of adjustment hearing so I

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2 hours, 40 minutes

can get at communications and so all communications that are

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2 hours, 40 minutes, 6 seconds

existing in space if it meets the demand that the public record should have been provided. That's a separate question.

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2 hours, 40 minutes, 19 seconds

All right, Richard. I mean, we're still on this. Does anyone wish to make a motion to do an audit?

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Not hearing anything motion. I mean the move on to the next item.

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All right. Next item is consideration of awarding the bid for the highway 74 line project.

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Um we took bids on this project.

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I mean to go back in 2022, the council approved $500,000

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2 hours, 41 minutes

towards the cost of this project. Um we bids and the u lowest responsible bid

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is Cooper Construction Company in the amount of 796,345.

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Uh we have already have currently paid civil design concepts 93,191.

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You paid the uh land of sky back early in the process expenditures of 11,450

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um to uh move forward for um civil design concepts. would do the actual

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contract administration on the project for $9,000. The con construction observation and inspections during construction would be $17,500.

2:42:01

2 hours, 42 minutes, 1 second

Close out closing out all the documents would be $5,000.

2:42:07

2 hours, 42 minutes, 7 seconds

We did a I believe a 5% contingency just in case once you start construction they you

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2 hours, 42 minutes, 16 seconds

know they they discovered something that was unknown or he had rock or something else could happen that contingency is it $50,000

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2 hours, 42 minutes, 25 seconds

of a guy local project management had7 $500. When you add all those up, you're at 989,986,

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2 hours, 42 minutes, 36 seconds

which leaves you $489,986.

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2 hours, 42 minutes, 42 seconds

What we are proposing um is to award the bid. We have water

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2 hours, 42 minutes, 48 seconds

funds that were expended um during the storm. There's a current FEMA project. We just got um one small

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2 hours, 42 minutes, 58 seconds

piece to finish and once that's completed, they'll be sending us a check for just over $900,000

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2 hours, 43 minutes, 6 seconds

which would go back into our fund. So what we're proposing you do is award the

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2 hours, 43 minutes, 14 seconds

bid tonight and once those funds are received and probably at the August meeting, we'll bring an actual budget

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amendment to you showing the receipt of those funds and which would actually make up the

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2 hours, 43 minutes, 30 seconds

$989,986 in project.

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2 hours, 43 minutes, 39 seconds

Any idea how long it take to get the 900 back from FEMA?

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2 hours, 43 minutes, 45 seconds

I think it'll happen very quickly within the next 30 days. The only um question

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2 hours, 43 minutes, 51 seconds

we have is um when Fable Public Works

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came and did work for us right after the storm, they build us based on their

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2 hours, 44 minutes, 4 seconds

rates and their fringe benefit rates and FEMA has questioned their fringe benefit rate.

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2 hours, 44 minutes, 13 seconds

We've already paid them. We've reached out to them several times telling them FEMA doesn't like your rate. We want you to to to you know to give a different

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2 hours, 44 minutes, 22 seconds

you know rate structure they have not been willing to do that so far it's a

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2 hours, 44 minutes, 30 seconds

difference of about 2200 to mean $22,000.

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2 hours, 44 minutes, 35 seconds

So, one option is we just tell them, "Okay, FEMA, we're going to pay you, you know, Tom, take that, you know, 202,000

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out of our, you know, $980,000." We're still hoping we can resolve it, but it may be the time out.

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2 hours, 44 minutes, 52 seconds

I don't want to waste, you know, $98,000.

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2 hours, 44 minutes, 56 seconds

Sure, you know, you know, you know, having a huge

2:45:03

2 hours, 45 minutes, 3 seconds

argument over McDonald's. That's sort of where we are, right? So, mayor, I'd make a motion that council awards bids for Highway 70 water

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line construction company in the amount of 796 345. Okay. Any discussion? If not, all in favor?

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2 hours, 45 minutes, 20 seconds

I pass.

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2 hours, 45 minutes, 22 seconds

Okay. Next item is concur with NC DOT to award a bid for the Ninth Street Bridge.

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2 hours, 45 minutes, 29 seconds

Again, DOT has as I'm taking bids on that project. The current bid is1,184,032.

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2 hours, 45 minutes, 42 seconds

Um, what they have projected moving forward and what the funding is based on

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2 hours, 45 minutes, 49 seconds

is a construction cost of 1,361,637 which has a cushion in there. Again, if

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2 hours, 45 minutes, 58 seconds

they ran into something that, you know, that that they not included in the plans or something that was unexpected, there are some additional funds.

2:46:09

2 hours, 46 minutes, 9 seconds

The actual engineering costs are estimated at $500,000.

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Um the town has already purchased um several pieces of property and we've expended about $96,000.

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Um so that brings the total projected project cost to 1,957,367.

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Based on that cost year, your 20% match is $391,527.

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Um, the town has currently spent

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between Duke Energy relocation cost, the cost of the the um surveys, the right away, and all the other costs.

2:47:06

2 hours, 47 minutes, 6 seconds

We've already spent um $170,52362 which you already have in your budget.

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So that leaves you about $20 and some thousand short. Um,

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so with an initial allocation of $136,000, the balance of funds you need for our

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match is $255,527 if you want to move forward. And

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now this project would be managed by DOT, you know, um they you know um they manage the professional services.

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2 hours, 47 minutes, 51 seconds

They'll manage the actual bid. They're the ones that took the bid. So it's basically a DOT project and you got to

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2 hours, 47 minutes, 57 seconds

pay your 20% match in the end. Um if you do want to move forward, I've given you a couple of options.

2:48:06

2 hours, 48 minutes, 6 seconds

Um, you do have a general fund capital reserve balance of $45,000.

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You have a pine bill fund balance as of June 30th of 205,486

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and your FY 2627 power bill funds are currently budgeted at $248,000.

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So you got three options there for, you know, for your share of the cost.

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We do have to let do know by July 15th.

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They did talk to the actual low bid, but they were willing to extend that price up to July 15, 2020. Six. Your other

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2 hours, 48 minutes, 54 seconds

option is you abandon the project. I'm not sure how much of that $170,000 you're going to get back, but you may end up having it to

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2 hours, 49 minutes, 3 seconds

Well, I talked to I think we're going to get I think we will be charging about $85,000.

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That's what I talked to and when I talked to DOT, that was going to be our our our portion. I mean, we did go back

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2 hours, 49 minutes, 15 seconds

to the the um um MOA,

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but they were able to to find additional funds for the project. Um prior to their decision in

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June, go cost was going to be about $500 and some thousand dollars. So they um

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have allocated additional funds which was an additional $766,000

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bringing their total to1 million 566110 and again that leaves your balance at 391527.

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So, and your your recommendation is that um award the bid, but then come back to us in August with the budget amendment.

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Yes. Based on your three options here. Yes.

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Um I'd move that council concur with the award of bids on the ninth street project seating construction in the

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2 hours, 50 minutes, 17 seconds

amount of 1,184 032. Is that what you're looking for that number? And then you'll come back to us with a budget amendment. Yes.

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Based on the three options and all that.

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Make that motion. Mayor discussion. I've got discussion on it.

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This is not a an essential artery at all. This bridge is shut down

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[clears throat]

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and you have access from from both sides to the people that live around there. I just think it's one of those things,

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especially with our budget constraints that we've got now. We just simply just leave it the way that it is. Let DOT come in and they will they will

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eventually maybe come in and say that you can't use it and then at that time then we close the bridge down and just

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and just don't do it. It it it's not essential. This bridge is not essential.

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fire. I have to sp Well, I have to speak to Chief. They can come in either way. They've got they've

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got access. Police has got access. EMS has got access. The people that live there have access in and out. Uh to

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actually use the bridge is not is is not essential.

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Something the board does, but I I see your point. But I think also too that if we do something like that, uh we should pass the people that live in the community.

