



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: October 8, 2018 Time: 6:00 p.m.

AMENDED

Regular Session Agenda

The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on Town Government and select Mayor and Board of Alderman to download materials for all Town board meetings.

 **Conserve resources; print only when necessary.**

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Should you need other assistance or accommodation for this meeting, please contact

*Town Clerk Angela Reece at 419-9310, or by email at angela.reece@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – *Reverend Steve Harris, P.H.D., Retired, Black Mountain*
- Announcements – *Mayor Don Collins*

2. PROCLAMATION AND AWARD RECOGNITION

- A. Life Saving Award – Police Chief, Shawn Freeman (Officers Ian Ammons & Jon McDonald)

3. CITIZEN COMMENTS

*Individuals wishing to address the Board 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 Board. **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 BOARDS, COMMISSIONS & AGENCIES

- A. Black Mountain Public Works Annual Streets Report, Jamey Matthews, *Public Works Director*
- B. Bounty & Soul Annual Report, Bruce Ganger, Executive Director
- C. BMSV Chamber of Commerce Events, Bob McMurray, Executive Director

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 Minutes

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
October 8, 2018

Motion: *To adopt the minutes of September 5, 2018 (Closed Session), September 10, 2018 (Closed Session), September 6, 2018 (Agenda Session), and September 10, 2018 (Regular Session).*

B. Call for Public Hearing to Close an Unopened, Platted Portion of First Street #R-18-14

Motion: *To call for the public hearing to close an unopened, platted street known as First Street to be held on Monday, November 19, 2018 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

C. Call for Public Hearing for Text Amendments to Floodways and Non-Encroachment Areas

#O-18-06

Motion: *To call for the public hearing to text amendments to floodways and non-encroachment areas to be held on Monday, November 19, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing for Text Amendments to Home Occupations

#O-18-07

Motion: *To call for the public hearing to text amendments to home occupations to be held on Monday, November 19, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

E. Budget Amendment for Fourth of July Fireworks

#FY2019-3

Motion: *To approve Budget Amendment #FY2019-1 as submitted, increasing expenditure account 1080-6190-320 (Rec Programs) by \$8,400, and increasing revenue accounts 1080-3601-400 (Sponsorships - Fireworks) by 7,426 and 1000-3905-900 (Fund Balance Appropriated) by \$974.*

F. Budget Amendment for Police K-9 Vehicle

#FY2019-4

Motion: *To approve Budget Amendment #FY2019-3 as submitted, increasing expense account 1010-5100-190 (ABC Distribution expense) by \$1,300, and 1010-5100-730 (Capital Expense) by \$15,000 and increasing revenue account 1000-3905-900 (Fund Balance Appropriated) by \$16,300.*

G. Budget Amendment for Water System Service Contract

#FY2019-5

Motion: *To approve Budget Amendment #FY2019-4 as submitted, increasing expenditure account 3091-8100-450 (Contract Services) by \$30,000, and decreasing three salary and wages related expenditure accounts 3091-8100-xxx by \$30,000.*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
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H. Budget Amendment for Property Tax at 304 Black Mountain Ave. #FY2019-6

Motion: *To approve Budget Amendment #FY2019-6 as submitted, increasing expense account 1000-4200-040 (Professional Services) by \$12,514, and increasing revenue account 1000-3905-900 (Fund Balance Appropriated) by \$12,514.*

I. Resolution to Award Firefighting Helmet & Badge to Retiring Fire Chief, Steve Jones #R-18-19

Motion: *To adopt Resolution #R-18-19 awarding retiring Fire Steve Jones his firefighting helmet as provided in NC G.S. 160A-294.1 and award of service badge at the Board of Aldermen's discretion.*

Consent Motion: *To approve consent items A-I as presented.*

6. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Board 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.*

7. UNFINISHED BUSINESS

- A. Agreement for Wholesale Purchase of Water from City of Asheville
- B. Request to Acquire Blue Ridge Assembly Drive Water Line- City of Asheville Water Line Transfer Agreement Amendment
- C. Charter Amendment for Even Year Elections

8. NEW BUSINESS

- A. Financial Statements and Independent Auditor's Report for the Town of Black Mountain for Fiscal Year Ending June 30, 2018- by Gould Killian CPA Group, P.A.

Motion: *To accept the Auditor's Report for the Year Ending June 30, 2018, as presented.*

- B. Update on 304 Black Mountain Ave.

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
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C. Acceptance of Real Property Donation **#R-18-20**

Motion: *adopt Resolution #R-18-20 to accept the donation of land from the Swannanoa Valley Friends Meeting.*

D. Acceptance of Easement for Real Property Donation **#R-18-21**

Motion: *adopt Resolution #R-18-21 to accept the easement from the Swannanoa Valley Friends Meeting.*

E. Appointments to Town Boards and Commissions

1. **Historic Preservation Commission**– (1) vacancy/ 3-yr term ending June 30, 2021

Nomination: _____

By: _____

Motion: *To appoint _____ to fill a 3 year term ending June 30, 2021 on the Historic Preservation Commission.*

2. **Urban Forestry Commission**– (1) vacancy/ **Unexpired term** ending June 30, 2019

Nomination: _____

By: _____

Motion: *To appoint _____ to fill an unexpired term ending June 30, 2019 on the Urban Forestry Commission.*

9. PUBLIC HEARING

*The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. **Public hearing comments by any on 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.*

A. Public Hearing for Text Amendments to Replace Privilege License Section with Business Registrations **#O-18-04**

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

October 8, 2018

Motions:

1. To open the public hearing for Text Amendments to Replace Privilege License Section with Business Registrations.
2. To close the public hearing.
3. To adopt Ordinance **#O-18-04** as presented or as amended.

- B. Public Hearing for Text Amendment to Definitions to Add Vacant Lot and Undeveloped Lot** **#O-18-05**

Motions:

1. To open the public hearing for Text Amendment to Definitions to Add Vacant Lot and Undeveloped Lot.
2. To close the public hearing.
3. To adopt the Statement of Consistency as presented or as amended.
4. To adopt Ordinance **#O-18-05** as presented or as amended.

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed**
B. Interim Town Manager – Ron Moore

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Ron Moore
Interim Town Manager



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

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- B. Interim Town Manager – Ron Moore

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Ron Moore
Interim Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Call for Public Hearing to Close an Unopened, Platted Portion of First Street

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5B
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The adjoining property owners are requesting to close a portion of an unopened, platted street that runs between their properties to allow for extra land and driveways. The space is not currently used for any access or utilities. The owners have agreed to install a 15' wide easement for access and utilities and to connect to the existing alleyway.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION: To call for the public hearing to close an unopened, platted street known as First Street to be held on Monday, November 19, 2018 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.

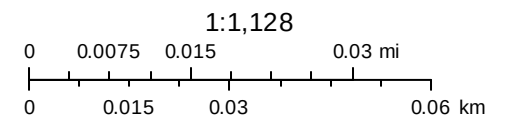
FUNDING SOURCE: N/A

ATTACHMENTS: Resolution of Intent **#R-18-14**, Staff Report, Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting or as soon thereafter as possible.

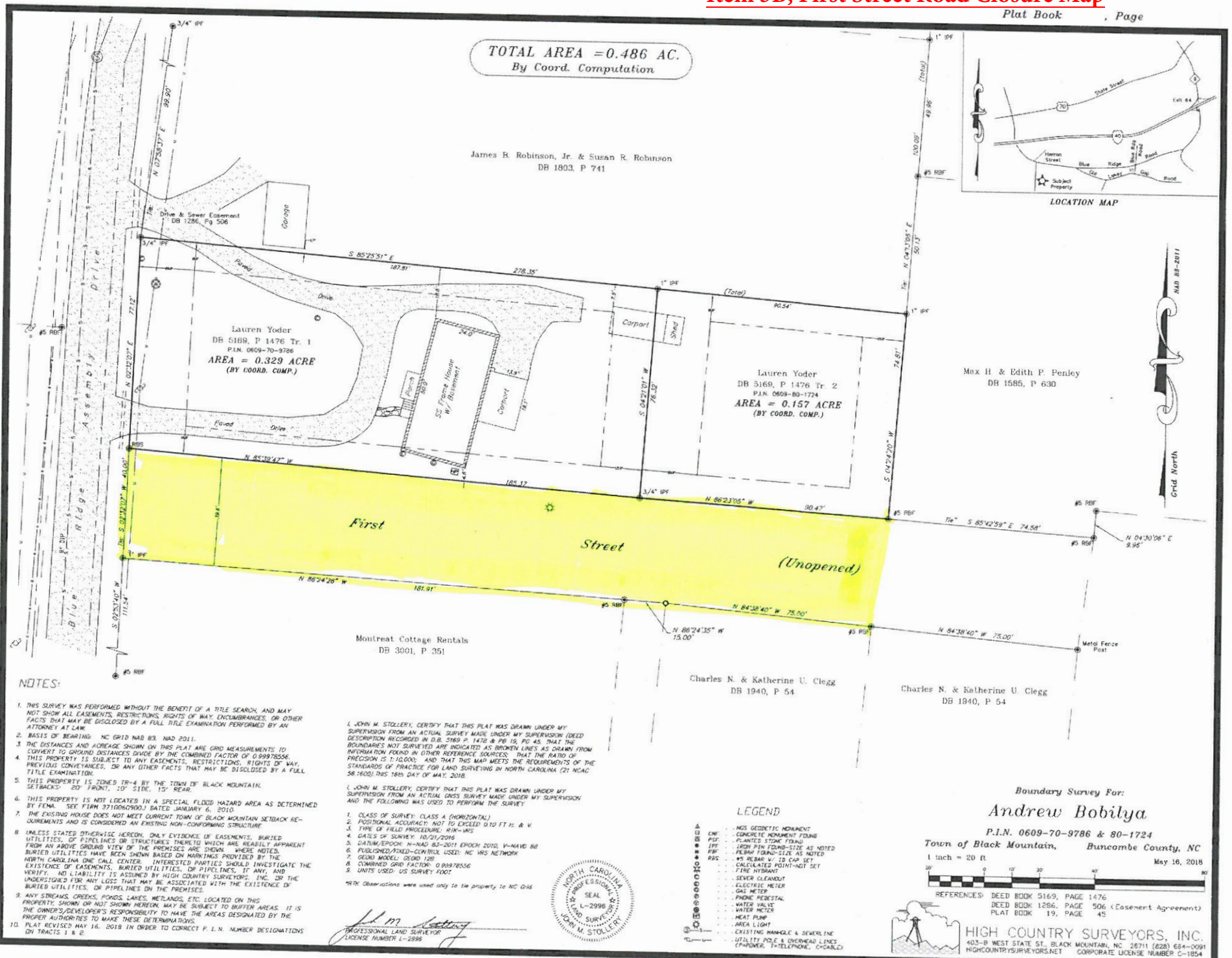


June 19, 2018



Item 5B, First Street Road Closure Map

Plat Book , Page





Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue S Black Mountain S North Carolina S 28711
Phone: 828-419-9300 s Fax: 828-669-2030 s TDD: 1-800-735-2962

Date: July 30, 2018

To: Black Mountain Planning Board

From: Jennifer Tipton, Zoning Administrator

RE: First Street Right-of-Way Closure Request

Please find pertinent information attached.

