BLACK MOUNTAIN TOWN COUNCIL MINUTES

September 14, 2026 | Regular Session Agenda | Time: 6:00 PM

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

Black Mountain Town Council held their regular session agenda on Monday, September 14, 2026, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

1.A. Welcome

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Town Council Member Alice Berry, Council Member Lawrence Lytle and Town Council Member Ryan Stone. Council Member Larry Harris was absent.

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

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

1.B. Pledge of Allegiance

1.C. Moment of Silence

1.D. Announcements

1.E. Ethics Statement

In accordance with the Code of Ethics adopted by the Council, all Council Members have a duty to conduct the affairs of the governing board in an open and public manner free of conflicts of interest. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Council Member, his or her family or close business associates? Does any Council Member have a financial interest in any public contract coming before this Council today? There being none, all Council Members have a duty and obligation to vote.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

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

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

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

Mayor Sobol read a proclamation honoring Dolly Parton for her significant contributions as a musician, songwriter, actor, entrepreneur, and philanthropist. The proclamation highlighted her Appalachian roots, six-decade career, promotion of literacy through the Dolly Parton Imagination Library, and her positive impact on children and families in the Black Mountain community. Hundreds of local children in ZIP code 28711 have benefited from receiving free books through the Imagination Library Program. The Mayor recognized her legacy of service, generosity, and humanitarianism and proclaimed September 25th as "Dolly Parton 9-2-25 Recognition Day" in Black Mountain.

3. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

3.A. Presentation from BearWise Advisory Group

The BearWise Advisory Group provided a brief presentation on the status of the group's

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

3.B. Presentation on Parking from BMPD

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

3.C. Presentation on Swannanoa River Floodbench Project

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

4. CITIZEN COMMENTS

Larry Behunck spoke about the need for speed reduction measures and signs for Rhododendron Ln. for to try to lower speeding and make the road safer.
Cheryl Milton spoke about the Old Toll Rd. water line project, specifically the 6" ductile water line, and also spoke about the financial accountability of the Town and the Council's accountability of these finances.
Josh Wells spoke about a social media policy need related to the Mayor's comments on social media.
Cheryl Hyde, Director of the Swannanoa-Black Mountain Chamber spoke about the upcoming Town Council forum hosted by the Chamber which was scheduled for September 23, 2026 at the Black Mountain Center for the Arts.
Teresa Watson spoke about EMS and emergency services response times and requested

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

5. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Sobol spoke about AI and the interest in holding a community meeting soon about AI.

6. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER

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

7. CONSENT AGENDA

7.A. Adoption of Meeting Minutes- August 6 & 10, 2026 - Wesley Barker, Town Clerk

Motion: Motion to approve the meeting minutes as presented, or amended.

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

7.B. Resolution to Amend the FY26-27 Budget for BMPD Insurance Recovery Proceeds - Laurel Mabery, Accountant, Steve Parker, Police Chief

Motion: Motion to approve the budget amendment resolution as presented.

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

was absent.

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

RESOLUTION NO. R-26-72

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

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

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

WHEREAS, the Fiscal Year 2026–2027 budget should be amended to recognize and appropriate the funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Black Mountain, North Carolina, that the following amendments be made to the annual budget for the fiscal year ending June 30, 2027:

Section 1. Budget Amendments

The following accounts are hereby amended as follows:

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

Section 2. Effective Date

This resolution shall become effective upon adoption.

Adopted this the 14th day of September 2026.

7.C. Monthly Tax Collector Report- July 2026 - Laurel Mabery, Accountant

Motion: Approve the tax collector report for July 2026 as presented.

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

CURRENT YEAR TAX -ADVALOREM TAXES		
Billed	$	4,220,5
Collected	$	32,9
Adjustments and Releases	$	6,1
Outstanding real and personal property taxes	**$**	**4,193,7**

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH		
Collected	$	1,7
Adjustments and Releases		

Per NCGS 105-381(b) the Tax Collector is reporting tax releases/refunds within the current period:

Ad Valorem	$	608.75
Motor Vehicle	$	272.10

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

Motion: I move to call for the public hearing for amendments to Chapter 6, Animals, Section 6-6, Public Nuisance and Section 6-19, Civil Penalties to add language regarding bears to be held on Monday, October 12, 2026, at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue, Black Mountain, NC or as soon thereafter as possible.

