



TOWN OF BLACK MOUNTAIN

TOWN COUNCIL

July 8, 2024

REGULAR SESSION AGENDA

Time: 6:00 p.m.

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

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1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – *Moment of Silence*
- Announcements – *Mayor Sobol*
- 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

- A. Proclamation- Recreation & Parks Month

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

5. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.

A. Adoption of Meeting Minutes – Wesley Barker, Town Clerk

- June 6, 2024 Agenda Meeting & Budget Public Hearing Minutes
- June 10, 2024 Regular Meeting Minutes
- June 25, 2024 Special Called Meeting Minutes

Motion: To approve the meeting minutes as presented.

B. Monthly Property Tax Collector Report - Tammy Holland, Finance Director

Motion: To approve the monthly tax collection report as presented.

C. Resolution to Authorize Abatement of Unsafe Conditions at 1154 Montreat Road- Jessica Trotman, Assistant Town Manager

Motion: To approve the resolution to allow town staff to contract for the clean-up of 1154 Montreat Road.

Motion for all Consent items: To approve all consent agenda items as presented (or as amended).

6. PUBLIC HEARING – none

The chair will recognize individuals requesting to address the Council regarding the specific topic of the public hearing. **Public hearing comments by any one speaker shall be limited to ten (10) minutes.** The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each public hearing.

7. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Council regarding the specific New Business or Unfinished Business items below. Comments by any one **speaker shall be limited to three (3) minutes.** If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.

8. UNFINISHED BUSINESS- none.

9. NEW BUSINESS

A. Shared Parking Agreement with Wellspring Direct Primary Care- Jessica Trotman, Assistant Town Manager

Motion: To approve the shared parking agreement as presented.

B. Advisory Boards & Commissions Appointments

- **ABC Board Appointments-** Wesley Barker, Town Clerk
- **Active Mobility Commission Appointments-** Jessica Trotman, Assistant Town Manager
- **Board of Adjustment Member Removal-** Jessica Trotman, Assistant Town Manager

- **Board of Adjustment Appointments-** *Jessica Trotman, Assistant Town Manager*
- **Historic Preservation Appointments-** *Jessica Trotman, Assistant Town Manager*
- **Planning Board Appointments-** *Jessica Trotman, Assistant Town Manager*
- **Recreation Commission Member Removal-** *Wesley Barker, Town Clerk*
- **Recreation Commission Appointments-** *Wesley Barker, Town Clerk*

10. COMMUNICATION

- A.** Attorney Craig Justus/Brian Gulden
- B.** Town Manager Josh Harrold

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION

13. ADJOURNMENT



Proclamation

RECREATION AND PARKS MONTH 2024

WHEREAS, the US House of Representatives has designated July as Parks and Recreation Month, and the National Park and Recreation Association has chosen the theme of this year's celebration as "Where You Belong"; and

WHEREAS, recreation and parks is an integral part of communities because they help establish and maintain good quality of life, they contribute to the health of residents, and they support the economic and environmental well-being of the community; and

WHEREAS recreation and parks encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and natural recreation areas improve water quality, improve the quality of the air we breathe, provide vegetative buffers to development, produce habitat for wildlife, and adds to the ecological beauty of the community; and

WHEREAS, the Town of Black Mountain strives to maintain safe and healthy park amenities for all ages that includes Lake Tomahawk, Veterans Park, Cragmont Park, River Walk Park, Town swimming pool, Grey Eagle Arena, Town Square Park and, Dr. John Wilson Community Garden

WHEREAS, the Town strives to offer comprehensive recreation programs, including, but not limited to, youth sports, summer camps, outdoor programs, adult programs, community garden plots Lakeview Center for Active Aging, swimming lessons, and community events such as the Park Rhythms Concert Series, the Circle of Lights at Lake Tomahawk during the holidays; and

WHEREAS, Friday, July 19, 2024 is Park and Recreation Professionals Day, and we acknowledge the Town's dedicated staff who help build strong and vibrant communities through our parks and recreation department.

NOW THEREFORE, I, C. Michael Sobol, do hereby proclaim that the month of July be recognized as "**Recreation and Parks Month**" in the Town of Black Mountain and encourage all residents to enjoy our parks and recreations programs, and to share appreciation to the department's employees and volunteers.

PROCLAIMED, this the 8th day of July 2024.

C. Michael Sobol, Mayor



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, *Town Clerk* **MEETING DATE:** July 8, 2024
AGENDA SECTION: CONSENT- **Item 5A** **DEPARTMENT:** Administration
TITLE OF ITEM: Approval of Meeting Minutes

SUGGESTED MOTION(S):

I move that Council approve the meeting minutes as presented.

SUMMARY:

Minutes from the following Town Council Meetings:

- 1) *June 6, 2024 Agenda Meeting & Budget Public Hearing Minutes*
- 2) *June 10, 2024 Regular Meeting Minutes*
- 3) *June 25, 2024 Special Called Meeting Minutes*

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

- I. Copy of Draft Minutes*



BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 6, 2024

Agenda Workshop Meeting & FY24-25 Budget Public Hearing

Time: 5:00 P.M. & 5:30 P.M.

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

The Black Mountain Town Council held an agenda workshop meeting on Thursday, June 6, 2024, at 5:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

Mayor C. Michael Sobol called the meeting to order at 5:02 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, and Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager & Planning Director; Wesley Barker, Town Clerk; Josh Henderson, Recreation & Parks Director; Jamey Matthews, Public Works Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Tammy Holland, Finance Director; Angela Reece, Project & Facilities Manager.

JUNE 10, 2024 AGENDA REVIEW

Town Manager Josh Harrold reviewed the proposed agenda for the upcoming June 10, 2024 regular Town Council meeting. The following agenda items were proposed to be added and/or amended from the draft agenda:

- ***Add Supplemental Agreement and Capital Project Ordinance Amendment for HL-0013 (Ninth Street Bridge Replacement Project, STBG Grant) as item 9F on New Business.*** Project & Facilities Manager Angela Reece explained to the Council this project is identified in the State Transportation Improvement Plan (STIP), with NCDOT administering the overall project and construction. In 2020, Town Council approved a resolution to apply for State Transportation Block Grant (STBG) to replace the Ninth Street Bridge and in 2021 approved a Capital Project Ordinance O-21-15. This agenda item would be to amend this Project Ordinance to reflect a new estimated project cost and town match as well as approve the supplemental agreement to authorize NCDOT to proceed with an amendment.
- ***Add Discussion of Town Attorney Review Process as item 9G on New Business.*** Council Member Alice Berry stated this would be an opportunity for Council to discuss setting up a review process for the Town Attorney, in which the Council appoints. This would be a similar review process that the Town Council conducts with the Town Manager's position.

There was some discussion about a budget amendment that would accept grant funds for a new Public Works dump truck. Public Works Director Jamey Matthews clarified that this grant was a diesel vehicle replacement grant through NC Department of Environmental Quality (DEQ) and

began four years ago, and the new truck had finally just arrived. The proposed budget amendment is to recognize the grant funds being awarded to the Town.

Further, Council Member Doug Hay asked if there would be a need for a special called Council meeting for the public hearing on amendments to Chapter 4, Alcoholic Beverages, and Chapter 43, Article IV, Parades, Festival and Special Events, in order to accommodate the upcoming Blues Festival. Town Staff would check on the festival organizer's interest on this and timing feasibilities and report back to the Council.

With no further discussion, Council Member Alice Berry made a motion to adopt the agenda with the additions as presented. The motion was approved by a vote of 5-0.

PUBLIC HEARING FY24-25 RECOMMENDED TOWN BUDGET

At 5:32 p.m., Mayor Sobol stated there would now be a public hearing for the FY24-25 Recommended Town Budget. ***Vice Mayor Archie Pertiller made a motion to open the budget public hearing. A vote of 5-0 in favor.*** The time was 5:32 p.m. With no public comments, ***Council Member Ryan Stone made a motion to close the public hearing. A vote of 5-0 in favor.*** The time was 5:33 p.m.

Town Manager Josh Harrold stated the recommended town budget had not changed since the recommended budget was presented to the Council on May 22, 2024.

There was a brief discussion about the Capital Improvement Plan and upcoming projects. The Town Manager stated only projects identified in FY24-25 are part of this proposed operating budget. Town staff will soon be presenting a more in-depth CIP to the Council for a deeper discussion.

With no further discussion, Council Member Ryan Stone made a motion to adopt the Budget Ordinance for the FY 24-25 Town Budget. A vote of 5-0 in favor.

****A copy of the Budget Ordinance for the FY 24-25 Town Budget is included as Attachment A****

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:52 p.m.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

ANNUAL BUDGET ORDINANCE

Ordinance Number O- 24-05

BE IT ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that, in accordance with NCGS 159-13(b)(16), the following anticipated fund revenues, expenditures, Fee and Charge Schedule, and certain authorizations and restrictions for the Town's Budget Officer (Town Manager) are hereby appropriated and approved for the operation of the Town Government and its activities for the Fiscal Year beginning July 1, 2025 and ending June 30, 2025 as follows:

SECTION 1. GENERAL FUND REVENUES

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Ad Valorem Taxes	\$	5,600,000
Other Taxes and Licenses	\$	49,400
Unrestricted Intergovernmental Revenues	\$	3,560,500
Restricted Intergovernmental Revenues	\$	29,500
Permits and Fees	\$	14,600
Sales and Services	\$	1,534,160
Investment Income	\$	304,800
Miscellaneous Income	\$	29,500
Other Financing Sources	\$	1,880,620
TOTAL REVENUES	\$	13,003,080

SECTION 2. GENERAL FUND APPROPRIATIONS

The following amounts are appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Administration	\$	754,400
Building And Grounds Maintenance	\$	436,500
Finance	\$	415,860
Golf Course	\$	1,010,540
Governing Body	\$	220,000
Human Resources	\$	467,210
Information Technology	\$	238,250
Lakeview Center	\$	190,920
Parks & Rec	\$	640,160
Police	\$	3,610,970
Pool	\$	216,430
Public Works Administration	\$	240,370
Sanitation	\$	1,135,140
Streets And Highways	\$	1,110,110
Transfers	\$	2,316,220
TOTAL EXPENSES	\$	13,003,080

SECTION 3. WATER FUND REVENUES

It is estimated that the following revenues will be available in the Water Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Sales and Services	\$	2,190,000
Other Financing Sources	\$	561,930
Permits and Fees	\$	329,000
Investment Income	\$	140,000
Miscellaneous Income	\$	55,500
TOTAL REVENUES	\$	3,276,430

SECTION 4. WATER FUND APPROPRIATIONS

The following amounts are appropriated in the Water Fund for the operation of the Town water utilities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Operational Services and Supplies	\$	1,109,950
Personnel Services and Employee Benefits	\$	1,084,280
Capital Outlay	\$	809,000
Debt Service	\$	183,300
Other Operating Expense	\$	68,100
Employment and Retention Cost	\$	21,800
TOTAL EXPENSES	\$	3,276,430

SECTION 5. DEVELOPMENTAL SERVICES REVENUES

It is estimated that the following revenues will be available in the Developmental Services Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	\$	734,360
Permits and Fees	\$	240,100
Investment Income	\$	4,800
TOTAL REVENUES	\$	979,260

SECTION 6. DEVELOPMENTAL SERVICES FUND APPROPRIATIONS

The following amounts are appropriated in the Developmental Services Fund for the operation of the Developmental Services activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Personnel Services and Employee Benefits	\$	635,330
Operational Services and Supplies	\$	213,430
Capital Outlay	\$	103,000
Employment and Retention Cost	\$	13,500
Other Operating Expense	\$	9,000
Lease and Rentals	\$	5,000
TOTAL EXPENSES	\$	979,260

SECTION 7. STORMWATER FUND REVENUES

It is estimated that the following revenues will be available in the Stormwater Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Permits and Fees	\$ 372,980
Investment Earnings	\$ 14,000
TOTAL REVENUES	\$ 386,980

SECTION 8. STORMWATER FUND APPROPRIATIONS

The following amounts are appropriated in the Stormwater Fund for the operation of the stormwater fund and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Personnel Services and Employee Benefits	\$ 276,420
Operational Services and Supplies	\$ 77,860
Other Operating Expense	\$ 21,100
Debt Service	\$ 9,500
Employment and Retention Cost	\$ 2,100
TOTAL EXPENSES	\$ 386,980

SECTION 9. TECHNOLOGY FUND REVENUES

It is estimated that the following revenues will be available in the Technology Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Permits and Fees	\$ 13,000
TOTAL REVENUES	\$ 13,000

SECTION 10. TECHNOLOGY FUND APPROPRIATIONS

The following amounts are appropriated in the Technology Fund for activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Operational Services and Supplies	\$ 13,000
TOTAL EXPENSES	\$ 13,000

SECTION 11. FIRE SERVICE FUND REVENUES

It is estimated that the following revenues will be available in the Fire Service Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	\$ 1,981,860
Ad Valorem Taxes	\$ 1,135,000
Restricted	\$ 475,500
Investment Income	\$ 14,500
Miscellaneous Income	\$ 6,000
Permits and Fees	\$ 1,000
TOTAL REVENUES	\$ 3,613,860

SECTION 12. FIRE SERVICE FUND APPROPRIATIONS

The following amounts are appropriated in the Fire Service Fund for the operation of the Town Fire Fund and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Personnel Services and Employee Benefits	\$ 2,693,500
Capital Outlay	\$ 481,200
Operational Services and Supplies	\$ 199,860
Employment and Retention Cost	\$ 103,000
Other Operating Expense	\$ 82,000
Debt Service	\$ 54,300
TOTAL EXPENSES	\$ 3,613,860

SECTION 13. POWELL BILL FUND REVENUES

It is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Restricrted Intergovernmental Revenues	\$	280,000
Interest Income	\$	3,500
TOTAL REVENUES	\$	283,500

SECTION 14. POWELL BILL FUND APPROPRIATIONS

The following amounts are appropriated in the Golf Fund for the operation of the Powell Bill Fund and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Capital Outlay	\$	209,500
Operational Services and Supplies	\$	74,000
TOTAL EXPENSES	\$	283,500

SECTION 15. FINES AND FORFEITURES FUND REVENUES

It is estimated that the following revenues will be available in the Fines and Forfeitures Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Penalties Fines and Forfeitures	\$	2,500
TOTAL REVENUES	\$	2,500

SECTION 16. FINES AND FORFEITURES FUND APPROPRIATIONS

The following amounts are appropriated in the Fines and Forfeitures Fund for the remittance to the Buncombe County Schools for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Operational Services and Supplies	\$	2,500
TOTAL EXPENSES	\$	2,500

SECTION 17. COMMUNITY OUTREACH FUND REVENUES

It is estimated that the following revenues will be available in the Community Outreach Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Donations	\$	32,000
TOTAL REVENUES	\$	32,000

SECTION 18. COMMUNITY OUTREACH FUND APPROPRIATIONS

The following amounts are appropriated in the Police Department Community Outreach Fund for the services and activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Operational Services and Supplies	\$	32,000
TOTAL EXPENSES	\$	32,000

SECTION 19. PD STATE AND FEDERAL DRUG FORFEITURE REVENUES

It is estimated that the following revenues will be available in the PD State and Federal Drug Forfeiture Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Donations	\$ 15,000
TOTAL REVENUES	\$ 15,000

SECTION 20. PD STATE AND FEDERAL DRUG FORFEITURE APPROPRIATIONS

The following amounts are appropriated in the Police Department Community Outreach Fund for the services and activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Operational Services and Supplies	\$ 15,000
TOTAL EXPENSES	\$ 15,000

SECTION 19. GENERAL FUND CAPITAL RESERVE FUND REVENUES

It is estimated that the following revenues will be available in the General Fund Capital Reserve Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Other Financing Sources	\$ 400,000
TOTAL REVENUES	\$ 400,000

SECTION 20. GENERAL FUND CAPITAL RESERVE FUND APPROPRIATIONS

The following amounts are appropriated in the General Fund Capital Reserve Fund for the services and activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town:

Transfers	\$ 400,000
TOTAL EXPENSES	\$ 400,000

SECTION 21. TAXES LEVIED

There is hereby levied a property tax of \$0.3210 on each one hundred dollars (\$100.00) valuation of taxable property, as listed for taxes as of January 1, 2024 for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue and in order to finance the foregoing appropriation.

