



BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 25, 2024 | Special Called Meeting | Time: 5:30 P.M.

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

The Black Mountain Town Council held a special-called meeting on Tuesday, June 25, 2024, at 5:30 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the meeting to order at 5:30 p.m. with the following members in attendance: Vice Mayor Archie Pertiller, Council Member Doug Hay, Council Member Pam King and Council Member Ryan Stone (arrived at 5:36 p.m.). Mayor C. Michael Sobol and Council Member Alice Berry were absent.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager/Planning Director; Wesley Barker, Town Clerk; Angela Reece, Project & Facilities Manager; Jamey Matthews, Public Works Director; Tammy Holland, Finance Director; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Doug Morrow, Fire Marshal. Attorney Brian Gulden was also present.

2. PUBLIC HEARING

Text amendments to Chapter 4, Alcoholic Beverages, and Chapter 43, Article IV, Parades, Festivals and Special Events, to allow alcohol sales and consumption on sidewalks and streets during approved special events.

Council Member Doug Hay made a motion to open the public hearing. A vote of 3-0 in favor. The time was 5:32 p.m. Council Member Ryan Stone joined the meeting at 5:36 p.m. Mayor C. Michael Sobol and Council Member Alice Berry were absent.

Jessica Trotman, Planning Director and Assistant Town Manager, gave a short overview. Jessica explained that based on community feedback and direction from Town Council, that staff has provided proposed amendments to the alcoholic beverages section of the Code of Ordinances and the special events section of the Code of Ordinances to allow for the consumption of alcohol in public areas, such as sidewalks, rights-of-ways, etc. during special events that have an approved special event permit from the Town, and an approved ABC permit from the State of North Carolina.

Vice Mayor Pertiller then opened the floor for the public to speak on this item.

Justice Rogers, with Black Mountain Blues, made some comments on the Black Mountain Blues event, spoke on regulations participants adhere to during special events and are used to adhering to, and stated in his experience, there are usually no incidents with participants in these types of events. Mr. Rogers also spoke about the proposed 120-day period between submitting an application for an event and the date of the event beginning and asked that this be waived.

Judi Melton spoke about the proposed 120-day application period to submit an event permit, as it relates to the Oktoberfest event occurring in October, which would serve alcoholic beverages, and the need for a possible exception since it would be about 120 days away already.

Jennifer Pickering, resident and local artist and executive director of LEAF, spoke about the LEAF festivals held in downtown Asheville over the years which experienced zero incidents. She also spoke about LEAF's new partnership with White Horse to bring more events to downtown Black Mountain for cultural and arts representation.

Council Member Doug Hay made a motion to close the public hearing. A vote of 4-0 in favor. Mayor C. Michael Sobol and Council Member Alice Berry were absent.

Jessica Trotman addressed questions from the Town Council. One question was about submitting the special event permit application 120 days before the event is to begin. Jessica stated for the Black Mountain Blues Festival, the current permit that has been submitted meets these criteria, and the festival applicant would just need to attach their ABC permit with the existing special event permit, if received in time before the festival. If the ABC permit was not granted by the ABC Commission in Raleigh before the festival, there could be no alcohol within this festival's outdoor footprint (e.g. on streets/sidewalks).

Some discussion ensued among Council Members.

A few comments were made by Fire Chief John Coffey and Fire Marshal Doug Morrow who cited general safety concerns at street crossings, and along sidewalks and public streets near an event that serves alcohol. They also stated that for special events, adequate town public safety personnel should be on hand in the event of issues arising and balancing personnel needs for the rest of the community at the same time.

After some other discussion, it was suggested that a partial sentence be removed from the proposed language of Article IV: Parades, Festivals and Special Events, Section 43-74 (a), which reads "where access to such area is restricted to persons who shall be at least 21 years of age."

Additionally, it was suggested that an edit be made to Article IV: Parades, Festivals and Special Events, Section 43-75 (a) to replace a proposed 120 days, up from the current 45 days in the ordinance, to 90 days, which would then read, if approved, as: "Applications for special events must be properly and fully completed prior to submission to the office of the town manager, or any other office as designated by the town manager, at least 90 days prior to the planned event."