This public hearing would be to hear comments about proposed text amendments to the Town's Code of Ordinances, Chapter 6, Animals, Section 6-6, Public Nuisance and Section 6-19, Civil Penalties to add language about the feeding of bears as a public nuisance, and to add language about feeding birds, that constitutes an attractant, to the civil penalties section. This public hearing will be held on Monday, October 12, 2026 at 6:00 p.m. at Black

Mountain Town Hall, 160 Midland Ave., Black Mountain, NC 28711. Attorney Craig Justus stated for the record that a public hearing isn't required with Town police power ordinances, such as this, but this is an extra notice being given. **Town Council Member Ryan Stone made a motion to call for the public hearing as presented on October 12, 2026. A vote of 4-0 in favor. Council Member Larry Harris was absent.**

7.E. Authorization of the Purchase of Recycling Vehicles through NC DEQ Recycling Grant Program and Adoption of the Capital Project Ordinance. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution authorizing the purchase of recycling vehicles through NCDEQ Helene Recovery Recycling Infrastructure Grant Program and adoption of the Capital Project Ordinance as presented.

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

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

NC DEQ HRRI Vehicles Project

Capital Project Fund Ordinance

Ordinance No: O-26-19

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

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

Section 3: Funding

The project is funded in whole by the NC DEQ HRRI grant program.

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

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

Budgeted Revenues

Revenue Type	***Anticipated Revenues***
Allocation Project Grant Funding (NC DEQ HRRI)	$525,000.00
Total Revenue	**$525,000.00**

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

Budgeted Expenditures

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

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

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

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

Section 10. Budget Inclusion
Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include within the budget information in such detail as he or the governing board may require concerning each grant project or

capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Section 11. Project Expiration

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

Duly adopted this 14th day of September 2026.

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

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

RESOLUTION NO. R-26-73

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

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

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

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

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

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

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

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

Recycling Vehicles

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

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

Adopted this 14th day of September, 2026.

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7.F. Consideration of Resolution Authorizing the Purchasing of Replacement Vehicles through the USDA Community Facilities Disaster Assistance Fund Grant and Adoption of Capital Project Ordinance. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution authorizing the purchase of replacement vehicles through the USDA Community Facilities Disaster Assistance Fund Grant and adoption of the Capital Project Ordinance for this grant as presented.

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

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

Town of Black Mountain

USDA CF DAF Vehicles Project

Capital Project Fund Ordinance

Ordinance No: O-26-20

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina,

that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of purchasing vehicles encompassed by the scope provided to the United States Department of Agriculture (USDA) Community Facilities Disaster Assistance Fund.

Section 3: Funding

The project is funded in whole by the USDA CF DAF grant program.

Section 4: Directives

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

Section 5. **Revenues**

The following anticipated Revenues are hereby adopted:

Budgeted Revenues

Revenue Type	***Anticipated Revenues***
Allocation Project Grant Funding (USDA CF DAF)	$548,400.00
Total Revenue	**$548,400.00**

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures

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

Section 7. **Records and Reporting**

The Finance Director is hereby directed to maintain within the Capital Project Fund

sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 8. Authority to Manage Accounts

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

Section 9. Official Copies

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

Section 10. Budget Inclusion

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

Section 11. Project Expiration

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

Duly adopted this 14th day of September 2026.

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

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

RESOLUTION NO. R-26-74

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

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

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

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

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

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

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

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

USDA Vehicles for Purchase

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

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

Adopted this 14th day of September, 2026.

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7.G. Consideration of Resolution to Authorize the Agreement with Anchor QEA of NC, PLLC to Provide Design and Engineering Services for the Flat Creek Greenway Restoration Project - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution as presented.

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

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

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

RESOLUTION NO. R-26-75

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

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

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

WHEREAS, the Town Council of the Town of Black Mountain awarded this project to Anchor QEA PLLC (hereinafter referred to as "Anchor") after scoring responses to a

request for qualifications for engineering services for the project; and

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

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

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

ADOPTED this 14th day of September 2026.

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7.H. Consideration of Resolution Authorizing the Task Order with Jennings Environmental for Design & Engineering Services for the NC DEQ Blueprint Veterans Park Floodbenching Project and Adoption of a Capital Project Ordinance for this Project. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution to authorize the task order with Jennings Environmental as presented and to adopt the Capital Project Ordinance as presented for the Veterans Park Floodbenching Project.

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

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

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

RESOLUTION NO. R-26-76

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

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

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

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

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

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

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

Adopted this 14th day of September, 2026.