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2 hours, 51 minutes, 44 seconds

Well, we need to get we need to federal time constraint.

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Yeah, we got to get this done. Yeah, we got to get this done.

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2 hours, 51 minutes, 52 seconds

Yeah, the people living there, you have sold land already.

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There's always a concern. I guess you have any of your state and federal folks have gone the bath for you. They found

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the extra money for me working and when you turn it down sometimes you go back to the well for something else.

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I said you know they said we all turned it down last time. I don't we want to mess with you.

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I'm not saying that'll happen but I have seen it happen.

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Yeah. on the committee and I know it wasn't a united decision at the time.

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So, um I I would vote that we move forward motion.

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2 hours, 53 minutes

Any other discussion? If not on favor.

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Okay. Next item is um a thing on reactivating the town whales council had

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instructed staff to move forward with um trying to test and reactivate our two

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whales that were turned off several years ago. Um, our current testing is done by Case and Environmental

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Incorporated and we asked them to give us a test and she basically said the state will look at these as a new well.

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Um, so you have to do the upfront testing. Um, her cost to do all the initial test on each well would be $10,255.

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I mean once you get through that process I mean you're able to um use the wheels

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there's a significant listing of tests that um has to be done on a quarterly basis in that first year.

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Um again her cost um for performing those tests was $18,92

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per whale in that first year which would be 36,184.

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Um if all goes well, you don't have any bad test results, then you're putting

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three years, you do um and annual test and um that runs about $4500

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per well. Um these wells were taken out of service. All your pumps and equipment

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2 hours, 55 minutes

were taken away and are no longer available. Um Jamie has estimated cost

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2 hours, 55 minutes, 9 seconds

of about $35,000 to buy the pumps and bring both wells up to the standards.

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And there's a um um the actual lining in the well at the

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golf course is damaged. So that's going to have to be placed which is not reflected in that

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um $35,000 estimate.

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2 hours, 55 minutes, 36 seconds

How much you total cost for the first year would be $91,694.

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And that's if you don't have any negative test results or you don't find any any chemicals or um

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2 hours, 55 minutes, 53 seconds

herbicides and pesticides in your testing. kind of um felt it was good to

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bring it back to you and kind of give you an estimate of what that cost would be. I mean, if it all works out and you spend $100,000 and you got two good

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whales, then it's it's all positive. I if you test it and you get pesticides

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again, which is actually what then?

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2 hours, 56 minutes, 21 seconds

Well, one of them because one of them did not test positive. I mean I got the results right there from where they

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tested one of them was and it was far below the limits that is that is set up by the state standards. It was for uh

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24D which is a herbicide and it was attested. 04

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and the state limit is 0.07. So it's on a magnitude of thousand less. And of course since we're in the mountains here

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we've got pure water. But when you get that there's a reason that those limits are there is because when you get down and people are pulling water out of the

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2 hours, 56 minutes, 59 seconds

Kataba River and and and uh making a drinking water, you do end up with with some of these chemicals in there. So

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2 hours, 57 minutes, 7 seconds

it's not like that we're trying to poison people.

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2 hours, 57 minutes, 11 seconds

But anyway, I've got uh I've got here and we'll take this. This is uh this is environmental testing from Asheville.

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These folks have have done testing for us in the in the past. and the significant difference uh between the

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cost on these to uh to do this. Thank you. As a matter of fact, as Kelly the director said,

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looking at all the initial tests and the continuing test, she says, it looks like the most expensive fee

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would be $10,866 for both whales, one and five for the first year.

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2 hours, 57 minutes, 50 seconds

So that's half of what you know and then her fees for the other for the remaining three years are significantly less.

2:58:02

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Um, one thing they left out of their quote is the the PAS and the POS, which

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is the the microscopic plastic j starting in here in the water time system now, which was about $1,875.

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Okay. Per quarter.

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That was so that's pretty substantial cost. I am concerned that we have Hey, Mr. Mark White, who was a former

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2 hours, 58 minutes, 31 seconds

employee of the town out there getting quotes on behalf of the town of Black Mountain.

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Well, that that was a request from the mayor to try to be able to because Jamie was the one that brought this to the

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town and there's been a lot there's been different things that have come up on costs.

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You know, if if the council wants to move forward, we are more than welcome to get quotes on it. testing. I think

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2 hours, 58 minutes, 59 seconds

you just got to decide if you're are you comfortable moving forward. Now, and I warn you again in my experience in all

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these years, I don't care what that reading is. If it says pesticides

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or something in that test result, it doesn't make any difference what the level is. Your citizens are not going to

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2 hours, 59 minutes, 22 seconds

want to drink water that has that word in that test result.

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you move forward, but Tom, I'm just warning you if you do.

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2 hours, 59 minutes, 33 seconds

And right now, we have what, $5 million that from the state for us to try to find new drinking water?

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2 hours, 59 minutes, 41 seconds

I think we have either three or 40 whales in that budget.

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2 hours, 59 minutes, 45 seconds

Okay. So, that these so that all this could be these costs here could easily be covered by that.

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2 hours, 59 minutes, 51 seconds

Yes, we probably could cover it in those grand. I mean, I don't see any any any downfall in not going ahead cuz here's

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2 hours, 59 minutes, 58 seconds

here's two wells that provided us with 20% of our drinking water prior to them being shut down.

3:00:08

3 hours, 8 seconds

So, I guess the thing is, do we want to go ahead and and proceed on and getting these these the first of all, you got to

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3 hours, 16 seconds

and there was another thing in talking to different water operators. Uh, why in the world did they pull the pumps out?

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3 hours, 24 seconds

Why did they pull all the electrics out?

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3 hours, 25 seconds

Why did they pull all the the the linings out?

3:00:29

3 hours, 29 seconds

It's absolutely ludicrous. But there again, that's some of that culture from the past three or four years that we're having to pay for now.

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3 hours, 38 seconds

It's not there. Right.

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3 hours, 41 seconds

I think a motion to approve the initial testing of the two inactive wells and recommended motion. And we're going to go ahead and go with this company or you

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3 hours, 48 seconds

want to let staff decide which of the two? Why don't we let what will it tell me?

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3 hours, 54 seconds

We'll take more formal bids from Okay, that's good. As long as that's done. Yeah, that's great.

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3 hours, 59 seconds

But to follow just the way this is laid out in this summary, we're talking about kind of the second paragraph, the

3:01:06

3 hours, 1 minute, 6 seconds

initial test, not getting into um the next testing procedure in the next

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3 hours, 1 minute, 15 seconds

paragraph. I just want to make sure I know what we're You may not like what you get when you get your test.

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3 hours, 1 minute, 22 seconds

You're going to have to come back to us anyway.

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3 hours, 1 minute, 24 seconds

But understand that we've got to put the pumps in there first. Yeah. Before we can before we do the test. Yeah.

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3 hours, 1 minute, 30 seconds

The you got to $35,000 worth of work you got to do.

3:01:34

3 hours, 1 minute, 34 seconds

Yeah. You got to do that before we can get the water and flush them out and then do it. So, so we do not cover with the grant $20,000 or if it's, you know, $14,000.

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3 hours, 1 minute, 45 seconds

You're still looking at about, you know, 404,000.

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3 hours, 1 minute, 50 seconds

Richard had you can explain this, Richard. You have this expenditure covered in the budget. Yeah.

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3 hours, 2 minutes

This is covered in budget. Yeah.

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3 hours, 2 minutes, 3 seconds

So, and it's possible that this grant may arrive.

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3 hours, 2 minutes, 7 seconds

Correct. We'll ask we do everything we can to get it done. We're moving in the next phase maybe that can cover all

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3 hours, 2 minutes, 14 seconds

those cost but I think this initial cost I think you going to probably unless you want to wait another 6 months to a year but you have it in the budget.

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3 hours, 2 minutes, 23 seconds

Yeah.