With no further discussion, Council Member Doug Hay made a motion to approve the proposed text amendments to Chapter 4, Alcoholic Beverages, and to Chapter 43, Article IV, Parades, Festivals and Special Events, within the Town's Code of Ordinances, as amended, and find that the proposed change are consistent with current state regulations and find that the recommendations promote the general welfare and are in keeping with good zoning practice. A vote of 4-0 in favor. Mayor C. Michael Sobol and Council Member Alice Berry were absent.

ORDINANCE #O-24-07

AN ORDINANCE TO AMEND CHAPTER 4, ALCOHOLIC BEVERAGES, AND CHAPTER 43, ARTICLE IV, PARADES, FESTIVALS, AND SPECIAL EVENTS, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES

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

NOW, THEREFORE, BE IT RESOLVED that Chapter 4, Alcoholic Beverages, and Chapter 43, Article IV, Parades, Festivals, and Special Events, of the Town of Black Mountain Code of Ordinances, be amended to the following:

Chapter 4 – ALCOHOLIC BEVERAGES

Sec. 4-1. – Drinking in public places; exceptions.

- (a) No person shall consume alcoholic beverages, as defined by G.S. 18B-101(4), on or within the rights-of-way of the municipal streets, boulevards, alleys, sidewalks, municipal recreation areas, parks, playgrounds, or municipal buildings or on any other property owned or occupied by the town, except as herein provided.
- (b) ~~The provisions of subsection (a) of this section shall not apply to those persons, who, for a fee, are using the Black Mountain Golf Course, or to those persons who have contracted to use and are using the Black Mountain Club House for a fee.~~ **Exceptions:**
 - (1) **Any person who, for a fee, is using the Black Mountain Golf Course.**
 - (2) **Any person who has contracted to use and is using the Black Mountain Club House for a fee.**
 - (3) **Participants of a special event that has received an approved special event permit from the town that includes the serving of alcoholic beverages for consumption on streets and sidewalks closed pursuant to an approved special event permit.**

Sec. 4-2. – Disposal of beer, wine, and liquor containers.

No person shall drop, throw, cast, deposit or leave any beer, wine, or liquor containers upon any municipal streets, boulevards, alleys, sidewalks, municipal parks and buildings, or any other property owned or occupied by the town.

Sec. 4.3 – Distribution of revenue.

Revenue shall be distributed in accordance with state law.

Sec. 4.4 – Powers of local ABC board.

- (a) The local ABC board shall operate according to powers granted under the authority of article 7, Local ABC Boards, ~~North Carolina~~ N.C.G.S. 18B-700.
- (b) In addition to removal provisions set forth in ~~North Carolina~~ N.C.G.S. 18B-202, the ~~board of aldermen~~ town council may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a single six-month period without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon ~~or a~~ a complaint by the ABC board chairperson, a member of the ABC board, staff, or on the ~~board of aldermen's~~ town council's own motion. A member must attend 50 percent of a meeting in order to be considered in attendance for the purposes of this policy. On January 1st of each year, a member of any board or commission appointed by the ~~mayor or board of aldermen~~ town council may be automatically removed from said body for failure to attend at least one-half of all regular and special meetings of the body held during the immediately preceding calendar year.
- (c) The ABC board shall serve without compensation from the Town of Black Mountain.

Sec. 4-5. – Wine, fortified wine, and mixed beverages on Sunday mornings.

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within Black Mountain's corporate limits on Sundays beginning at 10:00 a.m., at any premises which is properly licensed as provided in G.S. ch. 18B, art. 9.

ARTICLE IV. – PARADES, FESTIVALS AND SPECIAL EVENTS

Sec. 43-71. – Purpose and applicability.

- (a) The town permits certain and specified uses in order to accommodate special events, parades, demonstrations, and other temporary uses of public property in order to ensure public health, safety and welfare by keeping local officials informed of activities that may impact the larger community or require assistance from any of the town's departments.
- (b) This article shall not apply to:
 - (1) Funeral processions;
 - (2) Any governmental agency acting within the scope of its functions;
 - (3) Special events on private property which will not require traffic control, fire inspections or other actions by town staff or departments; or
 - (4) Students going to and from school classes participating in educational activities, provided such activities are authorized by appropriate school authorities and are under the immediate direction and supervision of school authorities authorized to approve and supervise such special events activities.