Summary

Andrew and Kirsten Bobilya and Charles and Katherine Clegg are requesting to close a portion of a right-of-way known as First Street off of Blue Ridge Assembly Drive. The requested portion is approximately 274 feet long. The Bobilya's and the Clegg's are looking to put in a shared 12' driveway and will allow for any utility easements that may be needed by any other property owners that abut the right-of-way.

The petition has been signed by Andrew Bobilya, Kirsten Bobilya, Charles Clegg and Katherine Clegg. Max and Mark Penley have signed the petition in favor of the closing as well.

The Bobilya's have agreed to install a 15' wide access and utility easement with connection to the existing right-of-way.

Definitions

The land use code defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property of those across a street.)

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-way: 1) A strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for

closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notices to abutting property owners shall be given as required by NCGS. If the request is generated from town staff or a board or commission, the fee shall not apply.

Andrew Bobilya submitted a petition for street closing request on June 8, 2018. The petition was signed by Andrew and Kirsten Bobilya, owners of 32 Blue Ridge Assembly Drive and an abutting vacant property and Charles and Katherine Clegg, owners of 38 Blue Ridge Assembly Drive and two abutting vacant properties. Andrew Bobilya submitted check #2059 for the amount of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S 160A-299 (a) states that when a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way if any (utilities, etc.) and information on possible future uses from any of the town's adopted plans, and place the issue on the next planning board agenda if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.

*The requested right-of-way closure is approximately 274' in length.
Currently there are no uses in the right-of-way and is a wooded area.
The right-of-way does not contain any utility lines.*

3. The planning board will review the request and make a recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional areas of right-of-way in addition to the petition, or not accept the petition and leave the right-of-way as an offering.

Staff recommends that the planning board recommend the right-of-way for closure.

4. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:
 - a. Right-of-way identified is not part of adopted town plans.

*The requested right-of-way closure is not identified in any of the following plans:
Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.*

- b. Right-of-way is not necessary for current or future utilities.

There are currently no utilities in the right-of-way but the Bobilya's and the Clegg's have indicated that they will grant any utility easements that might be necessary, however, most of the lots have utility access from either Blue Ridge Assembly Drive or Laurel Lane.

- c. Right-of-way in its current condition poses a hazard to public health, safety or welfare.

The right-of-way does not pose a threat to public health, safety or welfare.

- d. Right-of-way is along a drainage that is part of a stormwater management plan.

There are no stormwater systems on this right-of-way nor is it along any drainage system.

- e. Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The right-of-way is not a current corridor for a roadway or a greenway and is not identified on the Greenway Master Plan or the Pedestrian Master Plan for future roadways or greenways. The existing houses have access from Blue Ridge Assembly Drive and the intent is to install a 12' shared driveway for the vacant lots in the back. The properties at the back of the right-of-way have access from Laurel Lane.

- f. Abutting property owners have signed the petition in favor of the closure.

The owners of 32 Blue Ridge Assembly Drive with the abutting vacant lot and the owners of 38 Blue Ridge Assembly Drive with two abutting vacant lots have signed the petition. These are the owners that abut the portion of the right-of-way that is requested to be closed.

- 5. The planning board may also make a recommendation to amend the scope or length of the right-of-way closure petition if the board determines that there are compelling reasons to do so. In these cases, the board may direct staff to contact additional abutting property owners to get their input before making a determination.

As the property owners at the back of the right-of-way have been contacted and have given their input, staff does not feel or find that there are any compelling reasons to amend the scope of the petition. The petitioner has requested the portion be closed that is property touches and he cannot ask for more than that. Staff does not feel that property value is a determining factor in recommending a road closure and the other properties have reasonable means of ingress and egress from Laurel Lane.

- 6. Planning board recommendation is forwarded to the board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close.

The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the planning board recommends the closure then the next step would be a call for public hearing before the Board of Aldermen.

7. Area for closure is posted with a visible sign, indicating the scope of the petition, the date for the public hearing, and the phone number of the staff person to contact for information.

Staff will take care of this portion.

8. Board of aldermen holds a public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
October 8, 2018, 2018
Agenda Item

RESOLUTION OF INTENT # R-18-14

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMENT OF
THE TOWN OF BLACK MOUNTAIN TO CONSIDER THE CLOSING OF AN
UNOPENED, PLATTED PORTION OF FIRST STREET AND TO HOLD A PUBLIC
HEARING ON THIS ISSUE NOVEMBER 19, 2018**

WHEREAS, G.S. 160A-299 authorizes the Board of Aldermen of the Town of Black Mountain to permanently close public streets or alleys; and

WHEREAS, The Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted portion of First Street; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request, did recommend that the unopened portion of First Street be closed; and

WHEREAS, the Board of Aldermen of the Town of Black Mountain must set a public hearing to consider any comments concerning the above referenced request before taking any action; and

WHEREAS, in accordance therewith, the Board of Aldermen of the Town of Black Mountain desires to take the following actions:

DESCRIPTION:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No. 5 rebar set in the northern edge of First Street as said street is shown on that plat recorded in Plat Book 19 at Page 45, Buncombe County Registry, said rebar also marking the southeast corner of Tract 2 as described in that deed record in Book 5169 at Page 1476, Buncombe County Registry; thence from said Beginning and with the northern boundary of said street North 86° 23' 05" West 90.47 feet to a 3/4ths inch iron pipe marking the southern common corner of Tract 2 and Tract 1 as described in Book 5169 at Page 1476; thence continuing with the northern boundary of said street North 85° 39' 47" West 185.37 feet to a rebar set in the western edge of the right of way of Blue Ridge Assembly Drive; thence with the edge of the right of way of Blue Ridge Assembly Drive South 02° 32' 47" West 40.00 feet to an iron pin; thence leaving Blue Ridge Assembly Drive and running with the southern boundary of First Street South 86° 24' 28" East 181.91 feet to a No. 5 rebar marking the northeast corner of that property described in Book 1940 at Page 54, Buncombe County Registry; thence leaving the southern boundary of First Street and running almost due north approximately 40 feet to the No. 5 rebar marking the southeast corner of Tract 2 as described in Deed Book 5169 at Page 1476, Buncombe County Registry.

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

Section 1. Pursuant to G.S. 160a-299, the Board of Aldermen declares its intent to close an unopened portion of First Street.

Section 2. A public hearing on the question of closing said street is hereby called at Town Hall, 160 Midland Avenue, Black Mountain, N.C. 28711 on Monday, November 19, 2018 at 6:00 p.m.

Section 3. Following the public hearing called hereby, the Board of Aldermen shall consider the passage of an order closing the street identified above.

Section 4. The Town of Black Mountain Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in the area.

Section 5. The Town of Black Mountain Zoning Administrator is hereby directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution.

Section 6. The Town of Black Mountain Zoning Administrator is further directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this the 8th day of October, 2018.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

Ron Moore, Interim Town Manager

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
A STATEMENT OF CONSISTENCY FOR:
TEXT AMENDMENTS TO CHAPTER 2, SECTION 2.3, ARTICLE 5, SECTION F,
FLOODWAYS AND NON-ENCROACHMENT AREAS**

THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, upon motion made and passed, that they adopt the following Statement of Consistency:

WHEREAS, the Town of Black Mountain has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the proposed text amendment has been reviewed by the Planning Board and recommends its enactment to the Board of Aldermen; and

WHEREAS, the Board of Aldermen find that this land use code text amendment is reasonable and in the public interest because of the following findings:

- To maintain capacity in the floodway and special flood hazard areas.
- To allow for better enforcement of debris being left in the streams and rivers.

WHEREAS, the Board of Aldermen find that this land use code text amendment is consistent with the Town of Black Mountain Comprehensive Plan 2014 Update in the following ways:

- Vision Statement 11: Air and Water Quality – to maintain public safety and the public good for the rivers and streams and the people who live on the rivers, streams, and downstream.

WHEREAS, after notice duly given, a public hearing was held on December 10, 2018 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN APPROVE THIS STATEMENT OF CONSISTENCY, by a vote of ____ to ____ on this the 19th day of November, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Call for Public Hearing for Text Amendments to Floodways and Non-Encroachment Areas

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5C
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: In the Zoning Ordinance prior to 2010, provisions were in place regarding people leaving debris and discarded items to accumulate in special flood hazard areas and streams and creeks. When the ordinance was updated in 2010, this language was inadvertently omitted leaving little recourse for enforcement for debris and discarded items that remained after flood events or that people just neglected to clean up.

MOTION FOR CONSIDERATION: To call for the public hearing to text amendments to floodways and non-encroachment areas to be held on Monday, November 19, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance #O-18-06, Text Amendment Application, Planning Board Statement of Consistency, Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, November 19, 2018 or as soon thereafter as possible.



5C

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, November 19, 2018 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, November 19, 2018 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments for Chapter 2, Section 2.3, Article F, Section F, Floodways and Non-Encroachment Areas.

The meeting is open to the public.

Angela Reece
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Angela Reece, Town Clerk at 419-9310 or by email at angela.reece@townofblackmountain.org

*Posted to the Town Bulletin Board 10/09/18
Published in the Black Mountain News 10/25/18 and 11/01/18*

www.townofblackmountain.org

ORDINANCE NO. #O-18-06**AN ORDINANCE TO AMEND LAND USE CODE CHAPTER 2, SECTION 2.3, ARTICLE 5, SECTION F FLOODWAYS AND NON-ENCROACHMENT AREAS**

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating the land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, the following text amendments are required in order to carry out vision statement eight: public safety of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, Chapter 2, Section 2.3, Article 5, Section F is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. SECTION 2.3, ARTICLE 5, SECTION F

Areas designated as floodways or non-encroachments areas are located within the special flood hazard areas established in article 3, section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in article 5, sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practices and presented to the floodplain administrator prior to issuance of floodplain development permit; or
 - b. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revisions (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If article 5, section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - a. The anchoring and the elevation standards of article 5, section B(3); and such engineering to be certified.
 - b. The no encroachment standard of article 5, section F(1).