There is hereby levied a Municipal Vehicle Tax of five dollars (\$5.00) on each residential vehicle as authorized by General Statute 20-97.

SECTION 22. SCHEDULE OF FEES

The corresponding "FY 2024-2025 Schedule of Fees" is approved with the adoption of this Annual Budget Ordinance

SECTION 23. SPECIAL AUTHORIZATION

The Town Manager is hereby authorized to execute agreements, within funds included in the Budget Ordinance or other actions by the Governing Body, for the following purposes:

- A. Leases of routine business equipment;
- B. Consultant, professional, or maintenance service agreements;
- C. Purchase of supplies, materials, or equipment where formal bids are not required by law;
- D. Purchase of real property when a budget amendment is not required;
- E. Form grant agreements to public and non-profit organizations;
- F. Applications for and agreements for acceptance of grant funds from federal, state, public, and non-profit organizations, and other funds from other governmental units, for services to be rendered which have been previously approved by the Governing Body;
- G. Construction or repair projects;
- H. Liability, health, life, disability, casualty, property, or other insurance or performance bonds;
- I. Other administrative contracts which include agreements adopted in accordance with the
- J. directives of the Governing Body.

SECTION 24. TRANSFER OF APPROPRIATIONS

The Town Manager and Finance Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

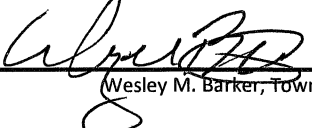
- A. Revise the budget by transfer of appropriations within each fund without limitations;
- B. All amendments affecting the revenues or total fund appropriations shall be approved by ordinance by the Town Council, Form grant agreements to public and non-profit organizations;
- C. Amendments will be acted upon at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or public notice is not necessary unless requested by council.

SECTION 25. ANNUAL BUDGET ORDINANCE COPIES

Copies of the Annual Budget Ordinance shall be furnished to the Town Clerk, Town Manager, and the Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Duly adopted this 6th day of June 2024.


C. Michael Sobol, Mayor


Wesley M. Barker, Town Clerk



BLACK MOUNTAIN TOWN COUNCIL MINUTES

June 10, 2024 | Regular Meeting | Time: 6:00 P.M.

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

The Black Mountain Town Council held their regular meeting on Monday, June 10, 2024, at 6:00 p.m. in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay. Council Members Pam King and Ryan Stone 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; Josh Henderson, Recreation & Parks Director; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director. 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.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

Mayor C. Michael Sobol read a proclamation recognizing the month of June as Pride Month and read another proclamation recognizing Juneteenth on June 19th.

3. CITIZEN COMMENTS

Debbie Norman, 230 N. Fork Rd., spoke on parking spaces designated at Lakeview Senior Center for the meal site participants.

David Galloway, 103 Brookhaven Dr., and member of the Recreation Commission, spoke on concern of grass height around the disc golf course and the amount no-mow/pollinator garden areas at Veterans Park.

Jennifer Galloway, 103 Brookhaven Dr., spoke on concerns with abundance of pollinator gardens on the south side of Veterans Park citing safety concerns with tall grass blocking views of children and disc golf players and requested regular maintenance and mowing schedules.

Ken Buckner spoke on police car chases and provided information on car chases as well as safety measures.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. Recreation and Parks Department Annual Report.** Josh Henderson, Recreation and Parks Director, presented his annual report to the Council. During his presentation, the following items were reviewed: youth sports (soccer, tennis, swim, disc golf), outdoor programs, pool, camps, active aging/adult programming, community garden, pollinator gardens, facility rentals, partnerships and website/social media reach.

5. CONSENT AGENDA

Town Manager Josh Harrold reviewed the consent agenda items with the Town Council.

- A. Adoption of Meeting Minutes:** May 9, 2024 Agenda Meeting and Budget Work Session, May 13, 2023 Regular Meeting Minutes, and May 22, 2024 Special Called Meeting.

Council Member Doug Hay made a motion to approve all minutes as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

B. Monthly Property Tax Collector Report.

Council Member Doug Hay made a motion to approve all minutes as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

C. Consideration of Budget Amendments.

- 1) *State Grant Funds for Purchase of New Public Works Dump Truck*
- 2) *Police Department Community Outreach Donation*
- 3) *Increase in Employee State Health Plan Rates*
- 4) *Increase in Duke Energy Rates*
- 5) *Increase in Auditor Rates for FY23 Audit*

BUDGET AMENDMENTS JUNE 2024

Adjustment Number	Amendment Description	Summary	Account Number	Account Name	Amount of Adjustment
BA0000210	Recognize State Grant Funds for Dump Truck	State Grant fund for Volkswagon Grant Dumptruck	100-4620-43200 100-4620-57410	Grant Revenue - State Capital Outlay-Vehicles	-\$139,865.00 \$139,865.00
BA0000211	BAMEND - PD Community Outreach Golf Tournament	Budget Amendment to recognize Donations received	235-0000-47070 235-4510-55023	Contributions/Donations Community Outreach/Public Relations Expense	-\$11,600.00 \$11,600.00
BA0000222	BAMEND - Incease in Employee State Health Plan	The NC State Health Plan increased by 15% on 01/01/24. The Town estimated a 5% increase in premium. Amendment to adjust for expense overage for the remainder of 2024	100-0000-48900 100-4020-50230 100-4025-50230 100-4030-50230 100-4510-50230 100-4610-50230 100-4615-50230 100-4620-50230 100-4640-50230 100-4700-50230 100-4711-50230 200-0000-48900 200-4520-50230 210-0000-48900 210-4810-50230 600-0000-48900 600-5000-50230 600-5050-50230 650-0000-48900 650-5800-50230 650-5810-50230	Appropriated Fund Balance Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Appropriated Fund Balance Insurance Employer Contribution - Med & Life Appropriated Fund Balance Insurance Employer Contribution - Med & Life Appropriated Fund Balance Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life Appropriated Fund Balance Insurance Employer Contribution - Med & Life Insurance Employer Contribution - Med & Life	-\$21,410.00 \$910.00 \$430.00 \$930.00 \$10,550.00 \$300.00 \$650.00 \$1,840.00 \$3,440.00 \$1,960.00 \$400.00 -\$9,740.00 \$9,740.00 -\$2,250.00 \$2,250.00 -\$4,500.00 \$3,740.00 \$760.00 -\$1,570.00 \$1,180.00 \$390.00
BA0000223	BAMEND - Increase in Electrricity Rates	Duke Energy Rate Increase - Amendment to cover additional expense during FY24	100-0000-48900 100-4020-52210 100-4510-52210 100-4610-52210 100-4615-52210 100-4700-52210 100-4710-52210 100-4711-52210 200-0000-48900 200-4520-52210 600-0000-48900 600-5000-52210 650-0000-48900 650-5800-52210 650-5810-52210	Appropriated Fund Balance Utilities - Electricity Utilities - Electricity Utilities - Electricity Utilities - Electricity Utilities - Electricity Utilities - Electricity Utilities - Electricity Appropriated Fund Balance Utilities - Electricity Appropriated Fund Balance Utilities - Electricity Appropriated Fund Balance Utilities - Electricity Utilities - Electricity	-\$13,300.00 \$1,320.00 \$1,170.00 \$540.00 \$6,800.00 \$770.00 \$1,980.00 \$720.00 -\$1,200.00 \$1,200.00 -\$29,370.00 \$12,600.00 -\$4,170.00 \$2,610.00 \$1,560.00
BA0000224	BAMEND - Increase in FY23 Auditor Fees	Increase in Auditor Fees due to required single audit due to total grant funds received during FY23	100-0000-48900 100-4030-52010	Appropriated Fund Balance Professional Services-Audit and Actuary Fees	-\$36,650.00 \$36,650.00

Council Member Doug Hay made a motion to approve all minutes as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

D. Consideration of Resolution to Contract with Alliance Code Enforcement for Part-Time Code Enforcement Services

The purpose of this item is consideration to approve a contract with Alliance Code Enforcement, LLC (ACE) for part-time code enforcement services, and to allow ACE to act in the same manner as the Zoning Administrator for code enforcement. The contract will allow for ten hours of enforcement per week.

Council Member Doug Hay made a motion to approve the following resolution. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

A Resolution to Appoint a Code Enforcement Officer for the Town of Black Mountain, North Carolina

Resolution #: R-24-23

WHEREAS, the Town Council of the Town of Black Mountain recognizes the need for enforcement of municipal codes and ordinances to maintain the health, safety, and welfare of its citizens; and

WHEREAS, North Carolina General Statutes authorize the appointment of a Code Enforcement Officer to enforce local laws and regulations; and

WHEREAS, Alliance Code Enforcement LLC (hereinafter referred to as the “ACE”) has been found to possess the necessary qualifications and experience to serve as the Code Enforcement Officer for the Town of Black Mountain.

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

1. **Appointment**: ACE is hereby appointed as the Code Enforcement Officer for the Town of Black Mountain (“Town”), effective July 1, 2024, to act in the capacity of and assist the Zoning Administrator with its duties as set forth in the Town’s Land Use Code.
2. **Authority**: The Code Enforcement Officer shall have the authority to enforce all municipal codes, ordinances, and regulations as provided by law, including but not limited to, zoning codes, building codes, and property maintenance codes.
3. **Responsibilities**: The Code Enforcement Officer shall have those duties outlined in the Agreement between ACE and the Town for code enforcement (“Agreement”) which may include:
 - Investigate complaints and violations of municipal codes and ordinances.
 - Issue citations and notices of violation.
 - Prepare reports and documentation related to code enforcement activities.
 - Represent the municipality in hearings and court proceedings related to code enforcement.
 - Perform other duties as assigned by the Town.
4. **Term of Service**: This appointment shall remain in effect as outlined in the Agreement.
5. **Compensation**: The Code Enforcement Officer shall receive compensation as provided in the Agreement.
6. **Effective Date**: This resolution shall be effective immediately upon its adoption.

Adopted this 10th day of June, 2024, by a vote of 3 to 0 by the Town of Black Mountain Town Council.

E. Call for Public Hearing for Amendments to Chapter 4, Alcoholic Beverages, and Chapter 43, Article IV, Parades, Festivals and Special Events.

The purpose of this item is to call for a public hearing to amend Chapter 4, Alcoholic Beverages, and Chapter 43, Article IV, Parades, Festivals, and Special Events within the Code of Ordinances to allow for the consumption of alcohol in public areas, such as sidewalks, rights-of-way, etc., during special events that have an approved special event permit from Town staff. This public hearing is scheduled for Monday, July 8th, 2024 at 6:00 p.m. at Town Hall Council Chambers.

Council Member Doug Hay made a motion to amend the call for public hearing date from Monday, July 8th, 2024 at 6:00 p.m., to Tuesday, June 25th, 2024 at 5:30 p.m. at Town Hall Council Chambers. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

6) PUBLIC HEARING- none.

7) CITIZEN COMMENTS- none.

8) UNFINISHED BUSINESS

A. Discussion of Downtown Public Wi-Fi.

Town Manager Josh Harrold stated in March 2024, Town Council voted to accept grant funds from Land of Sky Regional Council for installing and maintaining public Wi-Fi. After further research, staff has suggested the Town return the grant funding to Land of Sky Regional Council due to high recurring monthly costs for public Wi-Fi, once installed. *Council Member Alice Berry made a motion to return these grant funds to Land of Sky Regional Council. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.*

9) NEW BUSINESS

A. Presentation of Traffic Calming Practices.

Colin Kinton, P.E., Senior Project Manager, with Traffic Planning and Design, Inc. (TPD) gave a presentation to the Town Council about traffic calming and best practices for achieving traffic calming goals. Traffic calming refers to a range of measures and techniques designed to slow down traffic with added benefits of improving safety for pedestrians, cyclists and drivers, and creating more livable and enjoyable streetscapes. The goal of traffic calming is to decrease the likelihood and severity of accidents, reducing noise for residents and encouraging alternative modes of transportation. Common types of traffic calming measures include speed humps/bumps, raised crosswalks, reduced lane widths, median islands and lane shifting. For Black Mountain, Mr. Kinton explained traffic calming measures would be considered by prioritization and selection that includes residential local and residential collector streets; roadway length and width; shoulder width and geometry; adjacent pedestrian generators; homes

and driveway density; sidewalks, pathways and/or bikeways present.

B. Presentation of Ridgecrest Trail Connector Feasibility Study.

Alex McIntyre, P.E. with Kimley-Horn and Associates, Inc. joined the meeting via Microsoft Teams and gave a short presentation to the Council on the Ridgecrest Trail Connector Feasibility Study. Kimley-Horn has prepared a feasibility study and preliminary cost estimate for a 10' wide multi-use path (MUP) along the north side of East State Street (Highway 70) and Old Highway 70 East from the Black Mountain Primary School to the Black Mountain town limits, approximately 200 linear feet (LF) east of High Street. The existing sidewalk along East State Street from the Black Mountain Primary School to Flat Creek Road is proposed to be removed and replaced with a 10' wide concrete path that will preserve the existing planting strip. The MUP from Flat Creek Road to the Black Mountain Town Limit is proposed to be a 10' wide asphalt path. To reduce right-of-way (ROW) impacts, mid-block crossings, as well as impacts to storm drainage infrastructure, guardrail, and utilities, the typical section is proposed to have a monolithic concrete island separating the vehicular lanes from the MUP. The monolithic island will provide 1'-6" of horizontal separation and 6" of vertical buffer between the vehicular lanes and the bicyclists and pedestrians. The monolithic concrete islands have openings every 50' as well at driveway entrances. This approach allows for positive roadway drainage, which will sheet flow over the MUP into the existing roadside ditch. Further, the submittal includes two alternate solutions at the intersection of Flat Creek Road, East State Street and Old Highway 70 East. Ms. McIntyre also stated this project can avoid utility impacts with the route along Old Highway 70. Cost estimates for this project range between \$1.1 and \$1.2 million.