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3 hours, 2 minutes, 26 seconds

Um I'm trying not to fall into I I know it's budgeted but um Yeah.

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3 hours, 2 minutes, 35 seconds

Okay.

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3 hours, 2 minutes, 37 seconds

Well, this saves us money if it works out.

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3 hours, 2 minutes, 41 seconds

Well, I mean, we've had like I say, one of the wells didn't even show anything in it. So, we still don't

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know why they shut it down, but that was three years ago.

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Well, if it works, it's your least expensive.

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If it doesn't work, time you spend that money, you can't use them. So, Whereas to drill new wells, we would we

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would be also hundreds of thousands. Same thing.

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We we let me ask, we would also be fronting the pumps. And which part of it applies to the grant then? That's where I'm maybe I've misunderstood.

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3 hours, 3 minutes, 23 seconds

The grant paid 100% of cost of the town developing new ways

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and that's the drilling and testing and put sand and all that.

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So they'll basically cover 100% of the cost from start to finish.

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And you're thinking is because they're treating these like new wells that it should be covered. So it's reasonable may not be

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3 hours, 3 minutes, 52 seconds

I think they're pretty flexible. So I wish I thought to ask about that prior

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3 hours, 4 minutes

to this meeting so we got that information now but I would move to approve the Yeah, Larry's motion.

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3 hours, 4 minutes, 10 seconds

Yeah, I say we we're just we're talking. Anybody else want to discuss anything?

3:04:17

3 hours, 4 minutes, 17 seconds

If not, all in favor I would have preferred to have more time, but thank you. You need to ask.

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3 hours, 4 minutes, 25 seconds

Oh, sorry. Sorry. Um um um not right now more time with this before I could get to a yes, but right now I'm a no. Okay.

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3 hours, 4 minutes, 33 seconds

Thank you. All right, last bit. Next item.

3:04:42

3 hours, 4 minutes, 42 seconds

First one's ABC board.

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3 hours, 4 minutes, 49 seconds

I'll let you deal with All right. In front of you, you've got a ballot for each of these. Um the ABC board, we Let's talk about that one

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3 hours, 4 minutes, 57 seconds

separately first since it's um you may not need to use that ballot for that one. Um since you have two different items with that um you'll need to

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appoint um someone there is a vacancy Larry was on the board but he is not renewed so there's a vacancy we had one

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application from Melissa Presley and then also um you would need to appoint a chair to the ABC board too out of the

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3 hours, 5 minutes, 20 seconds

membership so I would vote for the member first and then do a separate vote for the uh chair. So Wesley, can I ask?

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3 hours, 5 minutes, 28 seconds

Yes.

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3 hours, 5 minutes, 28 seconds

Why on the ABC board do we select the chair at the council? That's it's in general statute.

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3 hours, 5 minutes, 36 seconds

Okay. That was just a question that was asked of me and I wanted to get it out there for everybody.

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3 hours, 5 minutes, 41 seconds

Yeah, it's um general statute 188-700 is in that.

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3 hours, 5 minutes, 56 seconds

So because we receive good news because we receive a ballot with all the boards are you want us to do this one first and

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3 hours, 6 minutes, 4 seconds

just verbally report or how are we doing you want us to vote on this paper or just for this one you don't have to do that

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3 hours, 6 minutes, 12 seconds

that's just if you had like a write in or something you can just vote for this one we just have just the one candidate to appoint the board and Select the chair.

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3 hours, 6 minutes, 20 seconds

Yes.

3:06:21

3 hours, 6 minutes, 21 seconds

Does everybody agree on the ABC board make a motion to approve Melissa Presley? Member. Thank you. Okay. All in favor?

3:06:29

3 hours, 6 minutes, 29 seconds

I. All right. Now, any motion for chairman? Motion. Sharon Tab. Chair. Sharon Taylor. Chair. All in favor?

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3 hours, 6 minutes, 36 seconds

Okay. That's done.

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All right. for the um planning board. Um as you know um a meeting or two ago you appointed the membership the ones that

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3 hours, 6 minutes, 48 seconds

were expiring to stay on an additional year. So that leaves um there was one vacancy on there u one member resigned so you have one seat on planning board.

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3 hours, 6 minutes, 59 seconds

Um and you had u a couple applicants on that. Um, Alan Simmons and Angela Lavine.

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3 hours, 7 minutes, 18 seconds

Does that have to be done by it?

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3 hours, 7 minutes, 21 seconds

No, they can just have discussion if somebody is old enough to nominate one.

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3 hours, 7 minutes, 32 seconds

Anybody want to make a nomination?

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Um, I'll move that we Angela Lavine to call the vacancy on the board. Any discussion? All in favor?

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3 hours, 7 minutes, 47 seconds

I. All right. She gets it.

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3 hours, 7 minutes, 51 seconds

All right. The next one is board of adjustment. Um, currently we have two vacancies on the alternate. Um, as you know, you have three alter three

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3 hours, 8 minutes

alternates and two are vacant. Um, and you received an application from uh Mary Kirk, if I'm pronouncing that correctly,

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and then um Allan Simmons, who just had applied for the planning board, also indicated board of adjustment as a

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3 hours, 8 minutes, 14 seconds

secondary. So, you can also appoint him those two as the vacant seats. Got two vacancies and two people.

3:08:22

3 hours, 8 minutes, 22 seconds

Yes.

3:08:25

3 hours, 8 minutes, 25 seconds

Any motion? I move that um we appoint Mary K and Simmons to the two vacancies.

3:08:35

3 hours, 8 minutes, 35 seconds

Any discussion? If not, all in favor?

3:08:40

3 hours, 8 minutes, 40 seconds

All right. Um next we have um active mobility and um there is um there's one

3:08:49

3 hours, 8 minutes, 49 seconds

vacant seat and then um one seat that's expiring. The person in that expiring seat has wished to um be reappointed. Uh

3:08:57

3 hours, 8 minutes, 57 seconds

Christy Bergnner and then there was an application received from um Edwin Aeros

3:09:06

3 hours, 9 minutes, 6 seconds

and they're both eligible based on their any motion to reappoint Christie and then appoint Edwin. So moved.

3:09:14

3 hours, 9 minutes, 14 seconds

Any discussion? All in favor? I. All right.

3:09:18

3 hours, 9 minutes, 18 seconds

All right. And the last one is historic preservation. Um you have one member whose term is expiring. Um she's eligible for reappointment and has

3:09:26

3 hours, 9 minutes, 26 seconds

indicated she would be interested. Um you did receive other applications from Paul Clark and Mary Soy Soy Nova. Um

3:09:36

3 hours, 9 minutes, 36 seconds

however they do you do need to have uh residents in the city limits for this one. Um that was we looked at the

3:09:44

3 hours, 9 minutes, 44 seconds

ordinance. So, um, eligibility wise, Deborah and U, Paul Clark are in the city limits.

3:09:54

3 hours, 9 minutes, 54 seconds

Make a motion to approve Deborah Norman and Paul Clark.

3:09:59

3 hours, 9 minutes, 59 seconds

Just one. Yeah, sorry.

3:10:05

3 hours, 10 minutes, 5 seconds

I've got a quarter here. [laughter] And Deborah is the current, she's eligible for reappoint. And then um Paul

3:10:13

3 hours, 10 minutes, 13 seconds

was the um other applicant. Mary was too, but her address she's not in the city limits and the code has stipulation

3:10:22

3 hours, 10 minutes, 22 seconds

for that commission to be in the city limits. Active mobility is a little different, but

3:10:28

3 hours, 10 minutes, 28 seconds

my fellow council members have I move to Governor Norman.

3:10:37

3 hours, 10 minutes, 37 seconds

All right. Any discussion? All in favor?

3:10:41

3 hours, 10 minutes, 41 seconds

That's it. I hear a motion for us to go into session. Oh, sorry. It's okay. I'm sorry.