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

Town of Black Mountain

Veteran's Park Blueprint Floodbenching Project

Capital Project Fund Ordinance

Ordinance No: O-26-21

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

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

Section 3: Funding

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

Section 4: Directives

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

Section 5. **Revenues**

The following anticipated Revenues are hereby adopted:

Budgeted Revenues

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

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures

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

Section 7. **Records and Reporting**

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

Section 8. Authority to Manage Accounts

The Town Manager and/or the Finance Director has the authority to transfer funds; both expenditures and revenues, between the accounts contained within the capital project as may be necessary, provided however that the total expenditures equal the total revenues and

that expenditures may not exceed the project total without an amended ordinance from council.

Section 9. Official Copies

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

Section 10. Budget Inclusion

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

Section 11. Project Expiration

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

Duly adopted this 14th day of September 2026.

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7.I. Consideration of Resolution Authorizing the Task Order with Jennings Environmental for Design & Engineering Services for the Veterans Park River Restoration Project and Adoption of the Capital Project Ordinance. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution authorizing the Task Order with Jennings Environmental for design & engineering services for the Veterans Park River Restoration Project and adoption of the Capital Project Ordinance for the project as presented.

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

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

Town of Black Mountain

Veteran's Park River Restoration FEMA Project

Capital Project Fund Ordinance

Ordinance No: O-26-22

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, pursuant to the Local Government Budget and Fiscal Control, a local government may, in its discretion, authorize and budget for a capital project or a grant project in a project ordinance adopted pursuant to G.S. 159-13.2. A project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year; and the following Capital Project Fund Ordinance is hereby created as follows:

Section 1: Project Defined

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

Section 2: Project Authorization

The project authorized is for the purpose of completing the Veteran's Park River Restoration Project.

Section 3: Funding

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

Section 4: Directives

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

Section 5. **Revenues**

The following anticipated Revenues are hereby adopted:

Budgeted Revenues

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

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures

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

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

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

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

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

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

Duly adopted this 14th day of September 2026.

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

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

RESOLUTION NO. R-26-77

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

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

WHEREAS, the Town requested statements of qualification from engineering firms who

wished to perform the design and engineering for the project; and

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

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

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

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

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

Adopted this 14th day of September, 2026.

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7.J. Consideration of Resolution Authorizing the Task Order with Kimley-Horn & Associates to Perform Design & Engineering Services for the Veterans Park Pedestrian Bridge Project. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve the resolution authorizing the task order with Kimley-Horn & Associates to perform design & engineering services for the Veterans Park Pedestrian Bridge Project as presented.

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

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

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

RESOLUTION NO. R-26-78

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

Helene; and

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

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

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

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

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

Adopted this 14th day of September, 2026.

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7.K. Consideration of Resolution Authorizing the Amendment to the Agreement for Professional Engineering & Design Services from the John R. McAdams Company for FEMA Town Roads Group 2 Project. - Matt Begley, Recovery & Capital Programs Director

Motion: Motion to approve authorizing the amendment to the agreement for Professional Engineering & Design Services from the John R. McAdams Company for FEMA Town Roads Group 2 Project.

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

Council Member Ryan Stone made a motion to approve the following resolution. A vote

of 4-0 in favor. Council Member Larry Harris was absent.

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

RESOLUTION NO. # R-26-79

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

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

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

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

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

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

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

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

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

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

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

Adopted this 14th day of September, 2026.

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7.L. Consideration of Application to Pursue Grant Funds for Part-Time Assistant Community Garden Manager Position Funding for FY27-28 - Jacob Guiot, Recreation & Parks Director

Motion: Motion to approve the resolution as presented.

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

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

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

RESOLUTION NO. # R-26-80

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

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

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

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

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

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

Adopted this 14th day of September, 2026.

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8. PUBLIC HEARING

8.A. Public Hearing to Amend Chapter 48, Utilities, Article VI, Stormwater Management Enterprise Fund, Division 2, Stormwater Service Charges - Jennifer Tipton, Senior Admin, Michelle Kennedy, Planning Director

Motion: I move that we approve the amendments to Chapter 48, Utilities, Article VI, Stormwater Management Enterprise Fund, Division 2, Stormwater Service Charges as presented.