C. Friends of the Community Garden MOU.

The purpose of this agenda item is to formalize the public-private partnership between the Town and The Friends of the Community Garden, which is a community-based organization under the Black Mountain Greenways Foundation, a 501c3 private nonprofit organization.

Vice Mayor Archie Pertiller made a motion to approve the Memorandum of Understanding (MOU) between the Town and The Friends of the Community Garden as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

**A copy of this MOU is attached at the end of these minutes as Attachment A.*

D. Friends of the Community Garden Fundraising Request.

Josh Henderson, Parks and Recreation Director, explained to the Council that The Friends of the Community Garden is seeking approval to begin fundraising for a future structure to replace the current barn. Marian Kaminitz with Friends of the Community Garden offered some information on the fundraising request. She also stated that 2024 was the 20th anniversary of the Community

Gardens. *Council Member Alice Berry made a motion to approve the fundraising request as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.*

E. Discussion of Insecticide Policy for Town Facilities.

Josh Harrold, Town Manager, stated the town currently uses pesticides and insecticides on town property to limit the growth of weeds and invasive species; and to prohibit pests. There has been some discussion about creating a policy that would regulate how and when the Town uses pesticides and insecticides on public property, and staff is seeking direction from the Council. *After a brief discussion, the Council was in consensus for staff to draft a policy for using insecticides on town properties, which would be reviewed by the Council.*

F. Supplemental Agreement and Capital Project Ordinance Amendment for HL-0013 (Ninth Street Bridge Replacement Project, STBG Grant).

Angela Reece, Project and Facilities Manager, presented this item to the Council. Ms. Reece stated this project is identified in the State Transportation Improvement Plan (STIP). In 2020, the Council approved a resolution to apply for State Transportation Block Grant funding (STBG) to replace the Ninth Street Bridge. In 2021, after being awarded this grant, the Council approved a capital project ordinance (#O-21-15), which authorized the project and accepted the matching grant revenues. The original grant project totaled \$680,000, with the town's match being 20% (\$136,000). With this project amendment, grant funding has been amended to \$800,000, with the town's 20% match now equaling \$160,000. The Town Council is being asked to approve the supplemental agreement with NCDOT as well as a Capital Project Ordinance Amendment for HL-0013.

Council Member Doug Hay made a motion to approve the Supplemental Agreement and Capital Project Ordinance Amendment for HL-0013; Ninth Street Bridge Replacement, as presented. A vote of 3-0 in favor. Council Members Pam King and Ryan Stone were absent.

**Town of Black Mountain Ninth Street Bridge Replacement
Capital Project Fund Ordinance Amendment
Ordinance #O-24-06**

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 amended as follows:

Section 1: The project authorized is for the purpose of replacing Bridge 522 over Tomahawk Branch on 9th Street in Black Mountain.

Section 2: The Town and NCDOT amended the original project due to addition of the Right of Way (ROW) Phase. The amended total of Riverwalk Greenway Capital Project will be \$800,000.

Section 3: The Ninth Street Bridge Replacement Project shall increase by \$120,000.

Section 4: 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 5: The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 6. The following anticipated Revenues are hereby adopted:

<u>Budgeted Revenues</u>	<u>Prior Authorized</u>	<u>Change</u>	<u>Amended Funding</u>
Grant - NCDOT	544,000.00	96,000.00	640,000.00
Match Funding -Town Transfer In	136,000.00	24,000.00	160,000.00
Total Funds	\$680,000.00	\$120,000.00	\$800,000.00

Section 7. The following anticipated appropriations are hereby adopted:

<u>Budgeted Expenses</u>	<u>Prior Anticipated</u>	<u>Change</u>	<u>Amended Expense</u>
Professional Services - Design, CEI	\$150,000.00	\$0.00	\$150,000.00
Easements/Row Acquisition	\$0.00	\$120,000.00	\$120,000.00
Construction	\$530,000.00	\$0.00	\$530,000.00
Total Expenses	\$680,000.00	\$120,000.00	\$800,000.00

Section 8. 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 9: 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 10. 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 11. 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 in 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 also include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Duly adopted this 10th day of June 2024.

****See Attachment B at the end of these minutes for a copy of the TIP HL-0013 Agreement Overview Document between Town of Black Mountain and NC Department of Transportation. Note: full execution of this document will be in July 2024 by NCDOT, and a final copy will be furnished to the Town.***

I. Discussion of Town Attorney Review Process.

A brief discussion ensued among Council Members about establishing an annual review process for the Town Attorney, like the process used for the Town Manager position. The Town Manager and Town Attorney are both appointed by the Town Council. The Council asked the Town Manager to gather some examples of attorney reviews by other municipalities and report back.

10) COMMUNICATION.

Attorney Brain Gulden stated he was continuing work on the UDO review.

Town Manager Josh Harrold stated that Town offices would be closed on June 19th for the Juneteenth holiday, with sanitation on a regular schedule. He also made some comments related to the FY24-25 adopted budget and spoke about fire department employee hours worked annually.

11) COMMUNICATION FROM MAYOR AND TOWN COUNCIL.

Council Member Doug Hay made a few comments on the recently adopted FY24-25 budget and public hearing, the preparation of the budget, and COLA adjustments.

12) CLOSED SESSION- none.

13) ADJOURNMENT- *With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 8:02 p.m.*

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

**Memorandum of Understanding
between the
Town of Black Mountain
and
the Friends of the Community Gardens**

The Town of Black Mountain owns and operates the Dr. John Wilson Community Garden (DJWCG) and any other designated community gardens within the Town*. The staffing, maintenance, and capital improvements of the community gardens are limited to the budget approved each year by the Town Council. The Town of Black Mountain community garden manager, Lucille Nelson or successor is a liaison to the Friends of the Community Gardens.

The Friends of the Community Gardens (FCG) is a community-based organization under Black Mountain Parks and Greenways, Inc. (BMPG), which is a 501(c)(3) private nonprofit organization.

The purpose of this memorandum of understanding (MOU) is to describe the public-private partnership between the Town of Black Mountain and FCG/BMPG to support the Town community gardens.

Internship Program

The DJWCG serves as the primary location for the garden's internship program. The garden manager serves as the internship educator. FCG/BMPG provides financial support and liability insurance for the interns.

Grant Writing and Fundraising Activities for Garden Improvements

FCG/BMPG shall not pursue grants or fundraising activities for new or additional garden improvements without first obtaining direction, or resolution, if necessary, from the Town Council. Funds raised must be donated to and deposited by the Town, or, if FCG/BMPG chooses, the material object purchased with the raised funds must be donated and accepted by the Town Council.

Promoting the Gardens in the Community and Recruiting of Volunteers

FCG/BMPG has permission to promote the gardens in the community and recruit volunteers for the gardens, however, any printed materials must first be approved by the garden manager for accuracy and appropriateness.

Visioning

Volunteers and those associated with FCG/BMPG may help in the soliciting of community input and provide consulting and creativity for future garden needs, projects, and visions. Town staff and council will approve final projects and decisions.

Requests for Maintenance

Volunteers and those associated with FCG/BMPG do not direct Town staff. Requests for maintenance in the gardens will be reported to the garden manager. The garden manager is responsible for placing work orders with public works staff. The garden manager and the Recreation and Parks Director are responsible for managing work orders and determining if there is sufficient budget or if a project needs to wait and be budgeted for the next fiscal year or is large enough to be considered in the Capital Improvement Plan or other funding mechanism.

Volunteer Lead Maintenance or Projects

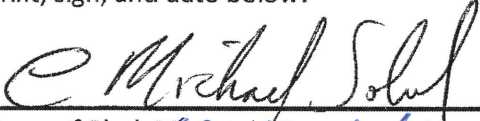
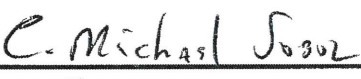
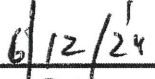
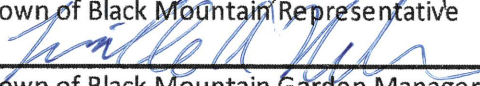
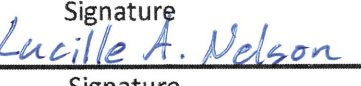
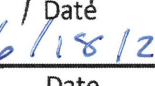
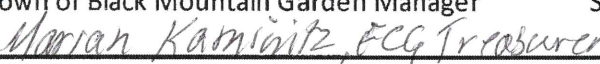
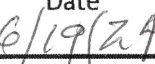
Volunteers may not complete maintenance or materially alter the community gardens outside the activities typically associated with gardening, without the expressed approval of the Public Works Director and Town Council.

Donations

FCG/BMPG may donate to the community gardens any materials and supplies typically associated with gardening activities without first obtaining permission from Town Council. The volunteers will coordinate donations of such supplies with the garden manager.

*Note: The term 'garden' or 'gardens' includes the Dr. John Wilson Community Garden and any other current or future community gardens within and managed by the Town of Black Mountain, including, but not limited to the container garden at the Black Mountain Library.

Print, sign, and date below:

		
Town of Black Mountain Representative	Signature	Date
		
Town of Black Mountain Garden Manager	Signature	Date
		
Friends of the Community Gardens Representative	Signature	Date

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION

1000022154

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AGREEMENT OVERVIEW

NORTH CAROLINA
BUNCOMBE COUNTY

DATE: 6/5/2024

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

TIP #: HL-0013
WBS ELEMENTS: ROW 49469.2.1
CON 49469.3.1

AND

TOWN OF BLACK MOUNTAIN

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT (“Project”): The Project consists of replacement of municipal bridge 522 located on 9th street in Black Mountain.

ADDITIONAL WORK: The Department will replace Bridge 522 over Tomahawk Branch on 9th Street in Black Mountain.

ESTIMATED COST OF THE PROJECT:	\$	800,000
ESTIMATED COSTS TO OTHER PARTY:	\$	160,000 (20%)
ESTIMATED COSTS TO DEPARTMENT:	\$	640,000 (80%)

RESPONSIBILITY FOR COSTS THAT EXCEED FUNDING:

The Department and the Town of Black Mountain will share costs in the same proportion as shown above.

ESTIMATED COST OF ROW PHASE:	\$120,000
ESTIMATED COSTS TO OTHER PARTY (ROW):	\$24,000

ESTIMATED COSTS OF CON PHASE:	\$680,000
ESTIMATED COSTS TO OTHER PARTY (CON):	\$136,000

PAYMENT TERMS: The Town of Black Mountain shall submit payment upon execution of this agreement.

MAINTENANCE: The Municipality will be responsible for maintenance of the roadway and structure after construction is completed.

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000022154
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This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the **Town of Black Mountain**, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-66.1 and 136-66.3; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the **Parties**, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights, and legal obligations of the **Parties** hereto for the purposes of this Agreement; and,

WHEREAS, the **Parties** will enter into a Supplemental Agreement for to identify responsibilities and cost participation for future phases of the Project; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

A. DEPARTMENT

The **Department** shall be responsible for all phases of project delivery to include planning, design, right of way acquisition, utility relocation, and construction as shown in the **PROJECT DELIVERY** Provision.

B. MUNICIPALITY

The Municipality shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

III. PROJECT DELIVERY REQUIREMENTS

A. PLANNING, DESIGN, AND CONSTRUCTION

- i. The **Department** will be responsible for preparing the environmental and/or planning document and obtaining any environmental permits.
- ii. The **Department** will be responsible for preparing the plans and specifications and letting the Project to construction.
- iii. The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract for said Project. All work shall be done in accordance with Departmental standards, specifications, policies, and procedures.

B. RIGHT OF WAY ACQUISITION

The **Department** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

C. MUNICIPAL UTILITY RELOCATIONS

Responsibilities

The **Municipality** shall be responsible for the relocation and adjustment of all municipally owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.

- i. Said work shall be performed in a manner satisfactory to the **Department** prior to the **Department** beginning construction of the Project. The **Municipality** shall make every effort to promptly relocate said utilities in order that the **Department** will not be delayed in the construction of the Project.
- ii. The **Municipality** shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.
- iii. The **Department**, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the **Municipality**.

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION

1000022154

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- iv. The **Department** shall not be liable for any work that the **Municipality** undertakes with respect to said utility relocation.

Costs and Funding

- v. If applicable, the **Department** will reimburse the **Municipality** in accordance with NCGS 136-27.1. A separate utility agreement may be prepared to address these costs and payment terms.

Utility Relocation by Department

- vi. If the **Municipality** requests the **Department** to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the **Department** agrees, then a separate utility agreement will be prepared to state the cost estimate and the reimbursement terms, if applicable. The **Municipality** shall reimburse the **Department** all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation.

D. MAINTENANCE

Upon completion of the Project:

- i. The **Department** shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highway," and department criteria.
- ii. The **Municipality** will be responsible for the maintenance of the roadway and structure after construction is completed.

IV. COSTS AND FUNDING

A. PROJECT COSTS AND FUNDING

The **Municipality** has agreed to participate in Project costs as follows:

- i. The estimated cost of the Project is \$800,000. Both Parties understand that this is an estimated cost and is subject to change.
- ii. The **Municipality** shall participate in 20% of Project Costs. The **Department** will participate in 80% of Project Costs. The **Municipality** is responsible for all costs that exceed the estimated costs.

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000022154
1000022155

- iii. The **Department** may consult with the **Municipality** on changes to cost estimates prior to construction, or changes to costs during construction. Consultation between the **Department** and the **Municipality** is offered as a courtesy to apprise the **Municipality** of potential cost increases and to allow appropriate budgeting. Failure of the **Department** to notify the **Municipality** of cost increases does not affect the payment terms of the agreement.
- iv. If the **Municipality** does not approve the anticipated cost increases, the **Department** will cease work on the Project. Any funding provided by the **Municipality** that is unused will be returned to the **Municipality**.