3:10:47

3 hours, 10 minutes, 47 seconds

I did want to briefly acknowledge that um the recre I had some back and forth with Wesley via email about this. The recreation commission was not um part of

3:10:55

3 hours, 10 minutes, 55 seconds

these board appointments tonight. Um we're looking at kind of revitalizing that uh commission with our new

3:11:02

3 hours, 11 minutes, 2 seconds

department head. Um and so stay tuned if you're interested in that. Um, and it came to my attention that the library

3:11:09

3 hours, 11 minutes, 9 seconds

maintenance board is still not part of our regular process. So, I would like the council to consider um formalizing

3:11:17

3 hours, 11 minutes, 17 seconds

those board appointments and adding them to um kind of this annual review and and cycling folks on and off in a way that

3:11:26

3 hours, 11 minutes, 26 seconds

uh conserves the wonderful work that that board does. You know, one thing that you might consider before we include the library board and the

3:11:35

3 hours, 11 minutes, 35 seconds

regular process, there's like there's no documentation of any actually organization. So, we have a little more homework for you.

3:11:44

3 hours, 11 minutes, 44 seconds

Okay. Okay. Well, lastly, maybe you and I can talk about that. Um, I want to thank everyone that applied and please don't stop applying just because if you

3:11:53

3 hours, 11 minutes, 53 seconds

if you weren't elected tonight or appointed tonight, um, appreciate all the engagement and if you want to be on the active mobility commission, there's still a seat.

3:12:03

3 hours, 12 minutes, 3 seconds

So, the motion is part of the agenda.

3:12:06

3 hours, 12 minutes, 6 seconds

So, you're adopting that motion there, right? Okay.

3:12:14

3 hours, 12 minutes, 14 seconds

Is there a motion?

3:12:16

3 hours, 12 minutes, 16 seconds

Yeah. Motion to general for general statute.

3:12:20

3 hours, 12 minutes, 20 seconds

You can just incorporate the motion that's in writing.

3:12:22

3 hours, 12 minutes, 22 seconds

I'll incorporate the motion that's in writing. I make that motion. All right. Close session.

3:12:27

3 hours, 12 minutes, 27 seconds

Any discussion? All in favor? Uh hi.

SECTION 5.18 EMERGENCY HOUSING

5.18.1 Purpose.

To permit the use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use related to a declared federal, state, or local disaster.

5.18.2 General provisions.

A. Eligibility. Applicant must provide proof they:

1. Own, occupy or occupied, as their primary residence, a structure damaged or made inaccessible by the declared disaster; or,
2. Are assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.

B. Siting.

1. Emergency housing may only be on a site other than a damaged or inaccessible home if said housing is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.
2. Debris removal. Emergency housing shall not obstruct or prevent recovery and debris removal operations.
3. Floodways and floodplains. Emergency housing shall be prohibited within regulated floodways and floodplains.
4. Landslide and heavily damaged flood areas. Emergency housing applicants located within landslide or heavily damaged flood areas is strongly recommended to confer with a geotechnical engineer to evaluate site stability prior to placement of the emergency housing on a site, and during reconstruction and redevelopment of a site.

C. Temporary use. Emergency housing shall be permitted for up to two years from the date of the declared disaster and may be extended by the Zoning Administrator for up to one additional year.

D. Number of units. No more than one emergency housing unit may be placed on an individual lot, except where the site is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.

E. Utilities. Emergency housing shall be immediately connected to an approved public or private wastewater system, potable water source, and public electrical service, except where the unit is a travel trailer in which case it shall be connected within the following time limits:

1. Electrical service and potable water. Within three months from the date of placement.
2. Wastewater. Within six months from the date of placement, with the option of the zoning administrator extending for an additional six months with proof of contract to remove waste.

F. Addressing. Emergency housing shall meet the E-911 addressing requirements which may differ dependent upon emergency housing unit type.

G. Setbacks. Setbacks shall apply to emergency housing regardless of type.

H. Spacing. Emergency housing units shall be separated from each other by a distance of at least ten feet.

I. Access. Where three or more emergency housing units are placed on a single lot, those units shall be accessed by a vehicular drive aisle on at least one side of the trailer, which is a minimum of 20 feet in widths for two-direction traffic, or a minimum of 12 feet in width for single-direction traffic, or a minimum of 30 feet for two-direction traffic that contains on-street parking. No parking shall be allowed within the vehicular drive aisle. A site plan that shows uniformity with this access requirement must be submitted.

J. Parking. The minimum required parking for emergency housing shall be one space per emergency housing temporary dwelling unit. The zoning administrator may reduce the required parking if the applicant can demonstrate that less than one space per temporary dwelling unit is sufficient. Parking spaces will be of an all-weather surface.

K. Waste management. The property owner or operator of group sites shall provide capacity for a weekly accumulation of solid waste and recycling on site through the provision of dumpsters or acceptable containers. Waste containers must be serviced at least once a week unless the group site has been vacant for the entirety of the week. Dumpsters shall not be located within any required setbacks.

L. Steep slope. The provisions of the Erosion Prevention and Slope Protection Ordinance apply to emergency housing.

M. Building permit. Electrical, plumbing, driveway, and/or utility permits may be required for emergency housing.

(Ord. No. O-25-01, 1-13-2025)

TOWN OF BLACK MOUNTAIN

160 MIDLAND AVENUE • BLACK MOUNTAIN, NORTH CAROLINA 28711
Phone (828) 419-9300 • Fax (828) 419-7210 • TDD 800-735-2962
www.townofblackmountain.org

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C. Michael Sobol

Town Council
Vice-Mayor Archie Pertiller
Council Member Alice Berry
Council Member Larry Harris
Council Member Lawrence Lytle
Council Member Ryan Stone

Interim Town Manager
Richard N. Hicks

Town Attorney
Craig Justus

Town Clerk
Wesley Barker

July 14, 2026

Paul Langston
Missions Mobilization Consultant
Baptists on Mission
205 Convention Dr.
Cary, NC 27511

Dear Mr. Langston:

Your request for a one year extension for the temporary use ***Emergency Housing*** at 1114 Montreat Rd. (Buncombe County Parcel ID Number 071041779500000) is approved, per Section 5.18.2 (C) which states:

> Temporary use. Emergency housing shall be permitted for up to two years from the date of the declared disaster and may be extended by the Zoning Administrator for up to one additional year.

FEMA declaration FEMA-4827-DR ("Incident: Tropical Storm Helene") states that the disaster was declared on September 28, 2024. With the one year extension, your use expires on September 28, 2027.

Thank you.

Sincerely,

Russell Cate, CZO
Zoning Administrator, Planning & Development
304 Black Mountain Ave.
(828) 419-9373, russell.cate@tobm.org

From:	Russell Cate
To:	Jennifer Tipton
Subject:	FW: letter confirming approval of your request for a one year extension
Date:	Thursday, August 27, 2026 9:56:07 AM
Attachments:	1114 Montreat Rd zoning determination letter 7.14.2026.pdf

here you go

From: Russell Cate
Sent: Wednesday, July 15, 2026 8:09 AM
To: 'plangston@ncbaptist.org' <plangston@ncbaptist.org>
Cc: Tammy Weeks <tammy.weeks@ncmissions.org>; Richard Weeks <richard.weeks@ncmissions.org>; Richard Brunson <rbrunson@ncbaptist.org>
Subject: letter confirming approval of your request for a one year extension

Good morning Mr. Langston –
Attached please find a letter confirming approval of your request for a one year extension.
Thank you.