- (4) No vegetative debris such as wood piles, downed trees or branches which could cause blockage of culverts or bridges or which could otherwise create a hazard during a flood event shall be permitted to accumulate within the floodway areas.
- (5) No discarded or store items such as abandoned vehicles, white goods, tires, or miscellaneous debris shall be allowed to accumulate within the floodway areas.

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this the 19th day of November, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: The Board of Aldermen for the Town of Black Mountain
From: The Planning Board for the Town of Black Mountain
Date: September 24, 2018
Subject: Zoning Text Amendment
Description: Add language to flood prevention regarding accumulations in streams
Address: N/A

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

☒ The zoning amendment **is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest** because:

How consistent with plan: due to recent flooding and heavy rain events it is important to maintain capacity in the floodway and special flood hazard areas

Why is it reasonable and in the public interest: maintains public safety and the public good

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan and/or is not reasonable and in the public interest** because:

How inconsistent with the plan: _____

Why is it not reasonable and in the public interest: _____

☐ In addition to approving this zoning amendment, this approval **is also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:

Adopted by the Planning Board by a vote of 7 to 0 on this the 24th day of September, 2018.



Town of Black Mountain
160 Midland Avenue ♦ Black Mountain, NC 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030
www.townofblackmountain.org

Item 5C

TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Applicant Name: Planning Staff Date: 9/11/18

Address: 1160 Midland Avenue, Black Mtn, NC 28711

Phone: 419-9300 Fax: 669-2030 Email: jennifer.tipton@townofblackmountain.org

TEXT AMENDMENT LOCATION AND REQUEST

Chapter: 2 Section: 2.3 Article 5(F) Title: Floodway; non-encroachment areas

Current Text: see attached

Requested Amendment: see attached

Reason for Requested Amendment: Prior to the 2010 amendment of the Land Use Code, provisions were in place about items in the creeks & streams. It appears this language was inadvertently omitted during the update so this is adding the language back to the ordinance.

Applicant Signature _____ Applicant Printed Name _____ Date _____

FOR OFFICE USE ONLY

Date Received: 9/11/18 Received by: Jennifer Tipton

Fee: \$100.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: 9/24/18 Vote: 7 to 0 For ☒ Against ☐

Board of Aldermen Call for Public Hearing Date: 10/8/18

Board of Aldermen Meeting Date: _____ Vote: _____ to _____ For ☐ Against ☐

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Call for Public Hearing for Text Amendments to Home Occupations

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5D
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Currently there are home occupations that are not registered with the town and staff does not know about them until a complaint is filed. The proposed amendment would require home occupations to complete a home occupation application that would allow for a zoning district review to make sure the use was permitted and that all other regulations of the home occupation ordinance were being followed. The application will also help the town keep track of the home occupations and assist in answering questions and complaints about home occupations.

MOTION FOR CONSIDERATION: To call for the public hearing to text amendments to home occupations to be held on Monday, November 19, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance #O-18-07, Text Amendment Application, Planning Board Statement of Consistency, Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, November 19, 2018 or as soon thereafter as possible.



5D

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, November 19, 2018 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, November 19, 2018 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments for Chapter 5, Section 5.12, Home Occupations.

The meeting is open to the public.



Angela Reece
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Angela Reece, Town Clerk at 419-9310 or by email at angela.reece@townofblackmountain.org

*Posted to the Town Bulletin Board 10/09/18
Published in the Black Mountain News 10/25/18 and 11/01/18*

www.townofblackmountain.org

ORDINANCE NO. #O-18-07

AN ORDINANCE TO AMEND LAND USE CODE CHAPTER 5, SECTION 5.12, HOME OCCUPATIONS

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating the land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, the following text amendments are required in order to carry out vision statement nine: community planning of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, Chapter 5, Section 5.12 is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. Section 5.12.1

- A. Home occupations are permitted in all districts except HI-0 where residential uses are considered a nonconforming use. However, within the HI-0 district, a home occupation may be integrated into a pre-existing residential structure in compliance with this chapter.
- B. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling or the immediate neighborhood.
- C. The intent of these regulations is to allow for home occupations throughout Black Mountain while minimizing the impact on neighbors and maintaining the same levels of noise, traffic, parking and other characteristics of the surrounding residential properties.
- D. In no case shall any nonresidential use or home occupation consist of operations or conditions resulting in noise, odors, smoke, glare, dust, gases, excessive traffic, electrical or other radiation, or other characteristics of a type or to an extent which create a nuisance or hazard to adjacent or neighboring residential properties.
- E. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure that meets the requirements of the building inspector.
- F. No display of stock in trade which is sold on the premises shall be visible from outside the building. Catalog and internet products may be received and shipped from the premises to fulfill orders as long as goods, products or commodities are stored within the home or an accessory structure customarily found in a residential district.
- G. There shall be no outdoor storage or visible evidence of equipment or material used in the home occupation, unless the equipment or materials are of a type and quantity that could reasonably be associated with the principal residential use.
- H. In residential districts, business identification or advertising signs are only permitted if they are attached to the primary or secondary structure and shall not exceed four square feet. All other signage must conform to the town sign and district regulations.

- I. Off-street parking needed to accommodate the home occupation shall be provided onsite but shall not exceed four spaces.
- J. In residential districts, delivery vehicles serving the home occupation shall be restricted to the house of 9:00 a.m. to 5:00 p.m.
- K. Adult day care homes and child care homes shall provide care to no more than five unrelated persons and shall require an annual certificate of occupancy or safety inspection to ensure adequate structure and fire safety as well as documentation certifying compliance with all state and federal standards.
- L. No one who resides outside of the residence may work in the home.
- M. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- N. A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling, not to exceed 500 square feet.
- O. **Home occupations shall complete a home occupation application that includes zoning verification.**

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this the 19th day of November, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
A STATEMENT OF CONSISTENCY FOR:
TEXT AMENDMENTS TO CHAPTER 5, SECTION 5.12, HOME OCCUPATIONS**

THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, upon motion made and passed, that they adopt the following Statement of Consistency:

WHEREAS, the Town of Black Mountain has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the proposed text amendment has been reviewed by the Planning Board and recommends its enactment to the Board of Aldermen; and

WHEREAS, the Board of Aldermen find that this land use code text amendment is reasonable and in the public interest because of the following findings:

- The Town supports home occupations.
- It is appropriate for the applicant to get concurrence from staff as they make their initial application.
- It will allow for zoning verification and verification that the home occupation is in compliance with all regulations for home occupations.
- It will allow the Town to keep track of home occupations and assist in answering questions about home occupations.

WHEREAS, the Board of Aldermen find that this land use code text amendment is consistent with the Town of Black Mountain Comprehensive Plan 2014 Update in the following ways:

- Vision Statement 9: Community Planning – to allow for home occupations while maintaining the overall residential character of the neighborhoods.

WHEREAS, after notice duly given, a public hearing was held on November 19, 2018 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN APPROVE THIS STATEMENT OF CONSISTENCY, by a vote of ____ to ____ on this the 19th day of November, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: The Board of Aldermen for the Town of Black Mountain

From: The Planning Board for the Town of Black Mountain

Date: September 24, 2018

Subject: Zoning Text Amendment

Description: Add requirement for home occupation application

Address: N/A

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

☒ The zoning amendment **is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest** because:

How consistent with plan: supports home based businesses and is appropriate to get concurrence from town staff as they make their initial application

Why is it reasonable and in the public interest: supports home based businesses and is appropriate to get concurrence from town staff as they make their initial application

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan and/or is not reasonable and in the public interest** because:

How inconsistent with the plan: _____

Why is it not reasonable and in the public interest: _____

☐ In addition to approving this zoning amendment, this approval **is also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:

Adopted by the Planning Board by a vote of 6 to 1 on this the 24th day of September, 2018.



Town of Black Mountain
160 Midland Avenue ♦ Black Mountain, NC 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030
www.townofblackmountain.org

Item 5D

TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Applicant Name: Planning Staff Date: 9/11/18

Address: 160 Midland Avenue, Black Mtn, NC 28711

Phone: 419-9300 Fax: 669-2030 Email: jennifer.tipton@townofblackmountain.org

TEXT AMENDMENT LOCATION AND REQUEST

Chapter: 5 Section: 5.12 Title: Home Occupations

Current Text: see attached

Requested Amendment: see attached

Reason for Requested Amendment: Currently, most home occupations are not accounted for. A home occupation application will allow planning staff to determine zoning, where located and that the home occupation meets all requirements.

Applicant Signature _____ Applicant Printed Name _____ Date _____

FOR OFFICE USE ONLY

Date Received: 9/11/18 Received by: Jennifer Tipton

Fee: \$100.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: 9/24/18 Vote: 6 to 1 For ☒ Against ☐

Board of Aldermen Call for Public Hearing Date: 10/8/18

Board of Aldermen Meeting Date: _____ Vote: _____ to _____ For ☐ Against ☐

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Budget Amendment for Fourth of July Fireworks #FY2019-3

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5E
Department: Finance
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: As in past years, the Town received generous donations to fund the annual July 4th fireworks. The cost of the July 4, 2018 fireworks show was \$8,400 and the Town received donations of \$7,426 from local individuals and businesses. This budget entry increases expenditures by \$8,400 and sponsorship revenue by \$7,426 and appropriated fund balance by \$974.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-1 as submitted, increasing expenditure account 1080-6190-320 (Rec Programs) by \$8,400, and increasing revenue accounts 1080-3601-400 (Sponsorships - Fireworks) by 7,426 and 1000-3905-900 (Fund Balance Appropriated) by \$974.

FUNDING SOURCE: List of contributors

Chifferobe, Valley Truck Service, Sunshine Pharmacy, Black Mountain Savings, Black Mountain Family Eye Care, Givens Estates, Larry Harris, Grey Beard Realty, Black Mountain Orthodontics, Mayor Don Collins, White Insurance, Black Mountain Tire Connection, Parameter Generation and Control, Civil Design Concepts, Blue Ridge Waterscapes, First Bank, Prestige Suburu, Ingles Markets.

ATTACHMENTS: Budget Amendment #FY2019-3.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-3
Fiscal Year 2018-2019

5E

Dept.	Account #	Account Name	Debit	Credit	Comments
	1080-6190-320	Rec Programs	8,400		July 4, 2018
	1080-3601-400	Sponsorships - Fireworks		7,426	fireworks
	1000-3905-900	Fund Balance Appropriated		974	contributions.