B. PAYMENT BY THE MUNICIPALITY

- i. The **Municipality** shall provide a down payment for each phase of the Project, prior to the **Department** initiating work on each phase. The **Department** will notify the **Municipality** of the requested amount of down payment. The **Municipality** shall remit payment, in accordance with the attached “Remittance Guidance”.
- ii. If costs for the current phase of work exceed the available funding, then the **Department** will notify the **Municipality** of any additional down payment needed.

V. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the **Municipality** set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000022154
1000022155

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. FACSIMILE

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the **Parties** agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

G. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

H. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

I. INDEMNIFICATION

To the extent authorized by state and federal claims statutes, the **Municipality** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Municipality's** negligence and/or responsibilities under the terms of this agreement.

J. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

K. DOCUSIGN

The **Department** and the **Municipality** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or the **Municipality**, to execute this Agreement. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the **Department** and the **Municipality** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes **Department's** signature as if actually signed by the **Department** in writing or the **Municipality's** signature as if actually signed by the **Municipality** in writing. The **Department** and the **Municipality** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Department** and the **Municipality** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

L. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000022154
1000022155

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES ONLY)

ATTEST:

BY: Angela Ren

TITLE: Town Clerk, Deputy



TOWN OF BLACK MOUNTAIN

FED TAX ID NO: 56-6001182

REMITTANCE ADDRESS:

160 Midland Ave.

Black Mountain, NC 28711

Authorized Signer: C. Michael Sobol

Print Name: C. Michael Sobol

Title: Mayor

Date Signed: 6/12/24

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Finance Officer: Tammy Holland

Print Name: Tammy Holland

Date Signed: 6/12/24

DEPARTMENT OF TRANSPORTATION (DocuSign)

Will execute in July and return final/original copy

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)



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 of 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><u>\$150,000.00</u></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><u>\$150,000.00</u></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

Attachment A
4 pages total

Adjustment Number	Description	Fund Name	Account Number	Account Name	Sum of Amount
BA0000251	Year End Operating Budget Adjustment	Capital Projects Fun	400-8005-52012	Professional Services-Engineering and Design	-\$8,000.00
			400-8005-57610	Capital Outlay - Street/Bridge/SWalk/Dam/Greenway	\$8,000.00
		Fire Special Revenue	200-4520-50100	Salaries - Regular	\$63,000.00
			200-4520-50101	Salaries - Part Time/Temp/Aux	\$50,000.00
			200-4520-50102	Salaries - Overtime	\$5,000.00
			200-4520-50210	Social Security (Fica Tax) Contributions	\$4,000.00
			200-4520-50220	Retirement Employer Contribution- State	\$31,000.00
			200-4520-50221	Retirement Employer Contribution- 401K	\$6,500.00
			200-4520-51015	Uniforms	-\$3,500.00
			200-4520-51510	Professional Licenses Certifications and Dues	-\$2,500.00
			200-4520-52019	Information Technology Services	-\$1,000.00
			200-4520-52213	Utilities - Communication	\$200.00
			200-4520-52215	Cellphone Stipend	\$100.00
			200-4520-52316	R & M - Vehicle	-\$1,500.00
			200-4520-52510	Non-Capital Equipment and Furniture	-\$1,000.00
			200-4520-55015	Liability and Property Insurance Expense	\$5,900.00
			200-4520-57410	Capital Outlay-Vehicles	-\$161,350.00
			200-4520-58011	Debt Principal - Vehicles and Motorized Equipment	\$3,000.00
			200-4520-58111	Debt Interest - Vehicles and Motorized Equipment	\$2,100.00
			200-4520-58900	Cost Of Issuance	\$50.00
		General Fund	100-4020-50210	Social Security (Fica Tax) Contributions	\$300.00
			100-4020-50220	Retirement Employer Contribution- State	\$2,000.00
			100-4020-52020	Contract Services	\$1,100.00
			100-4020-52212	Utilities - Refuse Disposal	\$500.00
			100-4020-52213	Utilities - Communication	-\$2,000.00
			100-4020-52214	Utilities -Water and Sewer	\$200.00
			100-4020-52217	Utilities - Electric Vehicle Charge	\$500.00
			100-4020-52310	R & M - Building	-\$3,000.00
			100-4020-52410	Office Supplies	\$400.00
			100-4025-50100	Salaries - Regular	\$16,000.00
			100-4025-50210	Social Security (Fica Tax) Contributions	\$500.00
			100-4025-50220	Retirement Employer Contribution- State	\$2,000.00
			100-4025-50230	Insurance Employer Contribution - Med & Life	\$100.00
			100-4025-50232	Insurance - Worker's Comp Insurance	-\$7,000.00
			100-4025-51013	Employee Appreciation Expense	-\$5,000.00
			100-4025-51511	Employee Continuing Education and Training	-\$2,000.00
			100-4025-52011	Professional Services-Legal	-\$600.00
			100-4025-52419	Technology Supplies and Materials	-\$1,200.00
			100-4025-55015	Liability and Property Insurance Expense	-\$1,600.00
			100-4025-55017	Safety & Compliance	-\$1,200.00
			100-4030-50220	Retirement Employer Contribution- State	\$2,000.00
			100-4030-50230	Insurance Employer Contribution - Med & Life	\$500.00
			100-4030-52010	Professional Services-Audit and Actuary Fees	\$3,000.00
			100-4030-52113	Tax Billing and Collection Fees	\$4,000.00
			100-4040-52019	Information Technology Services	-\$9,500.00
			100-4040-52115	Technology and Software License	-\$2,500.00
			100-4040-52213	Utilities - Communication	\$2,500.00
			100-4510-50100	Salaries - Regular	\$5,500.00
			100-4510-50101	Salaries - Part Time/Temp/Aux	\$6,700.00
			100-4510-50102	Salaries - Overtime	-\$5,000.00
			100-4510-50199	Salaries - Off Duty	\$17,900.00
			100-4510-50210	Social Security (Fica Tax) Contributions	\$8,800.00
			100-4510-50220	Retirement Employer Contribution- State	\$41,000.00
			100-4510-50221	Retirement Employer Contribution- 401K	-\$7,000.00

BA0000251

Year End Operating Budget Adjustment

General Fund

100-4510-50230	Insurance Employer Contribution - Med & Life	-\$26,000.00
100-4510-51015	Uniforms	-\$1,000.00
100-4510-51510	Professional Licenses Certifications and Dues	-\$1,000.00
100-4510-52020	Contract Services	\$1,200.00
100-4510-52310	R & M - Building	-\$4,500.00
100-4510-52316	R & M - Vehicle	-\$12,000.00
100-4510-52410	Office Supplies	-\$1,500.00
100-4510-52420	Specialty Operating Supplies - SWAT	-\$1,000.00
100-4510-52499	LEO Supplies and Materials	-\$2,000.00
100-4510-52510	Non-Capital Equipment and Furniture	-\$1,000.00
100-4510-55010	Fuel	\$18,000.00
100-4510-57410	Capital Outlay-Vehicles	-\$5,000.00
100-4510-57510	Capital Outlay-Furnishings & Non-Motorized Equip	\$9,000.00
100-4510-58011	Debt Principal - Vehicles	-\$2,800.00
100-4510-58012	Debt Principal - Equipment	-\$2,100.00
100-4610-50100	Salaries - Regular	\$2,000.00
100-4610-50210	Social Security (Fica Tax) Contributions	\$200.00
100-4610-50220	Retirement Employer Contribution- State	\$1,850.00
100-4610-50221	Retirement Employer Contribution- 401K	\$300.00
100-4610-50230	Insurance Employer Contribution - Med & Life	\$450.00
100-4610-51511	Employee Continuing Education and Training	-\$1,000.00
100-4610-52212	Utilities - Refuse Disposal	\$200.00
100-4610-52310	R & M - Buildings	-\$3,000.00
100-4610-52510	Non-Capital Equipment and Furniture	-\$1,000.00
100-4615-52020	Contract Services	-\$23,300.00
100-4615-52210	Utilities - Electricity	-\$30,100.00
100-4615-52214	Utilities -Water and Sewer	\$500.00
100-4615-57510	Capital Outlay-Furnishings & Non-Motorized Equip	\$1,000.00
100-4620-50100	Salaries - Regular	\$18,000.00
100-4620-50101	Salaries - Part Time/Temp/Aux	\$100.00
100-4620-50210	Social Security (Fica Tax) Contributions	\$3,200.00
100-4620-50220	Retirement Employer Contribution- State	\$5,300.00
100-4620-50221	Retirement Employer Contribution- 401K	\$3,400.00
100-4620-50230	Insurance Employer Contribution - Med & Life	\$600.00
100-4620-52015	Professional and Technical Services	-\$10,000.00
100-4620-52320	R & M - Streets/Sidewalks/Curb	-\$6,000.00
100-4620-55010	Fuel	-\$4,000.00
100-4640-50100	Salaries - Regular	-\$46,800.00
100-4700-50100	Salaries - Regular	-\$13,000.00
100-4700-50101	Salaries - Part Time/Temp/Aux	\$32,000.00
100-4700-50210	Social Security (Fica Tax) Contributions	\$3,900.00
100-4700-50220	Retirement Employer Contribution- State	\$4,500.00
100-4700-50221	Retirement Employer Contribution- 401K	\$2,300.00
100-4700-50230	Insurance Employer Contribution - Med & Life	\$550.00
100-4700-51015	Uniforms	-\$2,000.00
100-4700-51511	Employee Continuing Education and Training	\$900.00
100-4700-52112	Credit Card Processing Fees	\$2,200.00
100-4700-52213	Utilities - Communication	\$500.00
100-4700-52214	Utilities -Water and Sewer	\$500.00
100-4700-52315	R & M - Equipment	\$200.00
100-4700-52410	Office Supplies	-\$1,000.00
100-4700-53000	Programs and Event Expense	-\$3,500.00
100-4700-55010	Fuel	\$100.00
100-4700-55017	Safety & Compliance	\$250.00
100-4700-55030	Mileage Reimbursment - Non-Training	\$200.00
100-4710-50210	Social Security (Fica Tax) Contributions	\$400.00
100-4710-52112	Credit Card Processing Fees	\$400.00

BA0000251

Year End Operating Budget Adjustment

General Fund	100-4710-52115	Technology and Software License	\$250.00
	100-4710-52213	Utilities - Communication	\$300.00
	100-4710-52214	Utilities -Water and Sewer	\$2,000.00
	100-4710-52310	R & M - Buildings	\$300.00
	100-4710-52315	R & M - Equipment	\$600.00
	100-4710-52410	Office Supplies	\$1,200.00
	100-4710-55017	Safety & Compliance	\$1,000.00
	100-4710-55060	Cash Short/Over	\$50.00
	100-4711-50100	Salaries - Regular	\$6,500.00
	100-4711-50101	Salaries - Part Time/Temp/Aux	\$8,000.00
	100-4711-50210	Social Security (Fica Tax) Contributions	\$500.00
	100-4711-50220	Retirement Employer Contribution- State	\$1,000.00
	100-4711-52214	Utilities -Water and Sewer	\$300.00
	100-4711-52510	Non-Capital Equipment and Furniture	\$500.00
Golf Fund	650-5800-50210	Social Security (Fica Tax) Contributions	\$1,000.00
	650-5800-50220	Retirement Employer Contribution- State	\$4,000.00
	650-5800-50221	Retirement Employer Contribution- 401K	\$500.00
	650-5800-50230	Insurance Employer Contribution - Med & Life	\$1,000.00
	650-5800-52115	Technology and Software License	\$500.00
	650-5800-52214	Utilities -Water and Sewer	\$1,500.00
	650-5800-52310	R & M - Building	-\$5,000.00
	650-5800-52405	Maintenance Supplies & Materials	-\$5,000.00
	650-5800-52418	Chemicals and Chemical Products	-\$6,060.00
	650-5800-52420	Speciality Operating Supplies	\$1,000.00
	650-5800-54010	Lease/Rental - Equipment	-\$12,500.00
	650-5800-55010	Fuel	\$3,000.00
	650-5810-50101	Salaries - Part Time/Temp/Aux	\$2,000.00
	650-5810-50210	Social Security (Fica Tax) Contributions	\$500.00
	650-5810-50220	Retirement Employer Contribution- State	\$1,500.00
	650-5810-50221	Retirement Employer Contribution- 401K	\$200.00
	650-5810-50230	Insurance Employer Contribution - Med & Life	\$200.00
	650-5810-52020	Contract Services	\$2,000.00
	650-5810-52112	Credit Card Processing Fees	\$10,000.00
	650-5810-52212	Utilities - Refuse Disposal	\$500.00
	650-5810-52214	Utilities -Water and Sewer	\$500.00
	650-5810-52310	R & M - Building	-\$2,000.00
	650-5810-52315	R & M - Equipment	-\$1,000.00
	650-5810-52419	Technology Supplies and Materials	\$160.00
Planning And Devel	650-5810-52430	Purchases For Resale	\$1,500.00
	210-4810-50100	Salaries - Regular	\$15,000.00
	210-4810-50210	Social Security (Fica Tax) Contributions	\$1,300.00
	210-4810-50220	Retirement Employer Contribution- State	\$12,000.00
	210-4810-50221	Retirement Employer Contribution- 401K	\$1,500.00
	210-4810-51511	Employee Continuing Education and Training	\$300.00
	210-4810-52015	Professional and Technical Services	-\$31,700.00
	210-4810-54010	Lease/Rental - Equipment	\$1,000.00
	210-4810-55023	Community Outreach/Public Relations Expense	\$600.00
Stormwater Fund	630-5500-50100	Salaries - Regular	\$2,000.00
	630-5500-50220	Retirement Employer Contribution- State	\$2,500.00
	630-5500-52015	Professional and Technical Services	-\$4,800.00
	630-5500-52020	Contract Services	-\$46,240.00
	630-5500-52100	Permits, License And Fees-Other	\$300.00
	630-5500-57210	Capital Outlay - Land Improvements	\$46,240.00
Water Fund	600-5000-50100	Salaries - Regular	-\$12,000.00
	600-5000-50101	Salaries - Part Time/Temp/Aux	-\$5,000.00
	600-5000-50105	Salaries - Longevity	-\$500.00
	600-5000-50210	Social Security (Fica Tax) Contributions	-\$2,000.00

BA0000251	Year End Operating Budget Adjustment	Water Fund	600-5000-50220	Retirement Employer Contribution- State	\$1,300.00
			600-5000-50221	Retirement Employer Contribution- 401K	-\$1,500.00
			600-5000-50230	Insurance Employer Contribution - Med & Life	-\$10,000.00
			600-5000-52020	Contract Services	-\$4,000.00
			600-5000-52211	Utilities - Gas	\$1,000.00
			600-5000-52410	Office Supplies	\$100.00
			600-5000-52431	Purchased Water from Outside Entity	\$25,000.00
			600-5000-52510	Non-Capital Equipment and Furniture	\$10,000.00
			600-5000-54010	Lease/Rental - Equipment	\$2,200.00
			600-5000-57510	Capital Outlay-Furnishings & Non-Motorized Equip	-\$10,000.00
			600-5000-57615	Capital Outlay - Dist Lines and Connections	-\$52,000.00
			600-5050-50100	Salaries - Regular	\$20,000.00
			600-5050-50210	Social Security (Fica Tax) Contributions	\$4,500.00
			600-5050-50220	Retirement Employer Contribution- State	\$9,500.00
			600-5050-50221	Retirement Employer Contribution- 401K	\$3,000.00
			600-5050-50230	Insurance Employer Contribution - Med & Life	\$7,500.00
			600-5050-52024	Printing and Binding Services	-\$12,000.00
			600-5050-52100	Permits, License And Fees-Other	\$14,000.00
			600-5050-52111	Bank Service Charges and Fees	\$5,000.00
			600-5050-52112	Credit Card Processing Fees	\$30,000.00
			600-5050-52115	Technology and Software License	-\$25,000.00
			600-5050-52410	Office Supplies	\$100.00
			600-5050-52510	Non-Capital Equipment and Furniture	\$800.00
BA0000252	BUDGET AMENDMENT TO RECOGNIZED INSURANCE PROCEEDS	General Fund	100-0000-48010	Insurance Recovery Proceeds	-\$21,464.00
			100-4510-52316	R & M - Vehicle	\$6,240.00
			100-4610-52310	R & M - Buildings	\$464.00
			100-4640-52316	R & M - Vehicle	\$14,760.00



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Cortney Kidd, *Senior Accountant* **MEETING DATE:** July 8, 2024

AGENDA SECTION: Consent Agenda- Item 5B **DEPARTMENT:** Finance

TITLE OF ITEM: Monthly Property Tax Collector Report

SUGGESTED MOTION(S):

Approval of the Monthly Tax Collector Report

SUMMARY:

Monthly Property Tax Collector Report

Pursuant to N.C.G.S. § 105-350(7), it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount collected on each year's taxes with which is charged, the amount remaining uncollected, and the steps taken to encourage or enforce payment of uncollected taxes.