Sec. 43-72. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

Fortified wine means any wine or alcohol containing more than 16% alcohol and no more than 24% alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey, or by the addition of pure cane, beet, or dextrose sugar.

Group demonstration means any assembly, together or concert action, on public property or public rights-of-way for the purpose of protesting any matter, making known any position, for the promotion of the assembly or on behalf of any organization or person, or for the purposes of attracting attention to the assembly.

Malt beverage means beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least 0.5% and not more than 15% alcohol by volume.

Mixed beverage means a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Special event means a planned, outdoor event which involves the gathering of a group of persons for a common purpose, design or goal upon a public street, sidewalk, alley, park, building or other public place, including, but not limited to, outdoor activities conducted on public property or public rights-of-way, sporting events not associated with an educational facility or municipal government, public meetings or assemblies, outdoor organized entertainment or festivals, organized celebrations, or parades, and the playing of music by musicians (musical events, where tickets are sold).

Unfortified wine means wine that has an alcoholic content produced only by natural fermentation by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than 17% alcohol by volume.

Sec. 43-73. – Permit application – Required contents.

- (a) No person shall have, hold, sponsor, or cause to be had, held, or sponsored any special event without first applying to the town and receiving a permit for the event. All applications for permits must be made on forms provided by the town.
- (b) Planners of group demonstrations shall, when possible, provide a completed application for a permit, so as to allow the town to make plans for traffic control and such other measures needed to protect the safety of demonstrators while insuring the safety of all citizens.
- (c) Applications for permits may be made to the office of the town manager or any other office as designated by the town manager.
- (d) **A statement of the applicant's intent whether to serve or to allow the consumption of beer, wine, and mixed beverages. If serving alcoholic beverages, a copy of the**

applicant's ABC permit demonstrating that the applicant is properly licensed to allow the consumption of beer, wine and mixed beverages within the plan-defined area, and a verified statement by the applicant that:

- (1) **Its ABC permit is in good standing; and**
 - (2) **The applicant has not been cited for any violation of its ABC permit for the premises within the previous three-year period. If the applicant has been cited, the applicant must provide a statement describing the circumstances for which it was cited and describing what, if any, penalty was imposed for the incident.**
- (e) The application must be completed in its entirety. No application shall be considered submitted until all information required by the application form has been provided. Applications shall include:
- (1) The name, address, title and telephone number of the person responsible for the event. If the sponsor includes a sponsoring organization or corporation of any kind, the applicant shall provide the name and address of the person within the sponsoring organization or corporation who will be responsible for the event in addition to the organization or corporation's contact information;
 - (2) The nature of the proposed special event and the activities to be conducted;
 - (3) The date hours, and location requested;
 - (4) The number of persons estimated to be in attendance, including organizers, participants, vendors, and the estimated maximum number of people to be assembled at any one time;
 - (5) A description of the area to be utilized, including property owners, public rights-of-way and requested street changes, closures and parking areas, and indicated on a map. Map should indicate:
 - a. Any proposed road/lane closures;
 - b. Proposed barricade, stage, vendor, **alcohol consumption areas**, and other structure locations, including proposed signs;
 - c. A proposed detour route; and
 - d. Proposed traffic control, detour or directional signage and their locations.
 - (6) Information on emergency access to all locations within the restricted areas;
 - (7) Information on proposed temporary signs and banners;
 - (8) The type and location of all temporary structures, tents, air-supported structures, stages, trailers and vendors to be located at the special event, including documentation of the flammability rating of each;
 - (9) Information on utility services, including electrical power, water, restroom facilities, and garbage collection and disposal;
 - (10) The intention of the applicant or sponsoring organization to provide proof of adequate liability insurance coverage, the amount of which will be determined by the ~~board of aldermen~~ **town council**, but in no event shall be less coverage than \$100,000;
 - (11) An agreement to save and keep the town free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of the special event;
 - (12) A schedule of times available prior to the special event to schedule inspections required by the state building and fire code;