Russell B. Cate, CZO, SEANC
Planner, Zoning Administrator
828-419-9373
Russell.cate@tobm.org

Town of Black Mountain, NC
304 Black Mountain Ave. | Black Mountain NC 28711
www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

APPEAL FORM www.townofblackmountain.org

APPELLANT INFORMATION	
Name: Frank Cappelli	
Address: 1120 Montreat Rd. Black Mountain, NC 28711	
Phone #: 8284423908	Email: Frankecappelli@gmail.com

APPEAL FROM DECISION OF ZONING ADMINISTRATOR

This is an appeal from a decision of the Zoning Administrator, to wit: __July 14, 2026 written decision of Zoning Administrator Russell Cate granting Baptists on Mission / North Carolina Baptist Men a one-year extension of the temporary Emergency Housing use at 1114 Montreat Road through September 28, 2027. See attached Notice of Appeal.

AFFECTED PROPERTY	
Address: 1114 Montreat Road, Black Mountain, NC	
PIN #: 071041779500000	Zoning Classification: Zoning: Urban Residential (UR-8)

GROUNDS FOR APPEAL

__The extension was granted without findings or competent evidence that the use satisfies Section 5.18's independent siting, government-operation and unit-count requirements. Collaboration with a governmental agency does not establish that the site is operated by a governmental entity. See attached Notice of Appeal for complete grounds and requested relief. A

STATEMENT AND SUBSTANTIATION OF STANDING

_I own 1120 Montreat Road, 12 Rushing Brook Lane and 15 Rushing Brook Lane, which directly adjoin 1114 Montreat Road. The extended use causes particularized impacts to my home, family, tenants, privacy, quiet use and enjoyment, traffic, parking and rental interests that differ from impacts on the general public.

ACKNOWLEDGEMENT	
_Frank Cappelli_____ Appellant Frank Cappelli	Date: 8/31/26
_____ Attorney for Appellant	Date:

OFFICE USE ONLY	
Date Received: 08/31/2026	Received by: Jennifer Tipton

Signature: Jennifer Tipton
Jennifer Tipton (Sep 15, 2025 10:45:42 EDT)

Email: Jennifer.tipton@townofblackmountain.org

Notice of Appeal to the Black Mountain Board of Adjustment

Date: August 26, 2026

Decision appealed: July 14, 2026 one-year extension of Emergency Housing at 1114 Montreat Road

Property: 1114 Montreat Road, Black Mountain, NC; Buncombe County PIN 071041779500000

To:
Black Mountain Board of Adjustment
c/o Town Clerk
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711
town.clerk@tobm.org

From:
Frank Cappelli
1120 Montreat Road
Black Mountain, NC 28711
Owner of 1120 Montreat Road, 12 Rushing Brook Lane, and 15 Rushing Brook Lane
frankecappelli@gmail.com · 828-442-3908

Notice of Appeal

Pursuant to Section 1.7.2 of the Town of Black Mountain Land Use Code and N.C.G.S. Chapter 160D, I appeal Zoning Administrator Russell Cate's July 14, 2026 written decision granting Baptists on Mission a one-year extension of the temporary Emergency Housing use at 1114 Montreat Road through September 28, 2027.

I request a quasi-judicial evidentiary hearing and reversal of the extension decision.

Timeliness and the July 13 Meeting

I attended the July 13, 2026 Town Council meeting. During agenda item 12.A, Town officials explained that the extension decision belonged to the Zoning Administrator, and the Zoning Administrator announced that he believed the one-year request would be approved. A later summary stated that the determination had been made and the additional year would be approved.

The final written decision I appeal is dated July 14, 2026—the following day. At the July 13 meeting, that written decision had not yet been issued or delivered to me. The published agenda packet proposed a Council motion to grant the extension, while the meeting discussion concluded that Council had no decision to make and no motion was taken. I therefore did not understand the July 13 discussion to be delivery or legally sufficient notice that a final July 14 written administrative decision had been issued.

I first received the July 14 written decision by email from the Town on August 24, 2026. On August 24, after I asked where and when the decision had been officially posted, the Zoning Administrator responded that an administrative decision does not trigger public notification. I am not aware of any "Zoning Decision" sign posted for at least ten days or any verification of posting under Section 1.7.2(A)(3).

The Board's published Rules of Procedure state that an appeal must be filed within 30 days after an aggrieved party receives "final, binding, written notice" of the Zoning Administrator's decision. This appeal is filed within 30 days of my first receipt of the final written decision. I respectfully request that the Board find it timely under that rule and Section 1.7.2(A)(2). If the Town contends that the July 13 discussion or another event constituted earlier actual or constructive notice of the July 14 final determination, I request that the Town identify that basis and that the Board decide timeliness on the complete record.

Standing and Special Damages

I own three properties directly adjoining 1114 Montreat Road: 1120 Montreat Road, 12 Rushing Brook Lane, and 15 Rushing Brook Lane. The operation authorized by the extension uniquely and directly affects my home, family, tenants, privacy, use and enjoyment of the properties, and rental interests.

Observed impacts have included early-morning activity and mechanical noise, increased traffic and parking near the common property lines, frequent turnover of volunteers and vehicles, and activity from elevated portions of the adjoining property overlooking my family's yard. These are particularized impacts different in kind and degree from those experienced by the general public.

Grounds for Appeal

1. Section 5.18.2(C) does not authorize extension of a use that fails other mandatory provisions.

The July 14 letter quotes only Section 5.18.2(C), which establishes the maximum duration and authorizes an extension of up to one year. The letter does not disclose whether the Zoning Administrator considered continued compliance with the independent siting, operation, unit-count, parking, access, utility, or other requirements in Section 5.18.

I contend that authority to extend the duration of Emergency Housing does not authorize extension of a use that does not qualify for that treatment or does not comply with the remaining mandatory provisions. I request that the Board decide that issue based on the complete administrative record and applicable law.

2. The record does not establish government operation under Section 5.18.2(B)(1).

> Emergency housing may only be on a site other than a damaged or inaccessible home if said housing is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.

The May 14, 2025 determination states that Baptists on Mission "operates in collaboration with DPS," which the determination found sufficient for **eligibility** under Section 5.18.2(A)(2). Eligibility under

subsection (A)(2), however, is separate from subsection (B)(1)'s requirement that housing on a different site be **operated by** a governmental entity.

The record presently available to me does not show that FEMA, NC Department of Public Safety, another state unit, Buncombe County, or the Town owns, leases, manages, staffs, controls admissions, controls daily operations, or otherwise operates the facility. Collaboration or connection is not the same text as operation by government.

3. The Zoning Administrator identified this defect before the original approval.

In a May 13, 2025 internal email, the Zoning Administrator wrote:

> In my opinion it doesn't align because Sec. 5.18.2 (B) (1) states "Emergency housing may only be on a site other than a damaged or inaccessible home if said housing is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government."

The following day, the Zoning Administrator requested a communication from NC DPS stating only that Baptists on Mission had "some collaboration with, or connection to, a unit of state government." The May 14 determination addressed subsection (A)(2) eligibility but did not explain how collaboration satisfies subsection (B)(1)'s distinct requirement. The July 14, 2026 extension letter again does not address that issue.

4. The decision does not resolve Section 5.18.2(D)'s unit-count requirement.

Section 5.18.2(D) permits no more than one Emergency Housing unit on an individual lot unless the site is operated by a federal, state, or local governmental entity.

The extension decision contains no finding identifying the number of Emergency Housing temporary dwelling units at 1114 Montreat Road, how the Town defines or counts those units in this building, or what evidence supports any exception from the one-unit limit. I do not ask the Board to assume an unverified count. I ask the Board to require the administrative record and competent evidence establishing the Town's classification and compliance.

5. The available decision and record do not show the basis for present compliance.

The July 14 letter does not identify:

- the application or evidence considered;
- the legal and factual basis for government operation;
- the number of temporary dwelling units;
- an approved site or parking plan and any parking reduction;
- current occupancy and fire-safety limits;
- the permits and approvals under which present operation is conducted; or
- whether RV or travel-trailer occupancy is included in the approved use.