Per NCGS 105-381(b) the governing body must approve or deny requests for refunds or releases.

Below is the month end report for collections, refunds, and releases (current and prior years), provided by the Buncombe County Tax Collector. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes.

ATTACHMENTS:

- i. Monthly Tax Collector Report



TOWN OF BLACK MOUNTAIN TAX COLLECTOR'S REPORT

TO: Black Mountain Board of Commissioners
FROM: Cortney Kidd, Municipal Tax Collector
DATE: MONDAY, July 8, 2024
SUBJECT: May 2024 Tax Collector Report

According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount collected on each year's taxes with which is charged, the amount remaining uncollected, and the steps taken to encourage or enforce payment of uncollected taxes.

Below is the month end report for collections (current and prior years), provided by the Buncombe County Tax Collector. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments, and NC Debt Setoff.

CURRENT YEAR TAX -ALL TAXES, LIENS, LATE LIST PENALTIES, INTEREST AND FEES

Billed	\$ 5,207,493.16
Collected	\$ 5,182,128.29
Adjustments and Releases	\$ (12,274.17)
Outstanding real and personal property taxes	\$ 13,090.70

TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR

99.75%

PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH

Collected	\$ 40.83
Adjustments and Releases	

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

Ad Valorem	\$ 13.74
Motor Vehicle	\$ 178.69



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024
AGENDA SECTION: Consent Agenda- **Item 5C** **DEPARTMENT:** Planning
TITLE OF ITEM: Resolution to Authorize Abatement of Unsafe Conditions at 1154 Montreat Road

SUGGESTED MOTION(S):

To approve the resolution to allow Town staff to contract for the clean-up of 1154 Montreat Road.

SUMMARY:

The Town has gone through the unsafe conditions procedures beginning with a notice of unsafe conditions, posting of the property, a hearing per NCGS 160D-1121, and an order to take corrective action. The order was not appealed and the timeframe to abate the unsafe conditions has passed. The unsafe conditions currently consist of openings in the dwelling that need to be secured, accessory structures on the brink of collapse, a deck on the brink of collapse, and some trash in the yard. The owner has passed away, but the daughter has power of attorney and at this time, is going through the probate process, but has yet to gain executorship of the estate. Staff has been receiving inquiries from neighbors asking when the issues will be resolved.

Town staff would now like to contract with a company to clean-up the property and assess the charges to the property owner in the form of a lien against the property.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Resolution*

RESOLUTION #

RESOLUTION AUTHORIZING ABATEMENT OF UNSAFE CONDITIONS AND PUBLIC NUISANCE VIOLATIONS AT 1154 MONTREAT ROAD (PIN #0710-53-6021.00000)

WHEREAS, the Town of Black Mountain (the “Town”) received an anonymous complaint in August 2023 about nuisance trash and tall grass violations, unsafe electrical conditions, and unsafe building conditions on the deck and accessory structures on the property located at 1154 Montreat Road, Black Mountain, North Carolina, which property is listed of record as owned by Mary Ann Riddle (the “Property Owner”), through Deed recorded in Book 1328, Page 0561, Buncombe County, North Carolina Register of Deeds (the “Subject Property”); and

WHEREAS, Town staff conducted a site of visit of the Subject Property in August of 2023 and confirmed the presence of trash in the yard, tall grass, and unsafe building conditions and the property was posted with an UNSAFE, DO NOT ENTER PLACARD; and

WHEREAS, Town staff mailed a Notice of Unsafe Conditions letter to the Property Owner both by regular mail and certified mail, return receipt and the return receipt card was received with a signature and dated August 24, 2023; and

WHEREAS, Town staff conducted a follow-up site visit on October 2, 2023, and while conditions had not been corrected, contact was made with the Property Owner on site who indicated that plans to correct the remaining violations were being made and staff did note that some progress and been made in removing the trash and debris; and

WHEREAS, Town staff conducted a follow-up site visit on October 9, 2023, and noted that considerable progress had been made, the building was secure, a dumpster had been placed on site, and a lot of debris had been cleaned up; and

WHEREAS, an electrical permit was issued to the Property Owner on November 11, 2023, to replace light fixtures and make sure all plugs are working and the electrical system is in good order; and

WHEREAS, in April of 2024, having received no inspection requests for the electrical work and the timeframe to correct all violations had passed, Town staff conducted a follow-up site visit and found unsafe structural building elements, unsafe electrical system, an inoperable and unsanitary plumbing system, no running water, and no electricity; and

WHEREAS, on April 24, 2024, a Notice of Hearing was sent to the Property Owner informing the Property Owner of a hearing to be held before the Building Inspector on May 3, 2024, and noted that the Property Owner would have the opportunity to present any testimony and/or evidence pertaining to the matter; and

WHEREAS, at the hearing on May 3, 2024, the Property Owner was not in attendance, however, Kevin Bates, Director of Swannanoa Valley Christian Ministries, was in attendance on behalf of the Property Owner's son, who to our knowledge, had no legal right to be on the property; and

WHEREAS, at the hearing on May 3, 2024, the Building Inspector issued an order to abate the unsafe structural building elements, the unsafe electrical system, the unsanitary plumbing system, and reconnect the water and electricity at the Subject Property; and

WHEREAS, on May 7, 2024, the Property Owner's daughter provided Power of Attorney paperwork for the Property Owner and indicated that it is their intent to sell the property; and

WHEREAS, on May 14, 2024, the order from the Building Inspector was mailed via certified mail, return receipt to the Power of Attorney and the return receipt card was received on May 20, 2024, with the signature of the Power of Attorney; and

WHEREAS, the Property Owner passed away on May 15, 2024; and

WHEREAS, on June 12, 2024, the Building Inspector received a call from the Property Owner's sister who informed the Building Inspector that the Power of Attorney was having difficulties obtaining executorship of the property; and

WHEREAS, in the interest of the public, health, safety, and welfare, and, as a result of the Property Owner and the Power of Attorney of the Subject Property having failed to comply with the Order to Take Corrective Action, the Town has determined that it is now necessary for the Town to proceed with the clean-up and abatement of the unsafe conditions of the Subject Property and to remove all trash and debris, board the building, and remove the unsafe deck and accessory structures as permitted in NCGS 160D-1125.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that pursuant to NCGS 160D-1125 and significant public health concerns, the clean-up of the Subject Property at 1154 Montreat Road, Black Mountain, North Carolina, is hereby authorized and the Town staff shall contract for and carry out the clean-up of the Subject Property in accordance with the terms of this Ordinance.

ADOPTED this 8th day of July 2024.

C. Michael Sobol, Mayor

ATTEST:

Wesley M. Barker, Town Clerk

APPROVED AS TO FORM:

Craig Justus, Town Attorney



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS- **Item 9A** **DEPARTMENT:** Planning

TITLE OF ITEM: Shared Parking Agreement

SUGGESTED MOTION(S):

To approved shared parking agreements with Wellspring Direct Primary Care (101 West Street)

SUMMARY:

The Town reached out to various businesses in the downtown area to inquire about providing shared parking in the evenings and on weekends. The Town heard back from Wellspring Direct Primary Care. The shared parking agreement will allow for shared parking in the businesses parking lot in the evenings and on weekends. The Town will provide signage for the shared parking.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Shared Parking Agreement*



Shared Use Agreement for Parking Facilities

This Shared Use Agreement for Parking Facilities, entered into July 8, 2024, of between Wes Hite hereinafter called Lessor, and The Town of Black Mountain, hereinafter called Lessee.

In consideration of the covenants herein, Lessor agrees to share with Lessee certain parking facilities, located at 101 West Street in the Town of Black Mountain, County of Buncombe and State of NC, hereinafter called the facilities, described as the parking area shown on Exhibit A, representing 14 parking spaces.

LEASEHOLD AREA

The parking area shown on Exhibit A, representing 14 parking spaces, is leased to the Town of Black Mountain and shall be available for public parking Monday through Friday except when the property owner is open for business or when parking is needed by the Lessor for its own events. Parking by the public will not be permitted on Monday through Friday 8:00AM to 5:00PM. Parking will be available to the public after 5:00PM Monday through Friday and on Saturday and Sunday. The lessor reserves the right to allow overnight parking. The Lessor reserves the right to restrict parking at any time, without notice.

LEASE TERM AND OPTION FOR EXTENSION

This agreement shall have a two-year term, beginning on July 10, 2024 and ending July 10, 2026.

MAINTENANCE

In consideration of the right to the use of the facilities to provide public parking, the Lessee shall provide, as reasonably necessary, asphalt repair work, striping, seal coating, and snow removal. Lessee shall provide waste cans and waste removal services as appropriate to the leasehold area.

SIGNAGE

Lessee shall provide signage, meeting with the written approval of Lessor, designating usage allowances.

ENFORCEMENT

Lessor and Lessee each reserve the right to tow, at the expense of the vehicle owners, vehicles improperly parked or abandoned. All enforcement shall be coordinated with the Black Mountain Police Department.

COOPERATION

Lessor and Lessee agree to cooperate to the best of their abilities to mutually use the facilities without disrupting the other party. The parties agree to meet on occasion to work out any problems that may arise to the shared use. In any event, if there is a conflict between the needs of the Lessor and the Lessee as priority of use, the Lessor's needs shall prevail if a solution cannot be agreed by the parties.

SUPERVISION

Neither the Lessor nor the Lessee will provide supervision or management of the facility, except that Lessor will be responsible for providing necessary signage or other notice when the facility is to be used for activities of the Lessor and closed to use by the public.

INSURANCE

At their own expense, Lessor and Lessee each agree to maintain liability insurance for the facilities as is standard for their own business usage.

INDEMNIFICATION

The Lessee agrees to indemnify and hold the Lessor harmless from any claims for injury to persons or property arising out of the use of the facilities by the public, including actual damages and reasonable attorney fees incurred defending against such claims, and the Lessor agrees to hold the Lessee harmless from any claims for injury to persons or property arising out of the use of the facilities by the Lessor during its own use and activities, including actual damages and reasonable attorney fees incurred defending against such claims.

TERMINATION

If Lessor transfers ownership, or if part or all of the facilities are condemned, or access to the facilities is changed or limited, Lessee may, in its sole discretion terminate this agreement without further liability by giving Lessor not less than 60 days prior written notice. Upon termination of this agreement, Lessee agrees to remove all signage and repair damage due to excessive use or abuse. Lessor agrees to give Lessee the right of first refusal on subsequent renewal of this agreement.

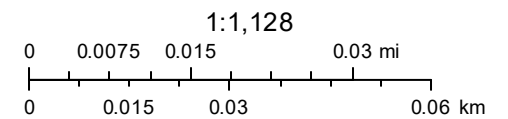
Josh Harrold, Town of Black Mountain

Date

Wes Hite,



June 25, 2024





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, *Town Clerk* **MEETING DATE:** July 8, 2024
AGENDA SECTION: NEW BUSINESS- **Item 9B** **DEPARTMENT:** Administration
TITLE OF ITEM: ABC Board Appointments

SUGGESTED MOTION(S):

To make an appointment to the ABC Board to serve a three-year term.

SUMMARY:

The Black Mountain Alcoholic Beverage Control (ABC) Board has a total of three (3) seats, that are appointed by the Town Council. The ABC Board has one seat whose term is expiring in 2024. This seat is currently held by Sharon Tabor who has served one full term. Ms. Tabor would be eligible to serve another three-year term, if reappointed.

Applications for the ABC Board were received by Sharon Tabor, James Samuel Hobson, Jr., and Michael (Kevin) Warren.

Town Council will need to make an appointment to the ABC Board for a three-year term.

ABC Board: CURENT MEMBERS AS OF 6/30/2024

Title	MEMBER NAME (last, first name)	Appointment Date	Last Appointment Date	Term Expiration Date	Notes
Chair	Harris, Larry	8/14/2023		7/1/2026	
	Nichols, Amanda	7/11/2022		7/1/2025	
	Tabor, Sharon	12/13/2021		7/1/2024	*Has reapplied for a second term

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Applications*



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

Phone (828) 419-9300 Fax (828) 669-4204

TDD 800-735-2962

www.townofblackmountain.org



The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

Return this application either in person, by mail/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. town.clerk@tobm.org

APPLICANT INFORMATION

NAME: James Samuel Hobson, Jr. DATE: 5/30/24

PREFERRED NAME: Sam

HOME ADDRESS: 48 Fortune St.

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No _____

EMAIL ADDRESS (this is mainly how we will communicate with you): samhobson@hotmail.com

PHONE NUMBER(S): MAIN 704-898-1693 EMERGENCY 704-898-1898

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: ABC Board Are you seeking re-appointment? Yes ☒ No _____

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

Having previously served on the ABC Board, I enjoyed working with and supporting the staff. The staff asked me to apply for the open position.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have.