Totals:	8,400	8,400
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BD #

Entered By:

Journal #

Fiscal Yr

Approved By:

Date

Date

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Budget Amendment for Police K-9 Vehicle #FY2019-5

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5F
Department: Finance
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: In November of 2017, the Black Mountain Police Department seized a 2015 Ford F-150 Super Crew Cab King Ranch in conjunction with drug investigation and large drug bust. The vehicle will require approximately \$6,300 in repair cost because of issues related to a broken rear window, damaged wheels/new tires, paint and rear window motor. The up-fit charge (which essentially will change the vehicle into an official Black Mountain Police K-9 vehicle is estimated to cost \$16,000. The book value of the vehicle is currently \$44,383. When this transaction is completed, this vehicle will be listed as a Town vehicle with a cost of \$66,683. The Police Department will use \$6,300 of their restricted ABC funds and is requesting the Town appropriate the balance of \$15,000 from fund balance. Because ABC expenditures were originally budgeted at \$5,000, the Town will only need to appropriate an additional \$1,300 from this line item.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-3 as submitted, increasing expense account 1010-5100-190 (ABC Distribution expense) by \$1,300, and 1010-5100-730 (Capital Expense) by \$15,000 and increasing revenue account 1000-3905-900 (Fund Balance Appropriated) by \$16,300.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY2019-5.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-5
Fiscal Year 2018-2019

5F

Dept.	Account #	Account Name	Debit	Credit	Comments
	1010-5100-190	ABC Distribution	1,300		Police seized vehicle
	1010-5100-730	Capital Outlay	15,000		up-fitting costs.
	1000-3905-900	Fund Balance Appropriated		16,300	

Totals:	16,300	16,300
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BD #

Entered By:

Journal #

Fiscal Yr

Approved By:

Date

Date

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Budget Amendment for Water System Service Contract #FY2019-4

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5G
Department: Finance
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: At the September 11, 2018 the Board approved the Water Distribution System Service Contract which will allow the Town to keep the water system in compliance with State and Federal regulations. In the past, the Town has had Town employees with the proper certification, but due to personnel changes, the Town needed to contract this service from the outside. The Town is required to have someone overseeing the water system who has obtained and is in good standing with a well license, distribution license, and cross connections.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-4 as submitted, increasing expenditure account 3091-8100-450 (Contract Services) by \$30,000, and decreasing three salary and wages related expenditure accounts 3091-8100-xxx by \$30,000.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY2019-4.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-4
Fiscal Year 2018-2019

5G

Dept.	Account #	Account Name	Debit	Credit	Comments
	3091-8100-450	Contract Serv	30,000		Change from Town
	3091-8100-020	Salaries		23,000	employee to contract
	3091-8100-060	Health Ins		4,000	employee for water
	3091-8100-070	LGERS		3,000	specialist (Operator
					Responsible in Charge)

Totals:	30,000	30,000
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BD #

Entered By:

Journal #

Fiscal Yr

Approved By:

Date

Date

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Budget Amendment for Property Tax at 304 Black Mountain Ave. #FY2019-6

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5H
Department: Finance
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: The FY18-19 Town of Black Mountain adopted budget did not included property taxes due on the property located at 304 Black Mountain Avenue, which the Town had purchased on February 26, 2018. The Town is exempt from paying property taxes, but tax was assessed on this property as of January 1, 2018, to the owner of record at that date. Approximately 1/6 of that tax amount was accounted for on the settlement statement

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-6 as submitted, increasing expense account 1000-4200-040 (Professional Services) by \$12,514, and increasing revenue account 1000-3905-900 (Fund Balance Appropriated) by \$12,514.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY2019-6.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-6
Fiscal Year 2018-2019

5H

Dept.	Account #	Account Name	Debit	Credit	Comments
	1000-4200-040	Prof Services	12,514		Taxes due at
	1000-3905-900	Fund Balance Appropriated		12,514	304 Black Mountain Ave.

Totals:	12,514	12,514
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BD #	
Journal #	
Fiscal Yr	
Date	

Entered By:	
Approved By:	
Date	

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018**

SUBJECT: Resolution to Award Firefighting Helmet & Badge to retiring Fire Chief, Steve Jones

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5I
Department: Fire
Contact: John Wilson, Deputy Fire Chief
Presenter: Ron Moore, Interim Town Manager

BRIEF SUMMARY: NC G.S. 160A-294.1 provides that retiring members of municipal firefighting agencies may receive, at the time of their retirement, the fire helmet worn by them during their service with the municipality. It is the recommendation of the manager that the Board of Aldermen, in their discretion, also award the service badge worn by Chief Jones to him during his service.

MOTION FOR CONSIDERATION: To adopt Resolution **#R-18-19** awarding retiring Fire Steve Jones his firefighting helmet and badge as provided in NC G.S. 160A-294.1.

FUNDING SOURCE: N/A.

ATTACHMENTS: Resolution **#R-18-19**

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
October 8, 2018
Agenda Item 5I

RESOLUTION #R-18-19

RESOLUTION OF THE BOARD OF ALDERMENT OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA AWARDING TO RETIRING FIRE CHIEF STEVE JONES HIS FIREFIGHTING HELMET

WHEREAS, Steve Jones has served the Town of Black Mountain in a conscientious, dedicated and an exemplary manner as a volunteer Fireman for 12 years, full time Firefighter for 26 years and as Fire Chief for the past 11 years; and

WHEREAS, G.S. 160A-294.1 provides that retiring members of municipal firefighting agencies may receive, at the time of their retirement, the firefighting helmet worn by them during their service with the municipality; and

WHEREAS, the Board of Aldermen, in their discretion desire to award Chief Jones with his service badge worn by him during his service; and

WHEREAS, Steve Jones has served as a member of the Town of Black Mountain Fire Department for a total of 38 years and is now retiring from the Town of Black Mountain on November 28, 2018 as Fire Chief; and

WHEREAS, Steve Jones should be recognized for his tireless commitment to his county and community, we recognize his thirty-eight years of service and say thank you for a job well done;

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

1. The Town Manager or his designee is hereby authorized in accordance with the provisions of G.S. 160A-294.1 to transfer to Steve Jones the firefighting helmet and badge worn by him during his service with the Town of Black Mountain Fire Department.

DULY ADOPTED this the 8th day of October 2018.

Don Collins, Mayor

ATTEST:

Angela Reece, Town Clerk

Ron Moore, Interim Town Manager



MEMORANDUM TO: ~~Dean Luebke~~ *Ron Moore*, Interim Town Manager, Town of Black Mountain

FROM: David Melton, Water Resources Director

DATE: September 19, 2018

SUBJECT: Black Mountain Asset Transfer Agreement

Ronald Sneed and Alderman Larry B. Harris made inquiries regarding the early transfer of certain assets along Blue Ridge Assembly Road to support the Avadim Project. Based upon field investigation, the request for an early transfer of limited assets can be granted to the Town of Black Mountain (TOBM). The preferred method to accomplish the transfer is create a crossconnection between the TOBM's 10 inch water line on Blue Ridge Road with the City of Asheville's (COA) 6 inch water line on Blue Ridge Road, then the COA will close the valve on Old Hwy 70 and Blue Ridge Road. The field tasks to facilitate the transfer can be accomplished by a combination of City of Asheville and Town of Black Mountain in-house staff. The transfer will provide customers, south of I40, presently served by COA, with improved pressure. It is important that, as part of the modified agreement, time be given to properly notify the affected customers regarding the process related to the transfer.

The original Asset Transfer Agreement was approved by the City of Asheville City Council on May 15, 2018. This early transfer will create an additional transfer phase that will expand the original agreement to three phases. The original phase 1 transfer is scheduled for December 31, 2018. Based upon conversation with TOBM staff, the original phase 1 transfer date is not going to be obtainable. In the process of TOBM drafting the amendment to the agreement, it is advisable that firm revised dates be established for all transfer stages.

While the requested connection can be accommodated, not committing to the transfer as originally agreed upon does impact system reliability and operations. For example, the construction of a pump station and connection along US70 (original phase 1) is important to improving the reliability of supplying the increasing demands of the TOBM. As part of this modified agreement and the extended time frame for the new connection, it may be necessary to consider the addition of automated valve operators to help COA Water Production staff better control and regulate the existing water system connection with the TOBM.

Please see inquiries below:

Kelly,

There is a need for additional water to developing properties off Blue Ridge Assembly Drive in Black Mountain and pressure to provide that water prior to the scheduled turn over of lines from the City of Asheville to the Town of Black Mountain. Our public works director has concluded that if we tie in the Blue Ridge Assembly line to the Town's new line in Blue Ridge Road, the town can supply that line with more pressure and water without relying on the new pump station which is the crux to the total line transfer.

Is it possible to arrange for that one line to be turned over to the town early?

Ronald E. Sneed
Attorney at Law
P.O. Box 995
104 Church Street
Black Mountain, NC 28711

Vijay, You may recall that we entered into an agreement to take over some City of Asheville Lines that are located inside the Black Mountain City limits. The agreement was approved by Asheville City Council and Black Mountain a few months back. The actual takeover will occur when the Avadim project water and sewer infrastructure is in place since the new pump station will provide the water capacity (using Asheville City water) for these lines.

All that said, the town of black mountain has reasons to take over one of the lines sooner (like ASAP) rather than a 12 to 16 months from now and would like to amend the agreement if needed to accomplish. Can you help me connect to the right person? Our town attorney may have already been on touch with your legal but I wanted reach out as well. Feel free to forward this email to someone if that will be helpful.

Appreciate your help. Best, Larry

Larry B. Harris, CPA, CFP®

Item 8A, Financial Statements and Independent Auditors Report (CAFR) is a very large file and is available by contacting the Clerk. It will be posted to the website once it receives final approval from the Local Government Commission.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018**

SUBJECT: Acceptance of Real Property Donation of Land for Greenway #R-18-20

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8C
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Planning staff and Fred Grogan of Michael Baker International have been working with the Swannanoa Valley Friends Meeting to secure property near the railroad for the Riverwalk Greenway. There is one condition associated with the easement, which has been reviewed and are found to be reasonable and acceptable. The parcel is approximately 0.92 acre.

MOTION FOR CONSIDERATION: To adopt the resolution to accept the donation of land from the Swannanoa Valley Friends Meeting.

FUNDING SOURCE:

ATTACHMENTS: Draft Resolution R-18-20

MANAGER’S COMMENTS AND RECOMMENDATIONS:



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

MEMORANDUM

Date: September 27, 2018

To: Black Mountain Board of Aldermen

From: Jessica Trotman, Planning Director

RE: Donation of land Item 8C, Resolution R-18-20

Planning Staff have been working with Swannanoa Friends Meeting to donate 0.92 acres of undeveloped land in close proximity to the railroad for the Riverwalk Greenway. The Meeting require one condition on the easement. This condition has been considered by staff, our consultants and the North Carolina Department of Transportation are considered reasonable and allowable under the existing scope of work.