I request review of the complete evidence and a determination whether the use being extended complies with Section 5.18. I do not contend that an administrative letter must contain a fresh finding on every subsection merely because the finding is not printed in the letter; the issue is whether the decision is lawful and supported by the record.

6. The July 13 record identifies the rationale but does not resolve (B)(1) or (D).

At the July 13 meeting, the Zoning Administrator stated that Emergency Housing is permitted "as long as the applicant meets the requirements" and that staff "must say yes if they meet the requirements." He then described subsection (C) as the one sentence guiding the extension and announced that he believed there was only one answer: grant the additional year.

The official agenda packet states that Chapter 5 requirements "must be met," while describing subsection (C) as lacking criteria to guide an extension. The report discusses subsection (A)(2) eligibility and subsection (C) duration, but does not separately analyze subsection (B)(1) or subsection (D). This contemporaneous record supports review of what requirements were considered and what evidence supports compliance.

Separate Request for Stay

I am submitting a separate written request under Section 1.7.2(A)(6) that the Board stay the July 14, 2026 extension decision and any final development approvals affected by the issues on appeal. The original temporary period ends September 28, 2026.

Relief Requested

1. Accept this appeal as timely and confirm the filing date in writing.
2. Schedule a quasi-judicial evidentiary hearing.
3. Direct the official who made the decision to transmit all documents and exhibits constituting the record under Section 1.7.2(A)(5).
4. Grant the separately requested stay.
5. Reverse the July 14 extension; or alternatively modify it under Section 1.7.2(A)(8) so it cannot be relied upon unless required compliance determinations are supported by competent, material, and substantial evidence.
6. Issue a written decision containing findings and conclusions.

Respectfully submitted,

Frank Cappelli

Frank Cappelli

Date: 08/26/26

TOWN OF BLACK MOUNTAIN

160 Midland Avenue • Black Mountain, North Carolina 28711
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Town Council
Vice-Mayor Archie Pertiller
Council Member Alice Berry
Council Member Doug Hay
Council Member Pam King
Council Member Ryan Stone

Town Manager
Josh M. Harrold

Assistant Town Manager
Jessica Trotman

Town Clerk
Wesley M. Barker

May 13, 2025

North Carolina Baptist Men
PO Box 1107
Cary, NC 27512-1107

RE: Zoning Determination for 1114 Montreat Road
Buncombe County Property ID Number (PIN): 071041779500000
Zoning District: Urban Residential (UR-8)

Baptists On Mission and North Carolina Baptist Men:

At the preliminary tech review meeting held on May 8, 2025, I offered to provide a zoning determination letter for 1114 Montreat Road. The property is in the Urban Residential (UR-8) zoning district.

You've stated the project goal as hosting volunteers and volunteer groups for overnight stays ranging from one to 14 days, with only one kitchen, a common dining room or study area, and no dining facilities or kitchens in lodgers' rooms. This corresponds with the use ***Boarding House or Rooming House*** only if you have no more than nine individuals spend the night on any given night, and if the owner or manager is a full-time resident.

At the May 8 preliminary tech review meeting, you stated that you intend to have from 25 to 100 individuals spend the night. This does not align with the ***Boarding House or Rooming House*** limit of nine individuals.

If you submit a permit application to establish the use ***Boarding House or Rooming House***, your plans will have to show that no more than nine individuals will spend the night on any night, as well as showing conformity with the other requirements (such as the owner or manager being a full-time resident).

continued

Staff have scoured the Code of Ordinances for any way that your project goal can fit within what code allows. Unfortunately, we cannot find anything that aligns. As a reminder, please note that – per state statute – the Town is not able to issue a variance to allow a use to be established outside of what is listed as permitted on the Table of Uses.

Reference: Section 4.7.14 (Table of Uses by Zoning District) of Chapter 4, and Section 1.2.3 (Definitions) of Chapter 1.

Should you have any questions, please feel free to contact me at 818-419-9373 or Russell.cate@tobm.org.

Sincerely,

Russell Cate, CZO

_____

Planner & Zoning Administrator

CC: Michelle Kennedy, Planning Director

Gmail **Frank Cappelli <frankecappelli@gmail.com>**

1114 - year extension

5 messages

Frank Cappelli <frankecappelli@gmail.com> Mon, Aug 24, 2026 at 9:57 AM
To: Richard Hicks <richard.hicks@tobm.org>, Russell Cate <russell.cate@tobm.org>, Michelle Kennedy <michelle.kennedy@tobm.org>

Has the Zoning Administrator issued a written decision granting the one-year extension for 1114 Montreat Road? If so, please provide the decision, the date it was issued, the date notice was provided, and the deadline to appeal.

Thanks,
Frank

Richard Hicks <richard.hicks@tobm.org> Mon, Aug 24, 2026 at 10:05 AM
To: Michelle Kennedy <michelle.kennedy@tobm.org>
Cc: "frankecappelli@gmail.com" <frankecappelli@gmail.com>

Can you provide him with a copy of the 1 year extension that was issued for 1114 Montreat Road?

Richard N Hicks
Interim Town Manager
richard.hicks@tobm.org
828-419-9311

From: Frank Cappelli <frankecappelli@gmail.com>
Sent: Monday, August 24, 2026 9:57 AM
To: Richard Hicks <richard.hicks@tobm.org>; Russell Cate <russell.cate@tobm.org>; Michelle Kennedy <michelle.kennedy@tobm.org>
Subject: 1114 - year extension

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

Russell Cate <russell.cate@tobm.org> Mon, Aug 24, 2026 at 10:34 AM
To: "frankecappelli@gmail.com" <frankecappelli@gmail.com>, Richard Hicks <richard.hicks@tobm.org>, Michelle Kennedy <michelle.kennedy@tobm.org>

Good morning Mr. Cappelli,

Please see the attached letter.

As far as appeals of administrative decisions, please see the attached Section 1.7.2 (Appeals of Administrative Decisions). Item ***(A) (2)*** specifies a 30-day appeal timeframe.

Thank you.

Russell B. Cate, CZO, SEANC

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org

Town of Black Mountain, NC

304 Black Mountain Ave. | Black Mountain NC 28711

www.townofblackmountain.org

From: Frank Cappelli <frankecappelli@gmail.com>
Sent: Monday, August 24, 2026 9:57 AM
To: Richard Hicks <richard.hicks@tobm.org>; Russell Cate <russell.cate@tobm.org>; Michelle Kennedy <michelle.kennedy@tobm.org>
Subject: 1114 - year extension

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Has the Zoning Administrator issued a written decision granting the one-year extension for 1114 Montreat Road? If so, please provide the decision, the date it was issued, the date notice was provided, and the deadline to appeal.

Thanks,

Frank

---

2 attachments

1114 Montreat Rd zoning determination letter 7.14.2026.pdf
215K

Sec. 1.7.2 - Appeals of Administrative Decisions.pdf
463K

Frank Cappelli <frankecappelli@gmail.com> Mon, Aug 24, 2026 at 10:49 AM
To: Russell Cate <russell.cate@tobm.org>
Cc: Richard Hicks <richard.hicks@tobm.org>, Michelle Kennedy <michelle.kennedy@tobm.org>

Where/when was this officially posted to kick off the 30 day process?
[Quoted text hidden]

Russell Cate <russell.cate@tobm.org> Mon, Aug 24, 2026 at 3:15 PM
To: "frankecappelli@gmail.com" <frankecappelli@gmail.com>
Cc: Richard Hicks <richard.hicks@tobm.org>, Michelle Kennedy <michelle.kennedy@tobm.org>

An administrative decision doesn't trigger a public hearing (or similar) and so, therefore, doesn't trigger public notification.

[Quoted text hidden]

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, October 15, 2026, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, October 15, 2026, at 6:00 p.m**. in the Council Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear an appeal of the Zoning Administrator's decision to grant a one-year extension of emergency housing operations at 1114 Montreat Road.