BA, Presbyterian College, Clinton, SC
M.Div, Union Presbyterian Seminary, Richmond, VA
D.Min, Columbia Theological Seminary, Decatur, GA

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

ABC Board, Choir and Board member
Black Mountain Rotary Club
Volunteer, Black Mountain Visitors Center

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

J. Samuel Holston, Jr.
Applicant's Signature

5/30/24

Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at
www.townofblackmountain.org

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

Name

Michael (Kevin)	Warren
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☒ Yes ☐ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City	State	Zip Code

Primary Email

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

Other Phone (if applicable)

Are you seeking reappointment?

☐ Yes ☒ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|---|--|
| ☒ ABC Board | ☐ Recreation Commission |
| ☐ Active Mobility Commission | ☐ Board of Adjustment |
| ☐ Historic Preservation Commission | ☐ MSD (Metropolitan Sewerage District Board)* |
| ☐ Planning Board | |

For more information about each board/commission, visit [Town of Black Mountain Advisory Boards & Commissions Page](#)

**The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference [MSD Board of Directors Website](#).*

If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

This is my first time seeking a board position. In the last 3 years I have gained a significant amount of knowledge on the distilling process and feel like I can help with the improvement of the Black Mountain ABC store.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I would love to see the Black Mountain ABC store to better serve our community by offering interesting "special" bottle drops and to be able to offer more interesting bottles based on the boards knowledge.

Experience, Education, Certifications

In the last three years my knowledge of the distilling process and history of spirits has grown exponentially. I would love to have some influence of variety of bottles the Black Mountain ABC store.

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I've always wanted to be able to get involved in the town that I was born and raised in. This seems like a great blend of loves for me, spirits and the Town of Black Mountain.

☒ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/11/2024



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. *If you are being reappointed to another term, you will also need to be sworn in.*
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
 - 1) Code of Ethics
 - 2) Attendance Policy
 - 3) Policies & Procedures for Administering Boards and Commissions.
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.

- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

Name

Sharon	Tabor
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☐ Yes ☒ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

City	State	Zip Code

Primary Email

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

Other Phone (if applicable)

Are you seeking reappointment?

☒ Yes ☐ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|---|--|
| ☐ ABC Board | ☐ Recreation Commission |
| ☐ Active Mobility Commission | ☐ Board of Adjustment |
| ☐ Historic Preservation Commission | ☐ MSD (Metropolitan Sewerage District Board)* |
| ☐ Planning Board | |

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If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Form Chamber of Commerce director, current seat on the ABC Board, former experience with alcohol laws in other job experiences.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

A continuation of the board seat will continue leadership continuity with staff and other board members

Experience, Education, Certifications

BA Western Kentucky University

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

☒ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

5/4/2024

Sharon Tabor

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Planning

TITLE OF ITEM: Active Mobility Commission Appointments

SUGGESTED MOTION(S):

To reappoint Julie White to a second, three-year term, and to appoint Karen Neal to a first, three-year term.

SUMMARY:

The Active Mobility Commission has a few appointments to be made. Current member Julie White's term is expiring, is eligible for another term, and has applied for a second, three-year term. Julia Weatherford has served two full terms and is rotating off the Commission, which will leave a vacancy. Further, there is an additional vacancy on this Commission, which will result in two (2) vacancies.

A new application was received from Karen Neal. The Active Mobility Commission reviewed the applications and recommend the reappointment of Juile White and appointment of new member Karen Neal. This will still leave one vacancy on the Commission.

ACTIVE MOBILITY COMMISSION: CURENT MEMBERS AS OF 6/30/2024

Title	MEMBER NAME (last, first name)	Original Appointment Date	Last Appointment Date	Term Expiration Date	Notes
Secretary	Bergna, Kristie	8/14/2023		7/1/2026	
Vice Chair	Cole, Kyle	8/8/2022		7/1/2025	
	Knight, Michelle	8/8/2022		7/1/2025	
	Raleigh, Lisa	7/10/2023		7/1/2026	
	Vacant				
	Weatherford, Julia	6/11/2018	7/12/2021	7/1/2024	*Has served 2 full terms
Chair	White, Julie	7/12/2021		7/1/2024	*Has reapplied for a second term.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Applications*

Entry #: 19 - Julie White **Status:** Submitted **Submitted:** 6/3/2024 1:53 PM

Name

Julie White

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

205 ninth st, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

205 ninth st, Black Mountain, North Carolina 28711

Primary Email

juliewbikes@gmail.com

Primary Phone

(828) 279-9586

Other Phone (if applicable)

Are you seeking reappointment?

Yes

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Active Mobility Commission

Primary Preference

Active Mobility Commission

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I have served on the Greenway Commission and the Active Mobility Commission for years. I am an avid cyclist and walk or cycle to many places in this community. I am a board member of the Blue Ridge Bicycle Club. I am the secretary of the Black Mountain Greenways and Trails Committee and serve as their representative to the Black Mountain Greenways and Parks Foundation. I am also on the hike committee of the Swannanoa Valley Museum.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I believe that there are many people within the community who are interested in and would benefit from better options for non-motorized transportation options in Black Mountain. As Black Mountain continues to grow I think that it is increasingly important that there are more options for non-motorized transportation. I think this would help alleviate traffic congestion in town and give people healthier options for getting around town.

Experience, Education, Certifications

I have had many years of experience serving on various greenway committees in Black Mountain and Buncombe County. I have served on the board of BikeWalk NC.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I have been a long time advocate for greenways and alternative modes of transportation. I have knowledge of what has been done in this area and know many key people in the area who are working towards these things.

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/3/2024

A handwritten signature in black ink that reads "Julie White". The signature is written in a cursive, flowing style. Below the signature is a thin horizontal line.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
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- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.

Entry #: 22 - Karen Neal **Status:** Submitted **Submitted:** 6/15/2024 5:32 PM

Name

Karen Neal

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

219 North Fork Road, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

PO Box 182, Ridgecrest, North Carolina 28770

Primary Email

karenaneal@gmail.com

Primary Phone

(828) 244-4893

Other Phone (if applicable)

Are you seeking reappointment?

No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Active Mobility Commission
Planning Board

Recreation Commission

Primary Preference

Recreation Commission

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I am a graduate of Montreat College (2002) and a former staffer at Ridgecrest Summer Camps (2000-2009). Although I have been in higher education since then, my work experience with program planning and data management for a department that serves over 1,000 students would support cross-over in skillsets needed for the board. I love working with large sets of data, grant-funded initiatives, and programs that improve people's lives.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I have lived in Black Mountain since 1998 and have established permanent residency since 2010. It is time to contribute to a town that has made this area home for me.

Experience, Education, Certifications

Bachelor of Arts, English
Master of Arts in Teaching
Mental Health First Aid Certification

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/15/2024

A handwritten signature in dark ink, appearing to be 'R. Smith', written over a horizontal line.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
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- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Planning

TITLE OF ITEM: Board of Adjustment Member Removal

SUGGESTED MOTION(S):

To remove Ben Cooper from the Board of Adjustment due to excessive absences from meetings.

SUMMARY:

Since July of 2023, the Board of Adjustment has met eight times. Of those eight meetings, Ben Cooper has attended one meeting, in July 2023, and has missed the other seven meetings. Of those seven meetings, Mr. Cooper only informed staff of his absence from three of those meetings. The Town's Advisory Board, Commission and Committee Member Handbook states "Members of boards and commissions may be removed from said body for failure to meet attendance requirements." Due to these absences, and following the Town's advisory board handbook on attendance policies, the Board Chair and staff recommend that Mr. Cooper be removed from the Board of Adjustment. The list below shows Mr. Cooper's absences over the last year.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

July 2023 – Ben Cooper present

August 2023 – No meeting

September 2023 – No meeting

October 2023 – Ben Cooper absent – did not notify staff

November 2023 – Ben Cooper absent – did notify staff

December 2023 – No meeting

January 2023 – Ben Cooper absent – did not notify staff

February 2023 – No meeting

March 2023 – Ben Cooper absent – did notify staff

April 2023 – Ben Cooper absent – did not notify staff

May 2023 – Ben Cooper absent – did notify staff

June 2023 – Ben Cooper absent – did not notify staff



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Planning

TITLE OF ITEM: Board of Adjustment Appointments

SUGGESTED MOTION(S):

See end of summary for suggested action items

SUMMARY:

Currently, the Board of Adjustment members that have terms expiring in July 2024 are Lauren Dodgin and Larry Pearlman. Both are eligible for reappointment. Lauren Dodgin is interested in serving another term and has submitted her application for reappointment. However, Larry Pearlman has indicated he is not interested in serving an additional term, which leaves a vacancy on the Board of Adjustment.

Additionally, due to the excessive absences of Board of Adjustment member Ben Cooper, it has been recommended to Town Council by the Board Chair and Town staff that Mr. Cooper be removed from the Board of Adjustment. This would leave a second vacancy on the Board of Adjustment.

The Board of Adjustment has three (3) current alternates, and Alternate #1 and Alternate #2 would now be eligible to move up and be appointed to serve as Board of Adjustment members, due to the vacancies created. Alternate #1 is John Hines, and Alternate #2 is Nichole Stallings.

Furthermore, if Alternate #1 John Hines, and Alternate #2 Nichole Stallings, are appointed to move up and now serve as full Board of Adjustment members, this would fill the two member vacancies, but would then leave two vacancies within the Alternates, with current Alternate #3 Linda Brinson now becoming Alternate #1.

The Town received applications from David Barley and Amy Golden who are recommended by staff to be appointed to fill the alternate positions with the Board of Adjustment. If appointed, the three alternates to the Board of Adjustment would then be: Alternate #1 Linda Brinson, Alternate #2 David Barley and Alternate #3 Amy Golden.

Staff recommends the Town Council appoint the following:

- Re-appoint current member Lauren Dodgin to a second three-year term.
- Appoint Alternate #1, John Hines, and Alternate #2, Nichole Stallings, to fill the two (2) board member vacancies.
- Appoint applicants David Barley as Alternate #2 and Amy Golden as Alternate #3.

**BOARD OF ADJUSTMENT
CURRENT MEMBERS AS OF 6/30/2024**

Title	MEMBER NAME (last, first name)	Appointment Date	Term Expiration Date	Notes
	Cooper, Ben	7/11/2022	7/1/2025	*Recommended to be removed due to absences
Chair	Dodgin, Lauren	1/10/2021	7/1/2024	*Has reapplied for a second term
	Homrich, Andy	7/11/2022	7/1/2025	
Vice Chair	Pearlman, Larry	1/10/2021	7/1/2024	*Does not wish to be reappointed
	Riddle, Chloe	3/14/2022	7/1/2025	

**BOARD OF ADJUSTMENT
CURRENT ALTERNATES AS OF 6/30/24**

	MEMBER NAME (last, first name)	Appointment Date	Term Expiration Date	Notes
Alt 1	Hines, John (David)	7/10/2023	N/A	
Alt 2	Stallings, Nichole	8/14/2023	N/A	
Alt 3	Brinson, Linda	12/11/2023	N/A	

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. Applications

Entry #: 23 - David Barley **Status:** Submitted **Submitted:** 6/18/2024 3:57 PM

Name

David Barley

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

301 View St, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

301 View St, Black Mountain, North Carolina 28711

Primary Email

barleydb@gmail.com

Primary Phone

(704) 651-1764

Other Phone (if applicable)

(828) 782-3967

Are you seeking reappointment?

No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

ABC Board

Board of Adjustment

Planning Board

Primary Preference

Plannnig Board

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Retired city planner and zoning administrator. Worked in Charlotte, NC, Mecklenburg County, NC, Pineville, NC and Norfolk VA. Worked on rezonings, zoning administration, Board of Adjustment and wrote text amendments.

I served on the Town of Matthews Planning Board and the Town of Black Mountain ZBA.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I think planning is a valuable tool for communities to help direct the type and quality of our development as the town grows. It would be a way for me to meet fellow town residents and contribute what expertise I have on behalf of my the town I live in. Hope to have the chance to serve.

Experience, Education, Certifications

Certified Zoning Official, BA from UNC-Chapel Hill in Political Science, passed NC State BMP certification class.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I'd love to see quality development standards for new projects. Also hope the town will at some point have the chance to encourage affordable housing. Anecdotaly, I hear of a lot of long time residents leaving due to lack of reasonably priced housing. Realize that's getting to be a regional issue as well.

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/18/2024

A handwritten signature in dark ink, appearing to read "Earl B. Bailey". The signature is stylized with a large, looped "E" and a long, sweeping underline that extends to the right.

Please read this information below for next steps in the appointment process and general information.

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- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. *If you are being reappointed to another term, you will also need to be sworn in.*
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
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- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
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Entry #: 25 - Lauren Dodgin **Status:** Submitted **Submitted:** 6/21/2024 7:06 PM

Name

Lauren Dodgin

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

34 Western View St, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

PO Box 847, Black Mountain, North Carolina 28711

Primary Email

ladodgin@gmail.com

Primary Phone

(828) 708-3143

Other Phone (if applicable)

Are you seeking reappointment?

Yes

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Board of Adjustment

Primary Preference

Board of Adjustment

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Current chair

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I feel that it is important to give back to the town I grew up in and love so much! I take our board very seriously.

Experience, Education, Certifications

BS Geology WCU 2016

Post Bachelor's Project Management 2020

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/21/2024

A handwritten signature in dark blue ink, consisting of a large loop followed by a series of smaller loops and a final vertical stroke.

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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Planning

TITLE OF ITEM: Historic Preservation Commission Appointments

SUGGESTED MOTION(S):

To appoint Melinder Hester and Chris Zajac to a three-year appointment for the Historic Preservation Commission.

SUMMARY:

The Historic Preservation Commission has one (1) vacant seat and one (1) seat with an expiring term (Jay Pamar). Jay Pamar did not reapply. Applications were received from Melinder Hester and Chris Zajac who are applying to serve a three-year term on the Historic Preservation Commission. Staff recommends both applicants be appointed for a three-year term.

HISTORIC PRESERVATION COMMISSION: CURENT MEMBERS AS OF 6/30/2024

MEMBER NAME (last, first name)	Original Appointment Date	Last Appointment Date	Term Expiration Date	Notes
House, Walter	7/11/2022		7/1/2025	
Norman, Debra	8/14/2023		7/1/2026	
Parmar, Jay	7/12/2021		7/1/2024	*Term expiring, did not reapply
VACANT			7/1/2025	
Vidrine, Leigh	4/10/2023		7/1/2026	

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Applications*

Entry #: 15 - Chris Zajac **Status:** Submitted **Submitted:** 5/25/2024 11:13 AM

Name

Chris Zajac

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

201 woodland ct, Black mountain, North Carolina 28711

Mailing Address (if different than above)

Primary Email

Zajac911RS@gmail.com

Primary Phone

(973) 349-0375

Other Phone (if applicable)

Are you seeking reappointment?