The current Stormwater Management Enterprise Fund Ordinance does not specify that the property owner is the responsible party for paying the utility bill, as is required by law. The proposed amendments will remove any mention of tenants, agents, or anyone that is not the property owner and will move the responsibility of the utility bill to the property owner. **Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. Council Member Larry Harris was absent. The time was 7:26 p.m. No public comment was provided. Vice Mayor Archie Pertiller then made a motion to close the public hearing. A vote of 4-0 in favor.**

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

[INSERT ORDINANCE TEXT]

8.B. Public Hearing to Amend Chapter 2, Building Regulations, Section 2.3, Flood Damage Prevention Ordinance - Anne Phillip, Stormwater Technician, Michelle Kennedy, Planning Director

Motion: I move that we approve the proposed amendments to Chapter 2, Building Regulations, Section 2.3, Flood Damage Prevention Ordinance, as presented and that the proposed amendments are consistent with the comprehensive plan and are in the public interest because they promote environmentally-sensitive and sustainable practices and promote the public health, safety and welfare of the town.

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

[INCLUDE LIST FROM ANNE]

Some discussion ensued about the freeboard, which is currently 2 feet above base flood elevation. The recommendation from the Planning Board was to increase this freeboard to 4 feet. Pros and cons were discussed about this freeboard increase.
Town Council Member Alice Berry made a motion to open the public hearing. A vote of 4-0 in favor. Council Member Larry Harris was absent. The time was 7:49 p.m. No public comment was provided. Vice Mayor Archie Pertiller then made a motion to close the public hearing. A vote of 4-0 in favor.

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

the Planning Board recommended with the freeboard and provisions in Article 5, section B to remain as is.

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

[INSERT ORDINANCE]

8.C. Public Hearing to Amend Chapter 8, Land Development and Environmental Regulations, Section 8.2, The Phase II Stormwater Ordinance and Chapter 20, Environment, Article X, Illicit Discharge - Anne Phillip, Stormwater Technician, Michelle Kennedy, Planning Director

Motion: I move that we approved the proposed amendments to Chapter 8, Land Development and Environmental Regulations, Section 8.2, The Phase II Stormwater Ordinance and Chapter 20, Environment, Article X, Illicit Discharge as presented and the proposed amendments are consistent with the comprehensive plan and are reasonable and in the public interest because they promote environmentally-sensitive and sustainable practices, promote natural approaches to address stormwater, and promote the public health, safety and welfare of the town.

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

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

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

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

9. CITIZEN COMMENTS

None.

10. UNFINISHED BUSINESS

10.A. Discussion of Public Safety Building Facilities

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

11. NEW BUSINESS

11.A. Resolution to Amend the Fiscal Year 2026-27 Schedule of Fees for facility rental fee increases for the Lakeview Clubhouse facility. - Jacob Guiot, Recreation & Parks Director

Motion: Motion to approve the amendments to the Lakeview Clubhouse rental fees and amendment to the Town Schedule of Fees for FY26-27 as presented.

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

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

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

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

RESOLUTION NO. # R-26-81

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

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

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

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

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

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

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

Adopted this the 14th day of September 2026.

11.B. Agreement For Engineering Services With McGill Associates, PA for Water Resiliency Project. - Richard Hicks, Interim Town Manager

Motion: I move that Council authorize the Interim Town Manager to Execute the Engineering Agreement with McGill Associates, PA for the Water Resiliency Project.

Interim Town Manager Richard Hicks stated that the Town of Black Mountain has been awarded almost $10 million dollars from the State Revolving Fund (SRF) Helene Water Resiliency Project which would include the following scopes of work: development of up to four new water supply wells, rehabilitation of ten existing water supply well and common well treatment building, replacement of existing well supply water lines, proposed water storage tank, relocation of two existing water lines, fourteen water line stream crossings by direction drill or open cut, and standby generator and electrical improvements at existing booster pump stations. Staff is recommending that the Town execute an engineering agreement with McGill Associates, PA for the design work on the project. The total cost of their services, under the agreement, would be $1,410,000. **Vice Mayor Archie Pertiller made a motion to authorize the Interim Town Manager to execute the engineering agreement with McGill Associates, PA, for the Water Resiliency Project. A vote of 4-0 in favor. Council Member Larry Harris was absent. A copy of this engineering agreement is included at the end of these minutes as Appendix C.**

12. CLOSED SESSION - NCGS 143-318.11 (A)(3) CONSULT WITH ATTORNEY, ATTORNEY-CLIENT PRIVILEGE; AND NCGS 143-318.11(A)(6) PERSONNEL-RELATED.

No Closed Session was held.

13. ADJOURNMENT

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

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

[MIN_SIGNATURES]