- The Town is responsible for the required survey



RESOLUTION #R-18-20

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA TO ACCEPT A DONATION OF 0.92 ACRES FROM THE SWANNANOVA VALLEY MONTHLY MEETING OF THE RELIGIOUS SOCIETY OF FRIENDS

WHEREAS, the Town of Black Mountain, North Carolina, is and has been engaged in a project to create a greenway that connects the east side of town to the west side of town, and ultimately to points beyond the town limits, by means of a continuous greenway; and

WHEREAS, currently the Town is involved in acquiring easements along the Swannanoa River from where the river intersects with US Highway 70 on the east side of town and the point where the river passes under N.C. Highway 9; and

WHEREAS, the Swannanoa Valley Monthly Meeting of the Religious Society of Friends (hereinafter called "Friends") owns real property described in Book 4351 at Page 1176, Buncombe County Registry, which is bisected by the Swannanoa River and lies between US Highway 70 and N.C. Highway 9, east of N.C. Highway 9; and

WHEREAS, the Friends own a parcel of land lying on the east side of the Swannanoa River and bounded on its southern edge by the Norfolk-Southern which is limited use to the Friends because of the intervening river; and

WHEREAS, the river has eroded away part of its bank where the river passes through the property of the Friends; and

WHEREAS, there is funding available to the Town for river bank restoration and owning the 0.92 acre parcel will provide the Town access to the river to perform this work; and

WHEREAS, it will benefit the Town, its citizens, and its greenway plan to own and control this piece of property that lies in close proximity to the planned greenway; and

WHEREAS, the Friends have offered to give all that land described in Book 4351 at Page 1176, Buncombe County Registry, which lies east of the center line of the Swannanoa River to the Town.

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

1. That the Town does accept the offer of the gift of that land described in Book 4351 at Page 1176, Buncombe County Registry, which lies east of the center line of the Swannanoa River.
2. That the Town will have the property surveyed so as to determine its exact location and to provide a description for the deed from the Friends to the Town.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this 8th day of October, 2018.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

Ron Moore, Interim Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018

SUBJECT: Acceptance of Easement for Real Property Donation for Greenway **#R-18-21**

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8D
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Planning staff and Fred Grogan of Michael Baker International have been working with the Swannanoa Valley Friends Meeting to secure a critical easement on Flat Creek for the Riverwalk Greenway. There are conditions associated with the easement, which have been reviewed and are found to be reasonable and acceptable.

MOTION FOR CONSIDERATION: To adopt the resolution to accept the easement from the Swannanoa Valley Friends Meeting.

FUNDING SOURCE:

ATTACHMENTS: Draft Resolution R-18-21

MANAGER'S COMMENTS AND RECOMMENDATIONS:



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

MEMORANDUM

Date: September 27, 2018

To: Black Mountain Board of Aldermen

From: Jessica Trotman, Planning Director

RE: Acceptance of Easement for Real Property Donation – R-18-21 Item 8D

Planning Staff have been working with Swannanoa Friends Meeting to secure an easement for the Riverwalk Greenway. The Meeting has agreed to provide an easement to the Town. The location allows us to cross the river once in this area, instead of twice as originally planned. The Meeting requires two condition on the easement. These conditions have been considered by staff, our consultants and the North Carolina Department of Transportation are considered reasonable and allowable under the existing scope of work.

- Agreement to do the restoration work required on Flat Creek bank erosion as a result of May flooding. Work to be completed in one year time frame or easement becomes invalid. We are assuming it is in the best interest of all parties to complete restoration work in a timely manner so it settles for actual Greenway construction.
- Black Mountain is to provide Swannanoa Valley Friends Meeting a plan detailing the work to be done on the restoration of the Flat Creek River bank, a survey of the proposed Greenway pathway, and a detailed plan of Greenway construction including plans for fence and plant screening along the Greenway path on Flat Creek. Swannanoa Valley Friends Meeting wishes to have the right to choose plantings for screening purposes. These items are required by our lawyer prior to Meeting signing the agreement.



RESOLUTION #R-18-21

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA TO ACCEPT A GREENWAY EASEMENT FROM THE SWANNANOVA VALLEY MONTHLY MEETING OF THE RELIGIOUS SOCIETY OF FRIENDS

WHEREAS, the Town of Black Mountain is engaged in a long range project to create a greenway that connects the east side of town to the west side of town, and ultimately to points beyond the town limits, by means of a continuous greenway; and

WHEREAS, currently the Town is involved in acquiring easements along the Swannanoa River from where the river intersects with US Highway 70 on the east side of town and the point where the river passes under N.C. Highway 9; and

WHEREAS, the Swannanoa Valley Monthly Meeting of the Religious Society of Friends (hereinafter called "Friends") owns real property described in Book 4351 at Page 1176, Buncombe County Registry, which is bisected by the Swannanoa River and lies between US Highway 70 and N.C. Highway 9, east of N.C. Highway 9; and

WHEREAS, the Swannanoa River has eroded away part of its bank where the river passes through the property of the Friends; and

WHEREAS, there is funding available to the Town for river bank restoration and stabilization and for greenway construction; and

WHEREAS, the Friends have offered the Town an easement along the west side of the Swannanoa River of sufficient width to allow river bank restoration and for construction and maintenance of a greenway; and

WHEREAS, if the planned greenway is rerouted to run along the west side of the Swannanoa River across the property of the Friends, the need for two bridges and much hillside disturbance will be eliminated; and

WHEREAS, it is in the best interest of the Town and its citizens to relocate the planned greenway to run along the west side of the Swannanoa River over the property of the Friends, and to restore the river bank at that location.

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

1. That the Town does accept the offer of an easement along the western bank of the Swannanoa River for the purpose of constructing and maintaining a greenway.
2. That in consideration of this gift, the Town will repair, stabilize and restore the river bank where the river runs through the property of the Swannanoa Valley Monthly Meeting of the Religious Society of Friends described in Book 4351 at Page 1176, Buncombe County Registry, and will maintain the river banks at that location as long as the Town also maintain the greenway on that property. The river bank restoration will be completed within one year.
3. Before work begins on the river bank restoration, the Town will provide the Friends with a plan detailing the work to be done, a survey of the greenway pathway, and a detailed plan of greenway construction including plans for fence and plant screening, with the Friends having the right to choose the plantings for screening purposes.
4. The Town will order and pay for any survey work needed to delineate the area of the greenway easement and the area of river bank restoration.
5. That the Town will construct and maintain a greenway within this easement and keep it in a safe condition.
6. In the event the Town at any time determines that it no longer wants to maintain the greenway, it will release and reconvey its interest in the property to the Friends, or their successor owners if the Friends no longer on the property.
7. These actions by the Town will occur only if the Friends do agree to the terms set out herein and do execute a grant of easement upon completion of a survey of the greenway and the area affected by river bank restoration.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this 8th day of October, 2018.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

Ron Moore, Interim Town Manager

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018**

SUBJECT: Public Hearing for Text Amendments to Replace Privilege License Section with Business Registrations

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9A
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The North Carolina General Assembly repealed privilege license statutes in 2015 for cities. In place of this, municipalities began to implement business registrations in order to still track what businesses are in the jurisdictions. Business registrations are only required for businesses that are located inside the local jurisdiction and the amendments lay out the process for obtaining a business registration, what information is required and penalties for not obtaining a business registration.

MOTION FOR CONSIDERATION:

1. Open the public hearing.
2. Close the public hearing.
3. Adopt Ordinance **#O-18-04**

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance **#O-18-04**

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt Ordinance **#O-18-04** as presented [or as amended].



9A

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, October 8, 2018 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, October 8, 2018 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments for Chapter 9, Article II, Division 1-4, Privilege License and Taxation to replace privilege licenses with business registrations.

The meeting is open to the public.

Angela Reece
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Angela Reece, Town Clerk at 419-9310 or by email at angela.reece@townofblackmountain.org.

*Posted to the Town Bulletin Board 09/12/18
Published in the Black Mountain News 09/20/18 and 09/27/18*

www.townofblackmountain.org

Black Mountain News

9A

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: TOWN OF BLACK MOUNTAIN
Address: 160 MIDLAND AVE
BLACK MOUNTAIN NC 28711
USA

Ad No.: 0003158160
Pymt Method Invoice
Net Amt: \$78.04

Run Times: 2

No. of Affidavits:

Run Dates: 09/20/18, 09/27/18

Text of Ad:



LEGAL NOTICE

**BLACK MOUNTAIN BOARD OF ALDERMEN
PUBLIC HEARING**

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The meeting is open to the public.

**Angela Reece
Town Clerk**

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September 20, 27, 2018
0003158160

LEGAL NOTICE CHECKLIST

NOTICE TEXT: Legal Notice for Text Amendments - Business Registration

Legal Notice Prepared	☒	Date: 09/12/18 Initials: JT
Legal Notice Posted on Board	☒	Date: 9/12/18 Initials: AR
Legal Notice Sent to Jessica	☒	Date: 09/12/18 Initials: AR
Legal Notice Sent to Angela	☒	Date: 09/12/18 Initials: JT
Legal Notice Sent to Paper	☒	Date: 09/12/18 Initials: AR

Publish in Black Mountain News weeks of 9/20/18 and 9/27/18.