No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Historic Preservation Commission

Planning Board

Primary Preference

Plannnig Board

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

2 years early in career working for NYC architecture firm creating presentations for historical landmarks commission to do redevelopment and facade restorations on city buildings. Currently working in commercial real estate and development since 2020. I Actively participate in city of Asheville homeless coalition and do volunteering with them.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I'm looking for additional opportunities to serve my community in areas that I have professional experience. I served 2 years as a board member for a local nonprofit.

Experience, Education, Certifications

BS in industrial design from Georgia tech class of 2011

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

5/25/2024

A handwritten signature in dark blue ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Please read this information below for next steps in the appointment process and general information.

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Entry #: 18 - Melinda Hester **Status:** Submitted **Submitted:** 6/2/2024 12:29 PM

Name

Melinda Hester

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

404 Kerlee Heights Road, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

Primary Email

haitinannie@hotmail.com

Primary Phone

(843) 743-1560

Other Phone (if applicable)

(828) 669-2300

Are you seeking reappointment?

No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Historic Preservation Commission

Planning Board

Primary Preference

Historic Preservation Commission

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

13 years with Edisto Island Open Land Trust, involved in both historic home preservation and land conservation. Dealt with zoning, conservation easements, research, maps and plats.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I am new to Black Mountain and wish to serve my community.

Experience, Education, Certifications

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

After residing in the South Carolina Lowcountry for 33 years and being a part of the land and homes preservation that is woven into the soul of the area, I believe I can bring skills to the table that will be of benefit to our town.

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/2/2024

Melinda Hester

Please read this information below for next steps in the appointment process and general information.

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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Planning

TITLE OF ITEM: Planning Board Appointments

SUGGESTED MOTION(S):

To appoint Kathy Phillips to a second, three-year term and to reappoint Pam Norton and Chas Fitzgerald for a one-year appointment to finish the UDO project.

SUMMARY:

The Planning Board has three seats with expiring terms. These are Kathy Phillips, Chas Fitzgerald and Pam Norton. Kathy Phillips is applying for her second full term on the Planning Board, of which she is eligible. Staff is not yet done with the Unified Development Ordinance (UDO) project but anticipate that to be completed in the next year. Due to this, the staff has recommended that current Planning Board Members Pam Norton and Chas Fitzgerald each be reappointed for one (1) additional year (both have served two, three-year terms) in order to finish out the UDO project.

The Town Advisory Board, Commission and Committee Members Handbook states “the Town Council has expressed their preference to limit advisory board and commission members terms of service to two consecutive terms; however they have reserved the right to override that preference when they deem the circumstances of an individual’s service to the community to be of such notable important as to warrant a continuation of service.”

PLANNING BOARD: CURENT MEMBERS AS OF 6/30/2024

Title	MEMBER NAME (last, first name)	Original Appointment Date	Last Appointment Date	Term Expiration Date	Handbook Form on File?
Chair	Collins, Chris	6/10/2019	7/11/2022	7/1/2025	
	Phillips, Kathy	12/14/2020 (unexpired term appt)	7/12/2021	7/1/2024	*Has applied for 2 nd full-term reappointment
	Earley, Rick	6/12/2017	7/13/2020; 7/10/2023	7/1/2026	
	Laudenslayer, Joe	7/11/2022		7/1/2025	
	Fitzgerald, Chas	6/11/2018	7/12/2021	7/1/2024	*Request of addt'l 1-yr term
	Teeple, Lauronda	6/11/2019	7/11/2022	7/1/2025	
Vice-Chair	Norton, Pam	6/11/2018	7/12/2021	7/1/2024	*Request of addt'l 1-yr term

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. Applications

Entry #: 16 - Chas Fitzgerald **Status:** Submitted **Submitted:** 5/25/2024 5:55 PM

Name

Chas Fitzgerald

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

46 cheshire drive, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

Black Mountain, North Carolina 28711

Primary Email

chasjack@sbcglobal.net

Primary Phone

(214) 244-1935

Other Phone (if applicable)

Are you seeking reappointment?

Yes

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Planning Board

Primary Preference

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Current service on Planning Board. 30+ yr career in land development and entitlement and planning work.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

To see the UDO approved and implemented. To continue to advocate to Council better land use and enhancement to our town to continue to make it an attractive community for residents and visitors.

Experience, Education, Certifications

Bachelor of Architecture and Master' of Landscape Architecture. 16 years on Cheshire Landscape and Infrastructure Committee. LA license in NC.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

5/25/2024



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Entry #: 24 - Pamela Norton **Status:** Submitted **Submitted:** 6/21/2024 11:16 AM

Name

Pamela Norton

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

103 Oakland Drive, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

North Carolina

Primary Email

pamblackmountain@aol.com

Primary Phone

(828) 273-7714

Other Phone (if applicable)

(828) 669-5179

Are you seeking reappointment?

Yes

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Planning Board

Primary Preference

Plannnig Board

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

I have served on the Planning Board for four three-year terms with my last term ending on June 30, 2024. I have served as Vice Chair for the last three years. Prior to serving on the Planning Board, I served two terms on the Recreation Commission, one year as Chair and two as vice chair.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I would like to continue to serve on the Planning Board because it is one of the most important recommending commissions that provides information to the Town Council. The board has the ability to look at a wide array of issues that affect how this town does or does not grow by looking at impacts on land use and community development. I would like to serve to continue working on the new UDO and see it through to its completion and implementation. I have experience and knowledge to continue to be a vital member of the Planning Board.

Experience, Education, Certifications

I have a BS (78) and MA (90) in Communication Sciences and Disorders from Appalachian State University. Over the years serving on both the Planning Board and Recreation Commission, I have attended many workshops provided for board volunteers to increase my knowledge of planning, zoning and recreation and parks.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/21/2024

Pamela A Norton

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Entry #: 20 - Kathy Phillips

Status: Submitted

Submitted: 6/9/2024 3:21 PM

Name

Kathy Phillips

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

Yes

Physical Address

26 Hi View Drive, Black Mountain, North Carolina 28711

Mailing Address (if different than above)

26 Hi View Drive, Black Mountain, North Carolina 28711

Primary Email

kenkat100@gmail.com

Primary Phone

(704) 957-9875

Other Phone (if applicable)

Are you seeking reappointment?

Yes

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

Planning Board

Primary Preference

Plannnig Board

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Currently finishing my first term on the Planning Board and would like to apply for re-appointment. I have served on numerous boards in the past from FOL Black Mountain, MGMA (Medical Group Mgmt Assoc), and various church & nonprofit boards over the years. I volunteer with the Blk Mtn Beautification Committee.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Serving on the Planning Board for the last 3 years has been a great experience. I feel that has allowed me to contribute to the future and direction of this wonderful community I call home.

Experience, Education, Certifications

I have served on the Planning Board for 3 years and have a background in both residential and commercial real estate. Have over 30+ experience in purchase, renovation & management of residential rental property; rental, renovation & management of commercial property; 20+ years experience in industrial mechanical services. Have worked with the City of Charlotte on right of way acquisition for sidewalks and greenway, worked with City on sale of property to FEMA.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

I believe in the value of serving my community.

I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Yes

Signature

Date

6/9/2024



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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, *Town Clerk* **MEETING DATE:** July 8, 2024
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration
TITLE OF ITEM: Recreation Commission Member Removal

SUGGESTED MOTION(S):

To consider removal of Sally Cochran from the Recreation Commission due to absences from meetings.

SUMMARY: Recreation Commission member Sally Cochran was appointed to the Recreation Commission on August 14, 2023. The Recreation Commission staff liaison emailed the Town Clerk about Ms. Cochran's absences, which is forwarded to the Town Council via this agenda item (see attachment).

The Town's Advisory Board, Commission and Committee Member Handbook states under Section 6: Attendance Policy, *"In order for a board or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body, therefore, the Town Council may dismiss any member who misses THREE CONSECUTIVE REGULAR 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 complaint by the board chairperson, a member of the board, staff, or on the Town Council's own motion. A member must attend fifty percent (50%) 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 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."

Further, the handbook states *"Members of boards and commissions may be removed from said body for failure to meet attendance requirements."*

It is recommended that Town Council consider the removal of this member from the Recreation Commission.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: [Email from Staff Liaison](#)

From: [Joshua Henderson](#)
To: [Wesley Barker](#)
Subject: Recreation Commission: Sally Cochran
Date: Monday, July 1, 2024 1:16:39 PM
Attachments: [S Cochran Missed Mtgs.pdf](#)
[Outlook-qgoofy5d.png](#)

Wesley,

This email is to serve as notification to the Town Council about attendance issues of Recreation Commission member Sally Cochran, who has missed more than three consecutive regular meetings (or has failed to attend at least one-half of all regular and special meetings held over the last year) and we recommend removal of this member from the Commission. I have attached documentation of her meeting absences. Sally was appointed to the council in August of 2023 and was absent for the following meetings, Sept 2023, Oct 2023, Dec 2023, Jan 2024, Feb 2024, and March 2024 (no email documentation). For reference, the Recreation Commission did not meet in Nov 2023, April 2024, May 2024, or June 2024. Please let me know if you need anything further. Thank you!



Josh Henderson, CPRP, CPO
Recreation & Parks Director
Town of Black Mountain
304 Black Mountain Ave
Office: 828.419.7205
Cell: 828.767.0064

Re: Meeting Tonight 9/27

Sally Cochran <sallypcochran@gmail.com>

Wed 9/27/2023 4:39 PM

To: Joshua Henderson <joshua.henderson@tobm.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Josh,

So sorry- I have something that has just come up that interferes with my attendance this evening.

One thing that I would like to think about and address is positive PR for Rec and Parks. That came to my attention in the last two weeks over social media outlets.

I had sent you several of those postings in regards to negative postings on Original BMT Exchange. Like to discuss how we can educate the community and bring into focus all park projects, timelines and plans. Would appreciate discussing further.

Also, understand through Ann Lutz that I've been tagged as a possible candidate for finding sponsors for the 2024 Valentine Greenway Challenge.

Happy to help,

Sally

Sent from my iPhone

On Sep 27, 2023, at 2:51 PM, Joshua Henderson <joshua.henderson@tobm.org> wrote:

Good afternoon all,

We will meet tonight at 5:30. Nathan will not be joining us as he is sick. With that being said, I do not have an agenda but I would like to create one for this meeting. Please send over any items that you would like to see on the agenda.



Josh Henderson, CPRP, CPO
Recreation & Parks Director
Town of Black Mountain

Re: Meeting Tonight

Sally Cochran <sallypcochran@gmail.com>

Wed 10/25/2023 9:27 AM

To: Joshua Henderson <joshua.henderson@tobm.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Josh,

Unfortunately I've been exposed to Covid and I'm avoiding indoor spaces.

So sorry to miss!

Sally

Sent from my iPhone

On Oct 25, 2023, at 7:58 AM, Joshua Henderson <joshua.henderson@tobm.org> wrote:

Good morning all,

We are scheduled to meet tonight. If you are unable to attend please let me know.



Josh Henderson, CPRP, CPO
Recreation & Parks Director
Town of Black Mountain
304 Black Mountain Ave
Office: 828.419.7205
Cell: 828.767.0064

Re: December Recreation Commission Mtg

Sally Cochran <sallypcochran@gmail.com>

Thu 12/14/2023 4:22 PM

To: Joshua Henderson <joshua.henderson@tobm.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Goodness! Once again I need to say I can't attend. Leaving that morning for points north for the holidays!

Best to you and happy holidays! Look forward to getting on the right track in 2024.

Warmly,
Sally

Sent from my iPhone

On Dec 14, 2023, at 4:14 PM, Joshua Henderson <joshua.henderson@tobm.org> wrote:

Good afternoon all,

Just a quick reminder that we are scheduled to meet next Wednesday, December 20th. If you are going to be unable to attend please let me know.



Josh Henderson, CPRP, CPO
Recreation & Parks Director
Town of Black Mountain
304 Black Mountain Ave
Office: 828.419.7205
Cell: 828.767.0064

Re: 1//24 Rec and Parks Meeting

Sally Cochran <sallypcochran@gmail.com>

Wed 1/24/2024 11:00 AM

To: nwestavl@gmail.com <nwestavl@gmail.com>

Cc: David Galloway <dhgallow@gmail.com>; Joshua Henderson <joshua.henderson@tobm.org>; j.s2019cfmb@gmail.com <j.s2019cfmb@gmail.com>; William Boyd <boyd.miller@icloud.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry- we are traveling. Won't be able to make the mtg. Glad you have a quorum.
Best to All, Sally

Sent from my iPhone

On Jan 24, 2024, at 10:07 AM, Nathan West <nwestavl@gmail.com> wrote:

OK it does appear that we will have a quorum, so I will see everybody tonight at 5:30
Nathan West

On Jan 24, 2024, at 9:45 AM, David Galloway <dhgallow@gmail.com> wrote:

Nevermind! Haha it is the 4th Wednesday. I can make it. Sorry for brain malfunction.

On Wed, Jan 24, 2024 at 9:44 AM David Galloway <dhgallow@gmail.com> wrote:

Yes I can make it. However, I thought we generally met on the 4th Wednesday of the month?

David Galloway

On Wed, Jan 24, 2024 at 9:12 AM Nathan West <nwestavl@gmail.com> wrote:

Can everyone please let me know by noon today if you will be there tonight so I can confirm we will have a quorum.
Nathan West

On Nov 15, 2023, at 2:07 PM, Joshua Henderson
<joshua.henderson@tobm.org> wrote:

Recreation and Parks Commission

Sally Cochran <sallypcochran@gmail.com>

Mon 2/26/2024 3:11 PM

To:nwestavl@gmail.com <nwestavl@gmail.com>

Cc:Joshua Henderson <joshua.henderson@tobm.org>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Nathan,

Sally Cochran, conspicuous by my absence at the monthly RPC meetings.

Most absences are due in large part to travel. I'd like to respectfully request a role on the commission as the liaison between Lake Tomahawk and to R&P. As you may know I worked and continue to as co-chair in collaboration with Greenways and Trails and BMT Library for the GROW Story Trail. Also, the new installation of a children's free library box. Recently, I've been working with Josh a designer/ builder and metal artist on the installation of a new gazebo at the lake.

My further involvement and interest rest in the playground renovation and environmental health of the lake and native wildlife. In that regard, I am rounding up volunteers to meet with two representatives of the NC Wildlife Federation from Charlotte at the lake on Tuesday, April 2nd TTBD. Following that evening by a presentation with other regional volunteers. The purpose being to find out ways to add to the overall health of the lake. All are Welcome.