- (13) Agreement to comply with all municipal ordinances, rules, regulations, and other applicable laws;
- (14) Information on the location and direction of noise-emanating devices, along with proposed level, frequency, and duration;
- (15) Such other pertinent information as may be required by the town or added at the direction of the town manager; and
- (16) Any applicable permit or town fees as established by the board of aldermen town council. If such fee is established and based on the anticipated cost to the town for traffic control, sanitation and other services, the organizers of the special event may be charged for the increase of such costs to the town resulting from an increase in the number of participants and the enlargement of the time period of the activity. This applies to special events but not to group demonstrations when such demonstrations are an exercise of the First Amendment rights of the participants.

Sec. 43-74. – **Sale of alcoholic beverages permitted at special events.**

- (a) **It shall be lawful for a special event permittee to serve or sell malt beverages, fortified wine, unfortified wine, and mixed beverages where the boundaries of the area in which such beverages are allowed is clearly delineated, and where the following requirements are met:**
 - (1) **The contents of beer bottles, cans, wine bottles or any other unopened container shall be poured into appropriate non-glass and non-plastic cups;**
 - (2) **All empty bottles and cans shall be handled in such a way as to not be broken or left on streets and sidewalks; and**
 - (3) **The permittee shall be required to maintain proper decorum and order and leave the area in a clean condition.**

Sec. 43-75. – Same – Submission and approval

- (a) Applications for special events must be properly and fully completed prior to submission to the office of the town manager, or any other office as designated by the town manager, at least ~~45~~ **90** days prior to the planned event.
- (b) Applications for planned group demonstrations must be properly and fully completed prior to submission to the office of the town manager at least 24 hours prior to the planned event. The application shall specify the time, date, and place for the commencement and the route and anticipated duration of any demonstration. This requirement applies to planned demonstrations and is necessary to allow the town to have time to take such steps as are necessary to insure the ability of the participants to hold the demonstration while protecting the safety of the participants and others.

Sec. 43-76. – General standards for special events.

All special events shall meet the following standards for permit:

- (1) Any activities related to the event, including setup and cleanup must occur between the hours of 8:00 a.m. and 11:00 p.m. Events extending over multiple days must discontinue activities at 11:00 p.m. and not reinitiate activities until 8:00 a.m.
- (2) Permitted hours of operation for specific special events may be extended, at the discretion of the issuing official if:

- a. Extension of hours will not result in this disturbance of properties within residential districts;
 - b. Extension of hours is necessary to minimize traffic impacts or public inconvenience;
 - c. The board is assured that any public safety or traffic concerns resulting from an extension of hours is adequately addressed by the event planners.
- (3) Events will not be held at the same time and place as any other event for which a special event permit has previously been issued.
 - (4) A plan for alternate traffic and parking patterns shall be established with approval of the town police chief or his designee.
 - (5) The special event will not require the diversion of so great a number of police officers, ambulances, or firemen of the town that adequate public safety cannot be provided to the remainder of the town, nor shall the special event interfere with adequate fire and police protection or of ambulance service to areas contiguous to the assembly or location areas.
 - (6) The special event will not be conducted such that there is a reasonable likelihood of violence or persons or property causing serious harm to the public.
 - (7) Temporary banners or signs associated with the event and described in the permit shall be allowed with the approval of the zoning administrator. Such banners or signage shall be placed no sooner than ten days prior to the event and shall remain in place no later than five days after the event. Signage remaining after ten days shall be removed by the town.

Sec. 43-77. – Standards applicable to group demonstrations.

- (a) Group demonstrations for the purpose of exercise of First Amendment rights shall meet the following standards to keep relevant town personnel informed and to ensure public safety:
 - (1) Permit applications shall specify whether or not minors below the age of 18 years will be permitted to participate.
 - (2) Permit applications shall specify the person or persons in charge of the activity or a contact person for the town who will at all times be present at the demonstration, and that person or contact persons shall carry the permit at all times during the event.
 - (3) Picketers shall observe the right of nonpicketers to utilize public rights-of-way for passage on foot or automobile and shall at all times keep public rights-of-way free and clear for utilization. Whenever free passage of any open street, sidewalk or other public area shall be obstructed by a crowd, persons shall disperse, move along, or clear a passage when directed to do so by a police officer of the town. Nothing in this section shall prohibit any person from reconvening after dispersing so long as free passage of any street or other public area is not obstructed.
- (b) No person shall hamper, obstruct, impede, or interfere with any parade, or group demonstration being conducted under authority of a permit duly issued by the town.