The meeting is open to the public.

Jennifer Tipton

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 10/01/2026
Published in the Black Mountain News 10/01/2026 and 10/08/2026

www.townofblackmountain.org

CERTIFICATE OF SERVICE

This is to certify that the foregoing Record has been duly served by depositing a copy of the same in the United States Mail, first-class, postage pre-paid, as well as by electronical mail, to the following:

Mr. Frank Cappelli
1120 Montreat Road
Black Mountain, NC 28711
frankecappelli@gmail.com

NC Baptist Men on Mission
Paul Langston
PO Box 1107
Cary, NC 27511
plangston@ncbaptist.org

Mr. Brian Gulden, PA
11 N Market Street
Asheville, NC 28801
bgulden@vwlawfirm.com

Ms. Cindy Rice, PA
PO Box 7647
Asheville, NC 28802
crice@roberts-stevens.com

Ms. Karlie Hudson, PA
PO Box 3023
Smithfield, NC 27577
karlie@hudsonlegalnc.com

Nicole Stallings
Board of Adjustment Chair
267 Fern Way
Black Mountain, NC 28711
Ndstallings01@yahoo.com

John Hines
Board of Adjustment Member
203 S Blue Ridge Road
Black Mountain, NC 28711
John.hines@gmail.com

Linda Brinson
Board of Adjustment Member
251 Avena Road, Apt. 9
Black Mountain, NC 28711
lindabrinson@yahoo.com

David Barley
Board of Adjustment Member
301 View Street
Black Mountain, NC 28711
barleyd@gmail.com

Mary Hall
Board of Adjustment Member
545 Sweet Birch Park Lane
Black Mountain, NC 28711
maryehall@maryehall.com

Ted Rausch
Board of Adjustment Alternate Member
122 Louisa Street
Black Mountain, NC 28711
tedkrausch@gmail.com

Mary Kyryk
Board of Adjustment Alternate Member
23 Eagles Pass Drive
Black Mountain, NC 28711
mkyryk@live.com

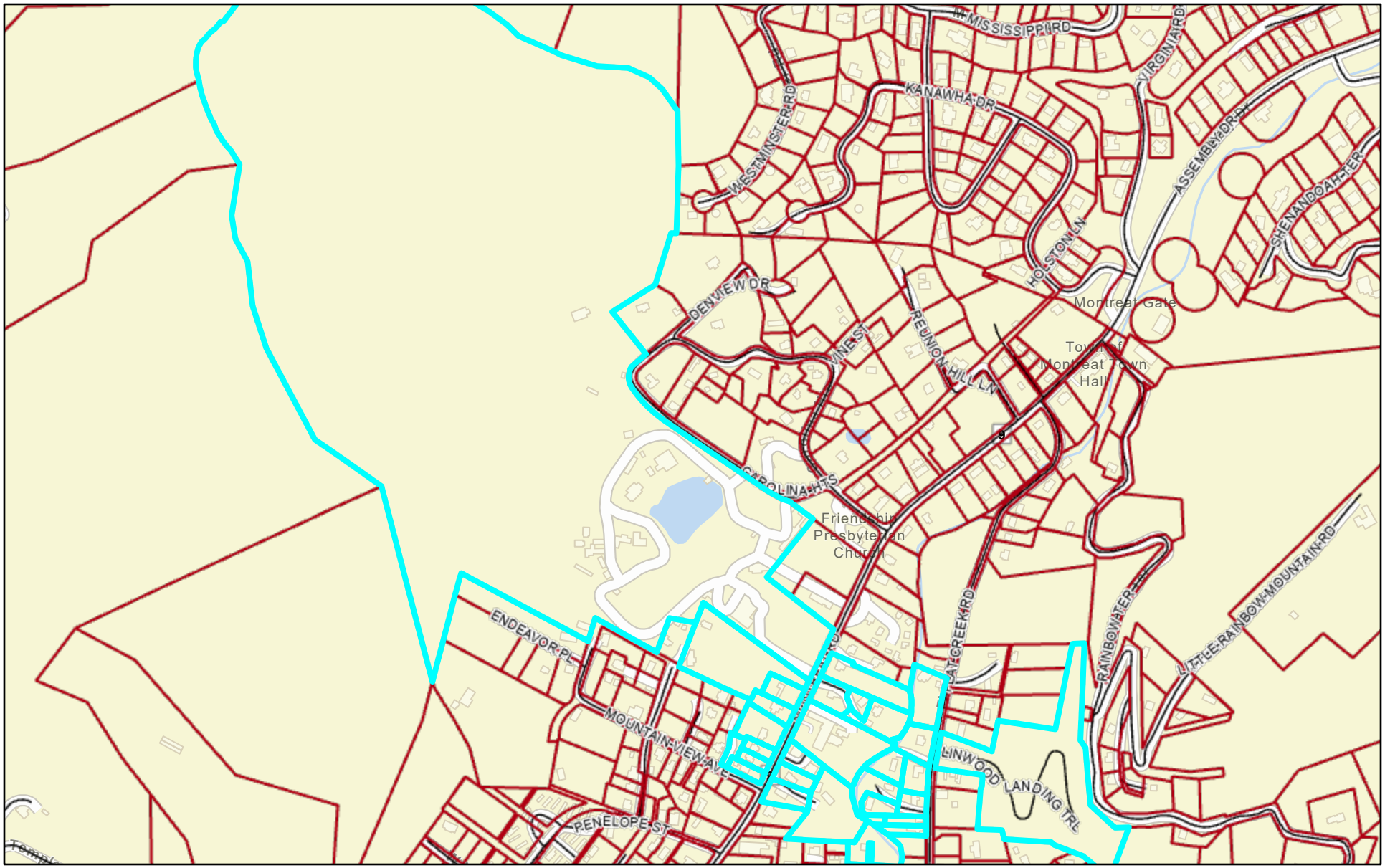
Alan Simmons
Board of Adjustment Alternate Member
200 Stafford Street
Black Mountain, NC 28711
preferthepresent@gmail.com

Russell Cate
Planner I/Zoning Administrator
304 Black Mountain Avenue
Black Mountain, NC 28711
Russell.cate@tobm.org

Michelle Kennedy
Planning Director

304 Black Mountain Avenue
Black Mountain, NC 28711
Michelle.kennedy@tobm.org

Buncombe County



September 15, 2026

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LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, November 19, 2026, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, November 19, 2026, at 6:00 p.m**. in the Council Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear an appeal of the Zoning Administrator's decision to grant a one-year extension of emergency housing operations at 1114 Montreat Road.

The meeting is open to the public.

_____

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 11/01/2026
Published in the Black Mountain News 11/06/2026 and 11/12/2026