As a liaison I would report to the commission on these various aspects when appropriate through written reports to be read in my absence or in person when not traveling.

I hope these avenues are in alignment to the goals and objectives of the RPC.

Thank you Nathan. Once again I will be traveling on this month meeting time.

In Best Regards,
Sally Cochran

Sent from my iPad



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Wesley Barker, *Town Clerk*

MEETING DATE: July 8, 2024

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Administration

TITLE OF ITEM: Recreation Commission Appointments

SUGGESTED MOTION(S): To make appointments to the Black Mountain Recreation Commission.

SUMMARY:

The Black Mountain Recreation Commission has a total of five (5) seats, that are appointed by the Town Council. Recreation Commission members that have terms expiring in July 2024 are Joseph Scotto and Nathan West. Both are eligible for reappointment.

Additionally, due to the absences of Recreation Commission member Sally Cochran, it has been recommended to Town Council by the staff liaison that Ms. Cochran be removed from the Commission. This would leave a vacancy on the Recreation Commission.

Applications were received from Joseph Scotto, Nathan West, Richard Keefer, Justin Wood, and James Stutesman who have all indicated their interest in serving on the Recreation Commission.

The Council will need to make three total appointments, if Sally Cochran is removed. It is recommended that the Council reappoint both Joseph Scotto and Nathan West to another three-year term and make one additional appointment to fill the vacancy of the removed member.

Recreation Commission: CURENT MEMBERS AS OF 6/30/2024

Title	MEMBER NAME (last, first name)	Appointed	Last Appt Date	Term Expiration Date	Notes
	Boyd, William	7/11/2022		7/1/2025	
	Cochran, Sally	8/14/2023		7/1/2026	Recommended to be removed due to attendance, Council will need to appoint for the vacancy.
	Galloway, David	8/14/2023		7/1/2026	
	Scotto, Joseph	7/12/2021		7/1/2024	*has applied for a second term
Chair	West, Nathan	11/8/2021		7/1/2024	*has applied for a second term

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. Applications

Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in being a member of the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1. Submitted applications will be kept on file for a period of twelve months.

Name

Joseph	Scotto
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☒ Yes ☐ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

708 N OCONEECHEE AVE

Address Line 1

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Address Line 2

BLACK MOUNTAIN	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

708 N OCONEECHEE AVE

Address Line 1

--

Address Line 2

BLACK MOUNTAIN	North Carolina	28711
City	State	Zip Code

Primary Email

j.scotto@hotmail.com

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(919) 740-7655

Other Phone (if applicable)

Are you seeking reappointment?

☒ Yes ☐ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|---|--|
| ☐ ABC Board | ☒ Recreation Commission |
| ☐ Active Mobility Commission | ☐ Board of Adjustment |
| ☐ Historic Preservation Commission | ☐ MSD (Metropolitan Sewerage District Board)* |
| ☐ Planning Board | |

For more information about each board/commission, visit [Town of Black Mountain Advisory Boards & Commissions Page](#)

**The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference [MSD Board of Directors Website](#).*

If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.

Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Experience, Education, Certifications

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

☒ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

6/28/2024

Joseph scotto

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. *If you are being reappointed to another term, you will also need to be sworn in.*
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
 - 1) Code of Ethics
 - 2) Attendance Policy
 - 3) Policies & Procedures for Administering Boards and Commissions.
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
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Name

Nathan	West
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☒ Yes ☐ No

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Physical Address

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Primary Email

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Primary Phone

Other Phone (if applicable)

Are you seeking reappointment?

☒ Yes ☐ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|---|--|
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Primary Preference

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Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

Experience, Education, Certifications

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

☒ I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.

Signature

Date

7/1/2024

A handwritten signature in black ink, appearing to be 'West', written over a horizontal line.

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
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Town of Black Mountain Advisory Board and Commission Application

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Name

James	Stutesman
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☒ Yes ☐ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

206 Chapel Road

Address Line 1

--

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

206 Chapel Road

Address Line 1

--

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Primary Email

jlstutesman@comcast.net

This is the primary method of communicating with board/commission members and will be how you will receive agendas and meeting notifications.

Primary Phone

(828) 707-4764

Other Phone (if applicable)

(828) 707-4764

Are you seeking reappointment?

☐ Yes ☒ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|--|--|
| ☐ ABC Board | ☒ Recreation Commission |
| ☒ Active Mobility Commission | ☐ Board of Adjustment |
| ☐ Historic Preservation Commission | ☐ MSD (Metropolitan Sewerage District Board)* |
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If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.

Primary Preference

Plannig Board

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Served as member of the executive board Frye Regional Hospital, the Medicare Community Advisory Board for NC, Chairman of Dept of Medicine at Catawba Memorial Hospital and Chief of the Dept of Physiatry, Centra Hospital. These appointments provide experience both in short term and long range planning, budgets concerns and parliamentary procedures.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

To participate in and help guide the development of the city of Black Mountain

Experience, Education, Certifications

Bachelor's of Science in Biology: University of Houston, Doctorate of Medicine University of Texas @ Houston, Board Certified Physical Med. and Rehabilitation, Medical Director Frye Regional Medical Center Rehabilitation, Medical Staff Member Catawba Mem. Hospital. Medical Director Centra Hospital Rehabilitation Services, Lynchburg, Virginia, Clinical Instructor Family practice Fellowship program. Associate Clinical Instructor Liberty University

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a

Board/Commission member (not required).

My wife and I retired from active medical practice in 2018 and moved to Black Mountain after becoming familiar with the area visiting my mother who moved here after my father passed away. We grew to love the area and decided to relocate here. My wife is a very talented artist and very involved in the Red House Gallery which recently moved to downtown. I would like to see the responsible growth and development of the city's recreational, artistic and business opportunities.

☒ **I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.**

Signature

Date

5/31/2024

James L Stutesman

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
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Town of Black Mountain Advisory Board and Commission Application

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Name

Justin	Wood
First	Last

Do you live inside the Incorporated Town (City) Limits of Black Mountain?

☒ Yes ☐ No

*if you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible.

Physical Address

Address Line 1

Address Line 2

Black Mountain	North Carolina	28711
City	State	Zip Code

Mailing Address (if different than above)

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City	State	Zip Code

Primary Email

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Primary Phone

Other Phone (if applicable)

Are you seeking reappointment?

☐ Yes ☒ No

Please select the Board or Commission you wish to apply for (or seeking reappointment to).

- | | |
|---|--|
| ☐ ABC Board | ☒ Recreation Commission |
| ☐ Active Mobility Commission | ☒ Board of Adjustment |
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Primary Preference

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary choice in the dropdown menu.

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement.

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member?

I am very passionate about our town and the direction it should go to see growth and balance.

I believe we need to focus on allowing Black Mountain to be a place where middle class people can afford to live and raise families, while also maintaining the charm and beautiful appeal that brings new comers here.

I Have hopes of helping to initiate the conversation around creating more income for our town in new ways, and also talking about an aesthetic code such as this one <https://sedona.municipal.codes/SLDC/6.7.B> in order to give Black Mountain a chance to maintain its beauty.

I also feel I should be up front in expressing this, despite the fact it may be controversial; I believe that our town is changing in a way that is not beneficial to those who live here, and that our lively hood is being sold out to real estate investors by Greedy Real Estate professionals.

Experience, Education, Certifications

As a young man I have done almost any job you could think, I wanted to be able to understand all walks of life. After High School I started my own production company High Water Productions, which mostly does Video Production & creates Marketing materials.

I recently got my Real Estate License in 2019 in order to understand the Real Estate market landscape, and see if it was what I thought it was, it is...

Please provide any educational, certifications or experience that you could bring to this Board/Commission.

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member (not required).

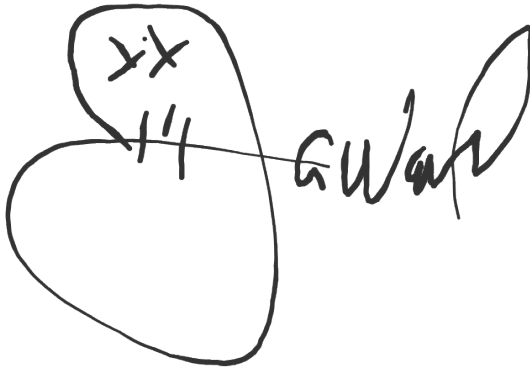
I would like to spend the rest of my life here with my family. My goal would be to work with the board to do as I expressed above, help Black Mountain maintain its beauty, charm, and to help it develop into a place that can support itself financially without losing our freedoms to outside investors.

☒ **I understand that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.**

Signature

Date

6/27/2024



By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application.

Please read this information below for next steps in the appointment process and general information.

- Applications will be compiled and presented to the Town Council for consideration of appointment at an upcoming meeting. Typically this will occur at the June or July Council meeting for annual appointments, but if resignations occur, the Council may consider appointments at other times during the year. Submitted applications will remain on file for a period of one (1) year.
- Individuals selected for appointment by the Town Council will assume their position once they are duly sworn in. The Town Clerk will contact you to make arrangements for swearing in upon appointment. *If you are being reappointed to another term, you will also need to be sworn in.*
- **Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the 'Handbook for Advisory Board, Commission & Committee Members' last adopted by Town Council on November 4, 2019.
 - 1) Code of Ethics
 - 2) Attendance Policy
 - 3) Policies & Procedures for Administering Boards and Commissions.
- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.



rec 6/6/24
via USPS



Town of Black Mountain Advisory Board and Commission Application

Thank you for your interest in the Town of Black Mountain's Advisory Boards & Commissions. To ensure that your application will receive full consideration, please submit a complete application. Incomplete applications will not be considered. Please note this application is a public record upon submittal per N.C.G.S. Chapter 132.-1.

APPLICANT INFORMATION

First Name: RICHARD (DIRK) Last Name: KEEFER

PHYSICAL ADDRESS

Address: 206 CRESTVIEW DRIVE

City: BLACK MOUNTAIN State: NC Zip: 28711

MAILING ADDRESS (if different than above):

Address: _____

City: _____ State: _____ Zip: _____

Do you live inside the Town Limits of Black Mountain? Yes X No _____

**If you are unsure, please contact the Town Clerk's office via town.clerk@tobm.org or 828-419-9300. Some boards & commissions require that members must reside within the Black Mountain Town Limits to be eligible. Some exceptions may apply.*

EMAIL ADDRESS: KEEFER 3856 @ ATT. NET

(This is the preferred communication method for advisory board/commission members)

PHONE NUMBER: Main (828 450-1069) Other (_____)

Are you seeking re-appointment? Yes _____ No X

ADVISORY BOARD/COMMISSION PREFERENCE

Please select the Board or Commission you wish to apply for (or seeking reappointment to):

☐ ABC Board	☒ Recreation Commission
☐ Active Mobility Commission	☐ Board of Adjustment
☐ Historic Preservation Commission	☐ MSD (Metropolitan Sewerage District) Board*
☐ Planning Board	

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- Each appointed member will be provided the current Handbook for Advisory Board, Commission & Committee Members, and must indicate they have received and will abide by said material by signing an acknowledgement form, which will be kept on file by the Town Clerk's office for the duration of their term.
- For any application or appointment questions, please contact the Town Clerk's office via: town.clerk@tobm.org, or 828-419-9300.

SIGNATURE & ACKNOWLEDGEMENT

By providing your signature, you confirm the information provided is correct and you agree to all information contained within this application. You also agree that by submitting this application it becomes a public record per N.C.G.S. Chapter 132-1.


Applicant Signature


Date

*Submitted applications will be kept on file for a period of one (1) year in the Town Clerk's office.
Thank you for your interest!*

Please return the completed application to the Town Clerk by the following methods:

- Via email: town.clerk@tobm.org
- Drop off at Town Hall, Monday-Friday 8am-5pm, 160 Midland Ave.
- USPS Mail: Attn: Town Clerk, 160 Midland Ave., Black Mountain, NC 28711.
- Fax: 828-669-4204

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
www.townofblackmountain.org

EXPERIENCE, EDUCATION, CERTIFICATIONS

Please provide any educational, certifications or experience that you could bring to this Board or Commission. *Please use additional sheet if necessary.*

VOLUNTEER TENNIS COACH OWEN HIGH SCHOOL 10 years
TOWN COMMISSIONER MENTONE AL 6 years
SERVED ON WATER BOARD + FIRE BOARD MENTONE AL
ORGANIZED SOCCER LEAGUE + COACHED ONEWONTA AL
ASSISTED IN ORGANIZING + COACHING SOCCER FT PAYNE AL
ORGANIZED SOFTBALL LEAGUE + COACHED PANAMA CITY FL

OTHER INFORMATION

Please provide any other helpful information you'd like to share about your intentions to serve as a Board/Commission member. *Please use additional sheet if necessary.*

I HAVE A VAST AMOUNT OF EXPERIENCE IN YOUTH SPORTS
INCLUDING ORGANIZATION + COACHING. ALSO WAS EMPLOYED
AT A BOYS CHRISTIAN CAMP FOR OVER 10 YEARS

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- ***Some Boards & Commissions require that members must reside within the Black Mountain Town Limits to be eligible to serve.*** Exceptions to the above statement may exist for some boards, and for purposes of regional memberships. Any exceptions will be made on a case-by-case basis. If an appointed member moves out of the town limits during their term, they must immediately inform the staff liaison, or the Town Clerk.
- All Town of Black Mountain Advisory Board and Commission members must operate under the following policies set forth by the Town Council and are included in the

- If you are seeking a new appointment, you may apply for more than one board or commission. However, an applicant will only be appointed for one board or commission seat, not multiple seats.
- For more information about each board/commission, visit Town of Black Mountain Advisory Boards & Commissions Page at <https://www.townofblackmountain.org/154/Boards-Commissions>.
- *The MSD Board is a non-Town body of which Council Members may appoint a member from its own membership or appoint a Town resident. Currently, the Town of Black Mountain has one (1) seat on this board which does not expire until January 2027. Reference MSD Board of Directors Website, <https://www.msdbc.org>

PRIMARY ADVISORY BOARD/COMMISSION PREFERENCE

If you selected multiple boards or commissions that you are interested in, please indicate your preferred primary board/commission choice: RECREATION COMMISSION

CIVIC INVOLVEMENT

Please list any relevant experience related to the board/commission you are applying for and any prior (or current) civic involvement. *Please use additional sheet if necessary.*

SEE ABOVE

STATEMENT OF INTEREST

Why do you wish to serve (or continue serving) the Town in this capacity as a Board or Commission member? *Please use additional sheet if necessary.*

SEE ABOVE