Affidavit of Publication Requested	☒	Date: 09/12/18 Initials: AR
Legal Notice Attached to Agenda	☒	Date: 09/26/17 Initials: AR
Received Affidavit of Publication	☐	Date: Initials:

Legal Notice Publication Deadlines:

Citizen Times – 2:00 p.m. 2 days in advance – ads run Wednesday through Sunday

Black Mountain News – 12:00 noon Mondays for current week publication

ORDINANCE NO. #O-18-04

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE II, DIVISIONS 1-4 FOR
PRIVILEGE LICENSE AND TAXATION

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Board of Aldermen on the 13th day of December, 1993; and

NOW, THEREFORE, BE IT RESOLVED Chapter 9, Article II, Divisions 1-4 is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. ARTICLE II – ~~PRIVILEGE LICENSE AND TAXATION~~ **BUSINESS REGISTRATION**

DIVISION 1 – GENERALLY

Section 9-19 – ~~Definitions.~~ **Purpose.**

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

~~Business means and includes each trade, occupation, profession, business, and franchise taxed under this article.~~

~~Seasonal in nature means, when used to describe a business, a business conducted for profit six months out of the year or less.~~

- A. Adopt a new Town of Black Mountain Business Registration Ordinance, based upon finding of the following purposes of justifications in accordance with North Carolina General Statute 160A-194.**
- B. The Town of Black Mountain Board of Aldermen hereby finds that businesses and occupations located within the municipal limits should be required to obtain an annual certificate from the town so that the following public purposed may be accomplished: ensuring compliance with zoning and land use regulations; enabling the public safety to be aware of buildings being used for commercial purposes so as to assist in fire protection; identifying businesses that should be listing property for taxation; protecting the pblic from scam artists or con men; and any other lawful purpose related to the exercise of the town's general police power, and the public health, safety and welfare.**

Section 9.20 – ~~Construction of this article.~~ **Definitions.**

~~This article is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under its term. In addition, issuance of a license~~

~~in accordance with the article does not excuse a licensee from compliance with any other applicable ordinance or statute. This article does not prevent the town from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.~~

Whenever used in this article (unless the context requires a different meaning):
Agent means a person authorized to promote, represent, and/or sell for an agency or business.

Business includes each trade, occupation, profession, business and franchise or other activity engaged in by any person or gain, profit, benefit or advantage, taxed under this article.

Fiscal year means the period beginning with July 1 and ending on June 30.

Licensee means a person who has paid the business registration levied by this article and obtained a business certificate.

Person includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, firm or other legal entity.

Town means the Town of Black Mountain.

Sections 9.21-9.43 – Reserved.

DIVISION 2 ~~LEVY~~ **ADMINISTRATION AND APPLICATION**

Section 9-44 - ~~Levy of tax.~~ **Application of ordinance.**

~~An annual privilege license tax is hereby levied on each business conducted within the town in the amounts set forth by ordinance.~~

The provisions of the ordinance codified in this article shall apply to all businesses within the Town of Black Mountain municipal jurisdiction unless specifically exempted or excluded from registering by the ordinance or by the laws of North Carolina.

Section 9-45 – ~~Applicability of tax.~~ **Application of other provisions.**

~~Each person who conducts a business within the town is subject to the provisions of this division. For the purposes of this section, a person “conducts business” when he engages in one act of business taxed under this division, and the business is conducted “within the town” if he maintains a business location within the town or if, either personally or through agents, he solicits business within the town limits, or picks up or delivers goods or services within the town limits.~~

All certificates provided for by this article shall be granted subject to any other applicable town ordinance, or state or federal law.

Section 9.46 – ~~Period of license; due date.~~ Exclusions.

- (a) ~~Annual licenses. Unless an ordinance levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this division is good for the 12-month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.~~
- (b) ~~Licenses for periods shorter than one year. If an ordinance levying the privilege license tax applicable to a particular business so provides, a license may be issued for a period of one day, one week, or some comparable period of less than a full license year. A person may not commence a business conducted within the town and taxed under such a provision until the privilege license tax due is paid and may not continue such a business beyond the period for which the license is issued.~~

This article shall not apply to, and no certificate hereunder shall be required of:

- (1) *Any person holding a license issued by any occupational licensing board of this state as to the profession or trade that the person has been licensed to pursue by the state; or*
- (2) *Any digital dispatching service for pre-arranged transportation service for hire. See N.C.G.S. 160A-194(b) and (c).*

Section 9.47 – ~~Proration of tax.~~ Continuing authority of aldermen.

~~If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.~~

Nothing contained within this article shall be construed to prevent the town aldermen from imposing from time to time any license taxes allowed by law as are not specifically herein defined or required, nor from prohibiting or regulating any business or acts licensed hereunder.

Section 9.48 – ~~Refunds.~~ Certificate prerequisite to conduct of business.

~~If, for any reason, a licensee discontinues his business during the license year, he is not entitled to a refund.~~

It shall be unlawful for any person to engage in any business or profession, unless excluded from the effect of this article by section 9.46 exclusions above, without first having secured the required certificate and paid the requisite fee therefore.

Section 9.49 – ~~Separate businesses.~~

~~A separate license is required and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other and are operated as a unit. In addition, a separate privilege license tax must be paid for each business taxable under this division conducted by the taxpayer at any one location; provided, however, that the town may issue a single license for all taxable business conducted at one location by a single taxpayer.~~

~~Section 9-50—Computation of tax.~~

~~License taxes and exemptions therefrom shall be computed based on the schedule of activities as is established and amended from time to time by ordinance.~~

Section 9-51 – 9.73 – Reserved.

DIVISION 3 – LICENSES

Section 9-74 – ~~Application.~~ **Application to be made.**

~~A person shall apply to the tax collector for each license required by this article no less than 30 days before the date the tax is due. The application, which shall be submitted on forms provided by the town, shall contain:~~

- ~~(1) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.~~
- ~~(2) The nature of the business.~~
- ~~(3) Where the business is conducted.~~
- ~~(4) An address where notices and statements may be mailed to as required by this article.~~
- ~~(5) Whether the business is regulated by a state occupational licensing board subject to G.S. ch. 93B, and if so, the serial number of the state license the applicant currently holds.~~
- ~~(6) Any other information the town determines to be necessary to compute the amount of tax due.~~

Except as otherwise provided by this article every business located within the town shall make application in writing to the town's business registration administrator; or designee, for the registration certificate required by this article. The application shall be upon a form provided by the town, and shall be filled out and signed by the applicant or an agent of the applicant. All information requested on the application shall be provided.

Section 9-75 – ~~Reasons for refusal or revocation.~~ **Standards for granting registration certificate.**

~~The town shall refuse to issue a license or shall revoke a license for either of the following reasons:~~

- ~~(1) The applicant misrepresents a fact relevant to the amount of tax due or his qualifications for a license.~~
- ~~(2) The applicant refuses to provide information necessary to compute the amount of tax due.~~

Before issuing any registration certificate, the official charged with consideration of such applications shall be satisfied that the applicant is of good character, or if the applicant is a corporate entity, that the officers or managers thereof are of good character. No license shall be issued if the application has failed or refused to complete the application form and all required parts thereof, or has failed to pay the full required certificate fee as set by the town aldermen.

Section 9-76 – ~~Unqualified applications; right to a conference.~~ **Issuance of certificate.**

- ~~(a) If, after receipt of the complete application, it is believed that a reason exists for refusing a license under section 9.75, the town shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the tax collector, shall, in accordance with section 9.85, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten days later the statement is received, request a conference to discuss the refusal. In the request, the application shall specify why the application for a license should not be refused. The tax collector shall arrange the conference within a reasonable time.~~
- ~~(b) If the collector refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a license, the tax collector shall cause the license to be issued in compliance with section 9.77.~~

Provided the applicant has duly completed the application form and paid the required certificate fee, and has met all the requirements of this article, the town business registration administrator, or designee, shall issue to the applicants a certificate on a form prepared by the town. The license shall show on its face the name of the registering business, the time period for which it is issued, and the amount of fee paid by the registrant.

Section 9-77 - ~~Authority of tax collector to issue; payment of tax a prerequisite.~~ **Record kept.**

~~If, after the receipt of the completed application, the tax collector believes that no reason exists for refusal of a license under section 9-75, the tax collector shall determine the amount of tax due and cause the applicant to be notified of that amount. The tax collector shall not cause a license to be issued until the tax is paid.~~

The town's business registration administrator or designee shall keep an exact copy of each certificate issued, including the approval of any board or official endorsed on the face of the same.

Section 9-78 – ~~Amount of tax disputed.~~ **Refusal to issue registration certificate; appeal.**

~~If a dispute arises over the amount determined to be due, the applicant may either refuse to pay and request a conference with the tax collector to discuss the determination or pay the~~

~~amount and request a conference to discuss the right to a refund. If a conference is requested, the tax collector shall arrange it within a reasonable time.~~

Any applicant refused or denied a certificate under this article may appeal to the town aldermen for review of such refusal or denial. Such appeal shall be in writing, and shall be delivered to the town clerk within 30 days after notice of such refusal or denial.

Section 9-79 – ~~Revocation.~~ **Assignment of registration certificate.**

- ~~(a) The tax collector shall revoke a license if a reason exists to revoke it as set forth in section 9-75. Before revoking a license, the tax collector shall give the licensee a written notice of the grounds for revocation, in accordance with section 9.85. The licensee may, within ten days after the day on which notice is served, request a conference with the tax collector in writing. The request shall specify the reasons why the license should not be revoked. The tax collector shall arrange the conference within a reasonable time.~~
- ~~(b) If the licensee fails to request a conference within ten days after the day on which notice is served, the tax collector shall revoke the license. If the licensee requests a conference, the tax collector may not revoke the license until after the conference.~~
- ~~(c) If the tax collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reasons exists for refusing to issue a license, the tax collector shall cause the license to be issued in accordance with this article.~~

Every certificate issued under this article shall be a personal privilege and shall not be assignable; except that when a business is carried on at a fixed location designated in the application therefore, and is then sold as a unit to a purchaser who is to carry on the same business at the same location, the certificate for such business may be assigned to such purchaser. In such case, the purchaser shall deliver the existing registration certificate, properly assigned, to the business at that location, and upon payment of the transfer fee as set from time to time by the town council, the purchaser shall be entitled to issuance of a new and appropriate certificate.

Section 9-80 – ~~Form and contents.~~ **Separate businesses; separate locations.**

~~A license shall show the name of the person licensed, the place where the business is conducted (if it is to be conducted at one place), the nature of the business licensed, the period for which the license is issued and the amount of tax paid. In addition, if a machine is licensed, the license shall show the serial number of the machine. A copy shall be kept of each license issued.~~

Every person engaged in more than one line of business, or having more than one place of business (even if the same type or line), shall secure a separate certificate for each separate line of business or business location, and shall pay a separate application fee for each certificate.

Section 9-81 - ~~Assignments.~~ Effect of change of business.

~~A license may be assigned if a business licensed under this article and carried on at a fixed place is sold as a unit to any person and the purchaser is to carry on the same business at the same place. Such a change shall be reported to the town in accordance with section 9-82. Otherwise, each license issued under this article is a personal privilege and is not assignable.~~

When a certificate is issued to carry on a certain line of business, and subsequently the certificate holder shall so change or alter its business to bring it under a different classification, the certificate holder shall, before making such change, deliver the certificate to the town business registration administrator, together with a written application for a new certificate for the new or altered line of business, and the appropriate scheduled fee. The town business registration official shall thereupon cancel the old certificate and issue a new and appropriate certificate.

Section 9-82 – ~~Changes in business conducted by licensee during tax year.~~ Display of certificate.