www.townofblackmountain.org

Name	Address	City	State	Zip	PIN #
Camp Merri-Mac Property LLC	1123 Montreat Rd	Black Mountain	NC	28711	71033284900000
Tina Chandler; Jason Worley	12 Mountain View Ave	Black Mountain	NC	28711	71041366700000
Eric Miller; Sherrill Miller	207 Ferrell Ln	Black Mountain	NC	28711	71041371600000
Donna McCuen	1111 Montreat Rd	Black Mountain	NC	28711	71041470100000
Sandra Schuit	1113 Montreat Rd	Black Mountain	NC	28711	71041472500000
Brunice Lewis; Lillian Lewis	PO Box 971	Black Mountain	NC	28711	71041484500000
Laura Hannah	1117 Montreat Rd	Black Mountain	NC	28711	71041499300000
Edward Colley Jr; Edward Colley III	50 Green Forest Rd	Swannanoa	NC	28778	71041554500000
Amanda Martin; Evan Martin	1112 Montreat Rd	Black Mountain	NC	28711	71041568200000
Triple-A Property Management LLC	PO Box 15914	Asheville	NC	28813	71041662900000
Edward Colley Jr; Edward Colley III	50 Green Forest Rd	Swannanoa	NC	28778	71041751100000
North Carolina Baptist Men	PO Box 1107	Cary	NC	27512	71041779500000
Frank Cappelli; Emily Cappelli	1120 Montreat Rd	Black Mountain	NC	28711	71041795800000
Frank Cappelli; Emily Cappelli	1120 Montreat Rd	Black Mountain	NC	28711	71041898400000
Rosa Dixon Flack Heirs	11001 Winding Brook Ct	Manassas	VA	20111	71041932100000
James Lytle Sr; Evelina Lytle	PO Box 28	Black Mountain	NC	28711	71041941300000
James Lytle Sr	PO Box 28	Black Mountain	NC	28711	71041945800000
Minnie Moore	70 Bright Hope Rd	Black Mountain	NC	28711	71041954800000
Clyde Fox	20 Cool River Dr	Black Mountain	NC	28711	71041969700000
Frank Cappelli; Emily Cappelli	1120 Montreat Rd	Black Mountain	NC	28711	71041985800000
Kimberly Rivero	6051 Highway 95	Rock Spring	GA	30739	71042317300000
Roland Tolley; Carolyn Tolley	PO Box 279	Swannanoa	NC	28778	71042504100000
Beth Goldston Living Trust	4115 Chatham Church Rd	Sanford	NC	27330	71042901300000
Marick II, LLC	102 Valley Vista Dr	Black Mountain	NC	28711	71051034700000
Marick II, LLC	102 Valley Vista Dr	Black Mountain	NC	28711	71051047200000
Ted Williams; Alma Williams	7 Carefree Ln	Black Mountain	NC	28711	71051150200000
Rachel Halbert	309 Flat Creek Rd	Black Mountain	NC	28711	71051162400000
Sherry Kennison; Ronald Deese	PO Box 1022	Black Mountain	NC	28711	71051171800000
County of Buncombe	200 College St	Asheville	NC	28801	71051198500000
Rainbow Terrace LLC	1472 Patton Ave Ste A	Asheville	NC	28806	71051658700000

Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF EVIDENTIARY HEARING FOR APPEAL OF ZONING ADMINISTRATOR DECISION

Date: November 2, 2026

To: Property Owners within 200 feet of the subject property located at:
1114 Montreat Road

RE: Evidentiary Hearing for Appeal of Zoning Administrator Decision #ZA-26-0014

Dear Property Owner,

Please be advised that an application for an Appeal of a Zoning Administrator Decision has been filed with the Black Mountain Planning and Development Office and Town Clerk concerning the property at 1114 Montreat Road. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property as required by the Town of Black Mountain Land Use Code Section 1.7.1 (D)(3).

Appellant Information:

- Appellant Name: Frank Cappelli

Property Information:

- Property Address: 1114 Montreat Road
- Parcel Identification Number: 0710-41-7795
- Current Zoning: UR-8

This is an Appeal from a Decision of the Zoning Administrator, to wit:
July 14, 2026 written decision of Zoning Administrator Russell Cate granting Baptists on Mission/North Carolina Baptist Men a one-year extension of the temporary Emergency Housing use at 1114 Montreat Road through September 28, 2027.

Brief Statement of Grounds for Appeal:
The extension was granted without findings or competent evidence that the use satisfies Section 5.18's indpendent sitign, government-operation and unit-count requirements. Collaboration with a governmental agency does not establish that the site is operated by a governmental entity.

Evidentiary Hearing Details:

Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

An evidentiary hearing will be held to consider this application. All interested parties are encouraged to attend.

- Date: Thursday, November 19, 2026
- Time: 6:00 p.m.
- Location: Council Room, Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:

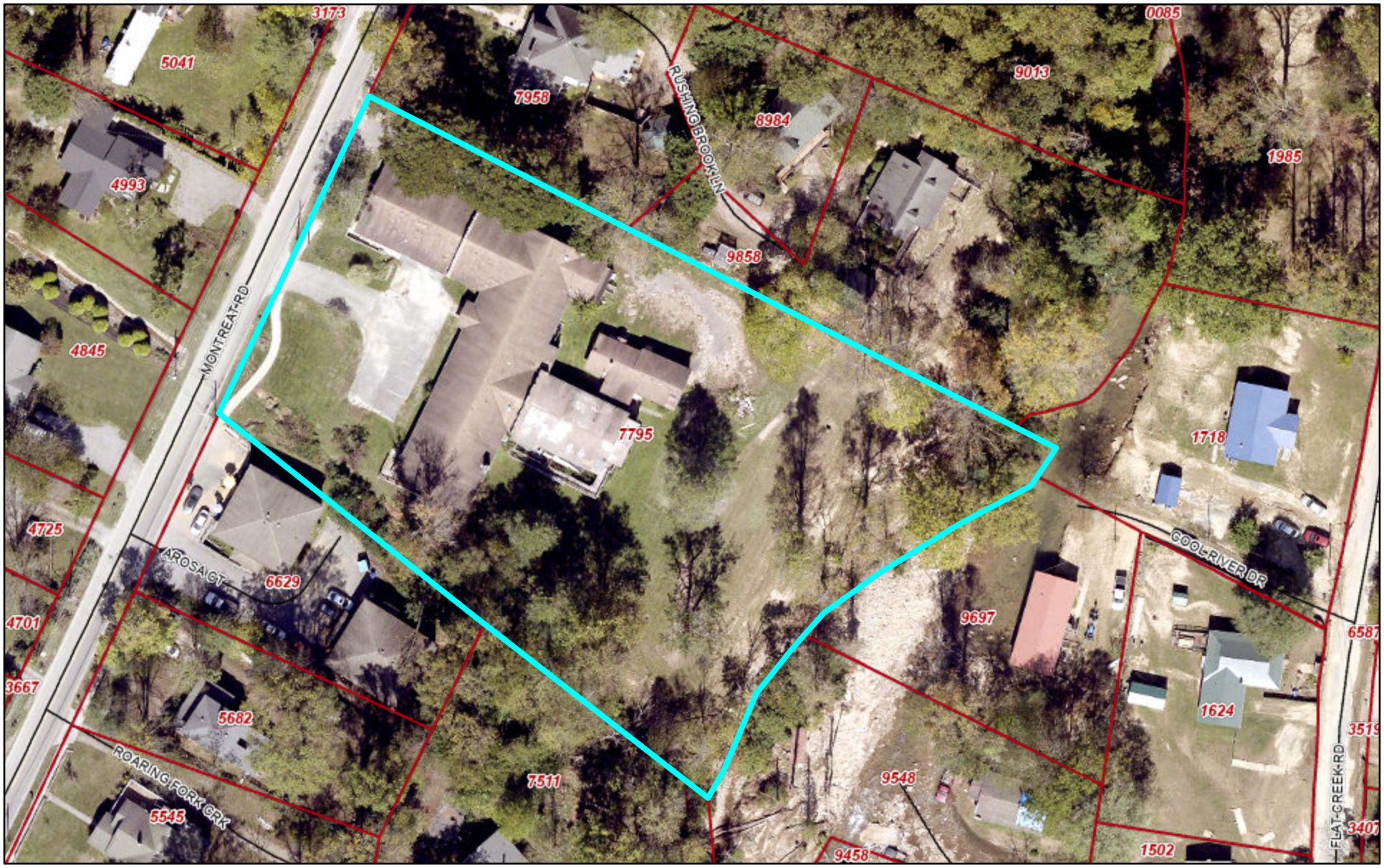
- Review the Application: Agenda Packet
- Contact the Planner: Russell Cate ♦ 828-419-9373 ♦ russell.cate@tobm.org

The meeting is open to the public.

Sincerely,

Jennifer Tipton
Senior Admin/Clerk to Board of Adjustment
Town of Black Mountain Planning and Development Department

Buncombe County



September 15, 2026

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