Sec. 43-78. – Parking within special event areas or parade or demonstration routes.

- (a) The chief of police shall have the authority to prohibit or restrict the parking of vehicles along a street or highway or part thereof or to close a town street to automobile traffic whenever such right-of-way constitutes an area needed for the special event or route of a parade or demonstration.

- (b) The chief of police shall see that signs are posted to such effect at least 12 hours prior to the event, and it shall be unlawful for any person to park, remain parked or leave any vehicle unattended in violation thereof.

Section 43-79. – Revocation of permit.

- (a) The town manager or his designee, the fire marshal, or the chief of police may revoke a special event or group demonstration permit if the holder of such permit fails to comply with the provisions of this article or any terms and conditions of such permit.
- (b) A permit revocation may be appealed to the town manager by giving written notice of such appeal within ten days of the date such revocation is effective. Any appeal shall be heard by the town manager within five working days of his receipt of such written appeal.

Sec. 43-80. – Appeals.

Any applicant wishing to appeal the decision of the town manager or his designee to deny the issuance of a permit under the guidelines of this article shall do so, in writing, to the town council ~~board of aldermen~~ within ten days of notification that said application had been denied.

Sec. 43-81. – Violation and penalties.

- (a) It shall be unlawful for any person to:
 - (1) Carry on a special event without a required permit;
 - (2) Fail to terminate an event upon revocation of a permit or by order in the absence of a permit;
 - (3) Conduct a special event in violation of the terms and conditions of a permit issued for such event;
 - (4) Conduct an unpermitted event or activity that appears to be associated with a permitted event.
- (b) The town may enforce this article by using any one or more combinations of the foregoing remedies.
 - (1) Any violation of the provisions of this article shall result in the town immediately shutting down the event and shall subject the offender to a civil penalty of \$500.00.
 - (2) Each day's continuing violation shall be a separate and distinct offense.
 - (3) Any appropriate equitable remedy issued from a court of competent jurisdiction also may be enforced.

READ, APPROVED, AND ADOPTED by a vote of 4 to 0 this the 25th day of June 2024. *Mayor C. Michael Sobol and Council Member Alice Berry were absent.*

3. NEW BUSINESS

A. Approval of Hemphill Property Grant Project Ordinance and Budget Amendment.

The purpose of this agenda item is to consider the creation of a new Grant Project Ordinance and budget amendment for the Hemphill Property. The Town has been awarded \$50,000 of funding from the NC Regional Economic Development Reserve Grant to be used toward a

feasibility study and site planning for this recently acquired property. \$150,000 of total funding will be needed to complete the defined expenditure contained within the grant contract. The additional \$100,000 funds needed to fully fund the project should come from the available fund balance.

With no discussion, Council Member Ryan Stone made a motion to approve the following ordinance. A vote of 4-0 in favor. Mayor C. Michael Sobol and Council Member Alice Berry were absent.

**Town of Black Mountain
Hemphill Property Master Planning and Feasibility Assessment
Grant Project Ordinance
Ordinance: #O-24-08**

BE IT ORDAINED by the Town Board 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 Ordinance is hereby adopted as follows:

Section 1. Project Defined

The Town of Black Mountain defines a "Grant Project" as a project financed in whole or in part by revenues received from the Federal and/or State Government for operating or capital proposed as defined by the grant contract. The project may include expenditures that span across multiple fiscal years.

Section 2. Project Authorization

The project authorized is Hemphill Property Master Planning and Feasibility Assessment. Property located at PIN 061965722800000, 061934981600000, 061945761900000, 061956501300000, 061956569400000, Henceforth referred to as the "Hemphill Property". This project includes, but is not limited to, the community engagement, feasibility study and conceptual site plans, master planning, financial analysis and other assessments as approved by Council on this newly acquired property.