~~A licensee or an assignee shall report a change in the information contained in the license application to the town within ten days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the town when reporting the change.~~

- ~~(1) Changes affecting amount of tax due. If there are no reasons for revoking the license under section 9-75 and the change results in the imposition of a separate or additional tax, the license shall be reissued reflecting the change upon payment of the separate or additional tax.~~
- ~~(2) Changes not affecting amount of tax due. If there are no reasons for revoking the license under section 9-75 and the change does not result in an imposition of a separate additional tax, the license shall be reissued reflecting the change upon payment of a fee of \$1.00.~~
- ~~(3) Change requiring refusal of license. If there is a reason for revoking the license under section 9-75, the town shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with section 9-79.~~

Every certificate issued under this article shall be kept prominently at the place of business of the registered business named therein; or if such registered business has not fixed place of business, the certificate shall be kept wherever such business is being operated, and in a place where it can be seen by any town official desiring to inspect the same.

Section 9-83 – ~~Duplicate copy furnished.~~ Revocation and suspension of certificate.

~~Upon satisfactory proof that a license has been lost or destroyed, a duplicate shall be furnished for a fee of \$1.00.~~

Any certificate issued under this article shall be subject to revocation, or to suspension or indefinite time, by the town aldermen if the registered business shall violate any section of

this Code of Ordinances, or any state law, relative to such business, or if the registered owner is convicted of any felony or of any class 1 misdemeanor, or if in the judgement of the town aldermen the nature or manner or place of business of the registered business constitutes a nuisance or is a menace to the public health, safety or morals. Upon revocation or suspension of any such certificate, it shall be unlawful for the person to whom such certificate was issued to conduct such business until and unless the suspension is lifted or anew certificate duly issued.

Section 9-84 – ~~Record of conferences.~~ Certificate fee schedule.

~~The tax collector shall maintain, for three years, a record of each conference held in accordance with this article. The record shall contain the applicant's or licensee's name, the dates of all conferences, and brief statements of the issues discussed with the results reached. After three years, the tax collector shall dispose of the record in accordance with G.S. 121-5.~~

The fee required of every applicant for any business conducted or engaged in within the town as required by sections 9-48 and 9-75 of this article shall be as set forth in and made a part of the schedule of fees and charges adopted by the town aldermen in connection with the town's annual budget, as amended from time to time.

Section 9-85 — ~~Providing notice to an applicant or licensee.~~ Enforcement.

~~Whenever this article requires the tax collector to give written statement or notice to an applicant or licensee, the tax collector may do so in one of three ways:~~

- ~~(1) By personally delivering the statement or notice to applicant or licensee;~~
- ~~(2) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or~~
- ~~(3) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under rule 4, North Carolina Rules of Civil Procedure.~~

- (a) Criminal remedies. Conducting business within the town without having paid the registration fee imposed by this article, without a valid registration issued in accordance with this article, or without posting a registration in compliance with section 9-82 is a misdemeanor, punishable as provided in G.S. 160A-175(b). Each day that a person conducts business in violation of this article is a separate offense. Payment of affine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for fees imposed under this article.
- (b) Equitable remedies. In addition to the criminal remedies set forth in subsection (a) of this section and in compliance with G.S. 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this article.

~~DIVISION 4 — ENFORCEMENT AND COLLECTION~~

Section 9-114 — ~~Duty to determine whether tax due.~~

~~Each person has the duty to determine whether the business he conducts is taxed under this article and, if so, whether that tax has been paid for the current tax year.~~

~~Section 9-115—Tax collector to investigate.~~

~~If the tax collector has reason to believe that a person is conducting a business in the town in violation of this article, the tax collector or agent of the tax collector shall conduct an investigation to determine the person's tax liability.~~

~~Section 9-116—Duty to keep books.~~

~~Each person who conducts a business taxed under this article shall keep records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the town shall make a determination of that person's tax liability from the information available.~~

~~Section 9-117—Duty to permit inspection.~~

~~Each person who conducts business in the town shall permit the tax collector or agent for the tax collector to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.~~

~~Section 9-118—Duty to post license.~~

~~A licensee shall post his license conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper town officials. If a machine is licensed, the license shall be affixed to the machine.~~

~~Section 9-119—Notice of deficiency.~~

~~If it is determined that a person has not paid the full amount of tax due under this article, either for the current license year or for a prior year, the person shall be given a written notice of deficiency in accordance with section 9-85. The notice of deficiency shall specify the total amount of tax due, the provision of this article upon which the tax is based, the amount of tax paid, any interest due, the balance owed, the manner and time period in which the person may respond to the notice of deficiency, and the consequences of failing to respond as specified.~~

~~Section 9-120—Request for a conference.~~

~~The person may, within ten days after the day on which notice is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives a notice of deficiency may object on the following grounds:~~

- ~~(1) The tax due has already been paid;~~
- ~~(2) The tax amount has been miscalculated;~~
- ~~(3) The calculation has been based on incorrect or insufficient information concerning either the nature or the amount of business conducted; or~~
- ~~(4) The calculation is based on an erroneous interpretation of the provision of this article that establishes a category of business subject to a particular tax.~~

~~Section 9-121—Deficiency to become final.~~

~~———If the taxpayer fails to request a conference under section 9-120, the deficiency becomes final and the town shall proceed to collect the deficiency.~~

~~Section 9-122—Conference held.~~

~~———If the taxpayer requests a conference, the tax collector shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The tax collector shall maintain a record of each conference held for three years in accordance with section 9-84. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the issues discussed, and the results of the discussion. After three years, the records shall be disposed of in compliance with G.S. 121-5.~~

~~Section 9-123—Collection of deficiency.~~

- ~~(a) The tax collector may use any of the following methods to collect a deficiency:

 - ~~(1) Criminal prosecution in accordance with section 9-124(a);~~
 - ~~(2) Equitable relief in accordance with section 9-124(b);~~
 - ~~(3) The remedies of levy, sale, attachment and garnishment in accordance with section 160A-207; or~~
 - ~~(4) The remedies of levy and sale of real and personal property of the taxpayer within the town in accordance with the provisions of G.S. 105-109.~~~~
- ~~(b) Any person who commences or continues to conduct a business taxed under this article without payment of the tax is liable for the additional tax of five percent every 30 days as imposed by G.S. 105-109.~~

~~Section 9-124—Enforcement sanctions.~~

- ~~(a) Criminal remedies. Conduction business within the town without having paid the privilege tax imposed by this article, without a valid license issued in accordance with this article, or without posting a license in compliance with section 9-118 is a misdemeanor, punishable as provided in G.S. 105-109. Each day that a person conducts business in violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for taxes imposed under this article.~~

~~(b) Equitable remedies. In addition to the criminal remedies set forth in subsection (a) of this section and in compliance with G.S. 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this article.~~

READ, APPROVED AND ADOPTED by a vote of ____ to ____ this the 8th day of October, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 8, 2018**

SUBJECT: Public Hearing for Text Amendment to Definitions to Add Vacant Lot and Undeveloped Lot

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9B
Department:	Building, Planning and Zoning Services Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: There has been confusion on what constitutes a vacant lot and what constitutes an undeveloped lot, so adding definitions for both will help clarify the confusion as well as make code enforcement more accurate for tall grass and weeds that are reported.

MOTION FOR CONSIDERATION:

1. Open the public hearing.
2. Close the public hearing.
3. Adopt the Statement of Consistency.
4. Adopt Ordinance #***O-18-05*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: Statement of Consistency, Ordinance #***O-18-05***, Text Amendment Worksheet, Planning Board Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt the Statement of Consistency and Ordinance #***O-18-05*** as presented [or as amended].



9B

LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, October 8, 2018 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, October 8, 2018 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments for Chapter 1, Section 1.2.3, Definitions to define vacant lots and undeveloped lots.

The meeting is open to the public.


Angela Reece
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Angela Reece, Town Clerk at 419-9310 or by email at angela.reece@townofblackmountain.org.

*Posted to the Town Bulletin Board 09/12/18
Published in the Black Mountain News 09/20/18 and 09/27/18*

www.townofblackmountain.org

Black Mountain News

9B

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: TOWN OF BLACK MOUNTAIN

Ad No.: 0003158206

Address: 160 MIDLAND AVE
BLACK MOUNTAIN NC 28711
USA

Pymt Method Invoice

Net Amt: \$43.21

Run Times: 1

No. of Affidavits:

Run Dates: 09/20/18

Text of Ad:



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

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September 20, 27, 2018
0003158206

LEGAL NOTICE CHECKLIST

NOTICE TEXT: Legal Notice for Text Amendment - Defintions

Legal Notice Prepared ☒ Date: 09/12/18 Initials: JT

Legal Notice Posted on Board ☒ Date: 9/12/18 Initials: AR

Legal Notice Sent to Jessica ☒ Date: 9/12/18 Initials: AR

Legal Notice Sent to Angela ☒ Date: 09/12/18 Initials: JT

Legal Notice Sent to Paper ☒ Date: 9/12/18 Initials: AR

Publish in Black Mountain News weeks of 9/20/18 and 9/27/18.

Affidavit of Publication Requested ☒ Date: 9/12/18 Initials: AR

Legal Notice Attached to Agenda ☒ Date: 09/26/18 Initials: AR

Received Affidavit of Publication ☐ Date: Initials:

Legal Notice Publication Deadlines:

Citizen Times – 2:00 p.m. 2 days in advance – ads run Wednesday through Sunday

Black Mountain News – 12:00 noon Mondays for current week publication



Town of Black Mountain
160 Midland Avenue ♦ Black Mountain, NC 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030
www.townofblackmountain.org

Item 9B

TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Applicant Name: Planning Staff Date: 9/11/18

Address: 160 Midland Avenue

Phone: 419-9300 Fax: 419-2030 Email: jennifer.tipton@townofblackmountain.org

TEXT AMENDMENT LOCATION AND REQUEST

Chapter: 1 Section: 1.2.3 Title: Definitions

Current Text: see attached

Requested Amendment: see attached

Reason for Requested Amendment: There is confusion about what constitutes vacant land versus undeveloped land in regards to complaints & code enforcement. Having a definition for each would make it easier to determine if a lot is just vacant or still in its natural state.