Section 3. Funding

This project is to be funded in part by the North Carolina Session Law 2023-134 – House Bill 259 referenced as follows: Grant 12391 master planning and feasibility studies of newly acquired property. Remaining funding will be transferred in from the Town's general fund balance.

Section 4. Directives

The officers of this unit 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.

Section 5. Revenues

The following anticipated Revenues are hereby adopted:

Budgeted Revenues	
<u>Revenue Type</u>	<u>Anticipated Revenues</u>
General Fund Transfer In	\$100,000.00
Regional Economic Development	<u>\$50,000.00</u>
Reserve Grant	
Total Funds	<u>\$150,000.00</u>

Section 6. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Expenditures	
<u>Expense Type</u>	<u>Anticipated Expenditures</u>
Professional Services - Studies and Consultations	<u>\$150,000.00</u>
Total Expenditures	<u>\$150,000.00</u>

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. Official Copies

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

Section 9. 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 occurs sooner.

Duly adopted this 25th day of June 2024.

B. Approval of Cragmont Park Capital Project Ordinance and Budget Amendment.

The purpose of this agenda item is to consider creation of a new Capital Project Ordinance and budget amendment for the Cragmont Park Capital Project. Funds were approved and appropriated within the building and grounds operating budget in Fiscal Year 2024 in the

amount of \$442,000 for renovations. These renovations will not be complete within the current fiscal year. The Finance Department requests to allocate the budgeted \$442,000 funding from the General Fund to the Capital Project Fund for planning and completion of the Cragmont Park renovations.

Council Member Doug Hay made a motion to approve the following ordinance. A vote of 4-0 in favor. Mayor C. Michael Sobol and Council Member Alice Berry were absent.

**Town of Black Mountain Cragmont Park Renovation
Capital Project Fund Ordinance
Ordinance#: O-24-09**

BE IT ORDAINED by the Town Board 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 adopted 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 Cragmont Park Renovation. This project includes, but is not limited to, the purchase, repairs and renovations to the Basketball, Tennis Court, Parking Lot, Paved Path, Pickleball, Restrooms and other amenities as approved by Council on the existing property.

Section 3. Directives

The officers of this unit 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.

Section 4. Revenues

The following anticipated Revenues are hereby adopted:

Budgeted Revenues

<u>Revenue Type</u>	<u>Anticipated Revenues</u>
General Fund Transfer In	\$442,000.00
Total Funds	\$442,000.00

Section 5. Expenditures

The following anticipated appropriations are hereby adopted:

Budgeted Revenues

<u>Revenue Type</u>	<u>Anticipated Revenues</u>
Basketball Court	\$65,000.00
Tennis Court	\$70,000.00
Pickleball	\$120,000.00
Parking Lot	\$45,000.00
Paved Path	\$42,000.00
Restrooms	\$100,000.00
Total Expenditures	\$442,000.00

Section 6. 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 7. Official Copies

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

Section 8. 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 occurs sooner.

Duly adopted this 25th day of June 2024.

C. Approval of Budget Amendments.

Tammy Holland, Finance Director, stated the purpose of this item is to consider approval of the following FY23-24 Budget Ordinance Amendments for the purpose of appropriating additional funding required for expenditures. Included is an amendment for the recognition of Insurance recovery proceeds for the police department, public works, and sanitation. An additional year-end adjustment is included that reflects changes in expected expenses for every department within the Town, which is a normal event. This year-end adjustment has no monetary change for the total budget within the funds, budget was simply moved between expense lines.

With no discussion, Council Member Pam King made a motion to approve the budget amendments as presented. A vote of 4-0 in favor. Mayor C. Michel Sobol and Council Member Alice Berry were absent. *A copy of these approved budget amendments is included at the end of these minutes as Attachment A.*

ADJOURNMENT- With no further business to be discussed, Vice Mayor Archie Pertiller adjourned the meeting at 6:11 p.m.

Archie Pertiller, Jr., Vice Mayor

ATTEST:

Wesley M. Barker, Town Clerk