Applicant Signature _____ Applicant Printed Name _____ Date _____

FOR OFFICE USE ONLY

Date Received: 9/11/18 Received by: Jennifer Tipton

Fee: \$100.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: 9/24/18 Vote: 6 to 1 For ☒ Against ☐

Board of Aldermen Call for Public Hearing Date: 9/10/18

Board of Aldermen Meeting Date: 10/8/18 Vote: _____ to _____ For ☐ Against ☐

ORDINANCE NO. #O-18-05

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3 DEFINITIONS TO ADD
VACANT LAND AND UNDEVELOPED LAND

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Board of Aldermen to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, the following text amendments are required in order to carry out vision statement three: community appearance; vision statement seven: housing and neighborhoods; and vision statement seven: housing and neighborhoods of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED Chapter 1, Section 1.2.3 is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. SECTION 1.2.3 DEFINITIONS

Land, vacant: A lot or parcel of land that is partially or fully prepared for development (i.e., graded, utilities installed, access drive installed) on which no improvements that have been permitted or require permitting have been constructed.

Undeveloped land: Land in its natural state.

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this the 8th day of October, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
A STATEMENT OF CONSISTENCY FOR:
TEXT AMENDMENTS TO CHAPTER 1, SECTION 1.2.3, DEFINITIONS**

THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, upon motion made and passed, adopts the following Statement of Consistency:

WHEREAS, the Town of Black Mountain has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the proposed text amendment has been reviewed by the Planning Board which recommends its enactment to the Board of Aldermen; and

WHEREAS, the Board of Aldermen find that this land use code text amendment is reasonable and in the public interest because of the following findings:

- The definitions will better clarify the difference between vacant land and undeveloped land.
- The clarification will help in enforcement actions on complaints of tall grass and weeds on lots that have been developed and left vacant and lots that have not been developed and are still in their natural state.
- It will not be detrimental to the public health, safety or welfare of the community.

WHEREAS, the Board of Aldermen find that this land use code text amendment is consistent with the Town of Black Mountain Comprehensive Plan 2014 Update in the following ways:

- Vision Statement 7: Housing and Neighborhoods – to allow for well-maintained lots that have been developed but may still be vacant.

WHEREAS, after notice duly given, a public hearing was held on October 8, 2018 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN ADOPT THIS STATEMENT OF CONSISTENCY, by a vote of ____ to ____ on this the 8th day of October, 2018.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

Item9B

To: The Board of Aldermen for the Town of Black Mountain

From: The Planning Board for the Town of Black Mountain

Date: September 24, 2018

Subject: Zoning Text Amendment

Description: Add definitions for vacant lot and undeveloped lot

Address: N/A

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

☒ The zoning amendment **is approved and is consistent with the Town's comprehensive plan and is reasonable and in the public interest** because:

How consistent with plan: definition clears confusion of what constitutes vacant land and undeveloped land in regards to complaints and code enforcement

Why is it reasonable and in the public interest: adds clarity and adds opportunity for enforcement

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan and/or is not reasonable and in the public interest** because:

How inconsistent with the plan: _____

Why is it not reasonable and in the public interest: _____

☐ In addition to approving this zoning amendment, this approval **is also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:

Adopted by the Planning Board by a vote of 6 to 1 on this the 24th day of September, 2018.

Minutes Follow this Section

Attachment for item 8A, Draft CAFR is a large file and is available by contacting the Clerk.
The final document will be posted to the website.



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN

SPECIAL CALL MEETING MINUTES

(Public Version)

September 5, 2018

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Wednesday September 5, 2018 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC and upon a motion duly made by Vice Mayor Maggie Tuttle, entered into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11 (a)(6) at 8:30 a.m. on Wednesday September 5, 2018 in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC.

1. CALL TO ORDER

Mayor Collins called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Carlos Showers
Alderman Ryan Stone
Alderman Tim Raines- absent

The following staff members were present:

Ron Moore, Interim Town Manager
Angela Reece, Town Clerk
Ron Sneed, Town Attorney– absent

Vice Mayor Maggie Tuttle moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 8:30 a.m.

The motion was approved by a vote of 4-0

Alderman Larry B. Harris moved to return to open session at 9:27 a.m.

The motion was approved by a vote of 4-0.

There being no further business, on a motion made by Alderman Larry B. Harris and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 9:27 a.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
September 6, 2018

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, September 6, 2018 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for Monday, September 10, 2018 at 6:00 p.m.

1. CALL TO ORDER

Mayor Don Collins called the meeting to order at 5:05 p.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry B. Harris
Alderman Carlos Showers
Alderman Ryan Stone
Alderman Tim Raines - absent

The following staff members were present:

Ron Moore, Interim Town Manager
Angela L. Reece, Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Jamey Matthews, Public Services Director
Joshua Henderson, Recreation Director

The Board reviewed the items that were proposed for the September 10, 2018 regular session meeting and ADDED New Item Charter Amendment for Even Year Elections to New Business for discussion. The Board also ADDED Request to Acquire Blue Ridge Assembly Drive Water Line – City of Asheville Water Line Transfer Agreement Amendment AND Service Agreement for Town Water Distribution System to New Business for discussion.

Mayor Don Collins opened the meeting. Interim Town Ron Moore presented the proposed agenda to the Board of Aldermen. Reverend Trent Holbert of Black Mountain will give the invocation.

Manager Moore discussed **Item 5B**, Budget Amendment for Golf Fund Deficit stating this is the year end transaction to balance the golf fund for the last fiscal year.

Manager Moore discussed **Item 5C**, Budget Amendment for Replacement of HVAC at Lakeview and Grey Eagle stating one unit was replaced at Lakeview and four units were replaced at the Grey Eagle. Manager Moore stated the funds were appropriated from the Recreation budget utilizing funds that were budgeted for window replacement.

Black Mountain Board of Aldermen
Agenda Workshop Minutes –September 6, 2018

Manager Moore discussed **Item 5D**, Resolution in Support of Dynamic Messaging Signs for I40-NCDOT Funded stating the NCDOT has funding to implement permanent messaging signs in each direction along I40 near exit 64 in Black Mountain that will aid in traffic control and important safety messages for the area.

Manager Moore discussed **Item 5E**, Call for Public Hearing to Close a Platted Portion of Wolf Creek Drive stating the Planning Board has recommended this closure and have spoken with the property owners who advised they had no intention of developing the property as it is too steep. Manager Moore presented a letter from the Fire Department.

Manager Moore discussed **Item 5F**, Call for Public Hearing for Text Amendments to Replace Privilege License Section with Business Registrations stating the NC General Assembly changed the law regarding privilege licenses and this amendment reflects those changes locally.

Manager Moore discussed **Item 5G**, Call for Public Hearing for Text Amendments to Definitions to Add Vacant Lot and Undeveloped Lot stating this amendment is necessary to clarify what is a vacant lot versus an undeveloped lot in the town ordinance.

Mayor Collins discussed **Item 7A**, Agreement for Wholesale Purchase of Water from city of Asheville with the Board agreeing to continue to keep this item on the agenda for discussion.

Mayor Collins inquired of the Board if they wished to add Even Year Elections to the agenda for discussion. Alderman Larry B. Harris reminded everyone that the City of Asheville was mandated by the NC General Assembly to move to even year elections which results in a significant cost increase to the town to continue holding odd year elections. Alderman Harris stated if approved, this would extend Board members terms by one year until the next election cycle. Alderman Harris reminded citizens that this would require a change to the Charter of the Town and would need NC General Assembly approval. Attorney Sneed stated the Board of Aldermen would need to resolve to make this change then it would be presented to the legislature to proceed. Alderman Harris stated he may make a motion at the regular meeting for the Attorney to proceed with a draft resolution to present.

Alderman Larry B. Harris moved to ADD Charter Amendment for Even Year Elections to New Business for discussion.

The motion was approved by a vote of 4-0.

Alderman Larry B. Harris stated he would also like to add another item into New Business to pick up a water line to service the Blue Ridge Assembly area. Alderman Harris stated the water line will be taken over in one year in the waterline transfer agreement however, City of Asheville and Black Mountain Staff have deemed the line inadequate and a possible safety risk. Alderman Harris stated he would like to proceed with taking this line over and upgrading it to a larger line to adequately service the area.

Alderman Larry B. Harris moved to ADD Request to Acquire Blue Ridge Assembly Drive Water Line – City of Asheville Water Line Transfer Agreement Amendment to New Business.

The motion was approved by a vote of 4-0.

Black Mountain Board of Aldermen
Agenda Workshop Minutes –September 6, 2018

Alderman Carlos Showers reminded citizens that the town will have changes to the sanitation schedule beginning October 1, 2018 and discussed his concerns of Waste Pro not picking up items on schedule. Alderman Larry B. Harris reminded citizens that the Waste Pro contract is active for four years and stated staff will continue to address complaints. Mayor Collins stated the sanitation schedule change is to better serve the town and to have back up vehicles available to ensure items are picked up on time. Public Works Director Jamey Matthews stated breakdowns are a result of frequent usage of trucks and by making a schedule change this removes Black Mountain from the County's route schedule, making more trucks available to service our citizens.

Manager Moore stated he recommends adding Service Agreement for Town Water Distribution System to New Business. Manager Moore stated the current employee, Charlie Gross, has a private business and is leaving employment with the town to peruse this. He stated Mr. Gross has many state required certifications and licenses and has agreed to continue servicing the Town's water system at a fraction of the cost of hiring another employee to perform this task. Public Works Director Jamey Matthews reminded the Board he has a succession plan in place but acquiring these types of certifications and licensing take time. Approval of this agreement will allow the Town to remain in compliance with state law.

Alderman Larry B. Harris moved to ADD Service Agreement for Town Water Distribution System to New Business for discussion.

The motion was approved by a vote of 4-0.

Alderman Larry B. Harris moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 5:27 p.m.

The motion was approved by a vote of 4-0

Alderman Larry B. Harris moved to return to open session at 5:45 p.m.

The motion was approved by a vote of 4-0.

There being no further discussion, on a motion by Alderman Larry B, Harris with a vote of 4-0 Mayor Don Collins adjourned the meeting at 5:45 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: **September 10, 2018** Time: **6:00 p.m.** **Regular Session Minutes**

*The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Board of Alderman** to download materials for all Town board meetings.*

 **Conserve resources; print only when necessary.**

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door.

*Should you need other assistance or accommodation for this meeting, please contact
Town Clerk Angela Reece at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Don Collins called the meeting to order at 6:00 p.m. with the following members present:

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry B. Harris
Alderman Ryan Stone
Alderman Carlos Showers
Alderman Tim Raines

The following staff members were present:

Ron Moore, Interim Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Steve Jones, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Services Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. Reverend Trent Holbert of Black Mountain gave the invocation.

Mayor Collins thanked everyone in attendance and expressed appreciation to all those who were attending for the first time and also the viewing audience. The re-broadcast of each regular meeting is shown throughout the month on Charter Cable's Buncombe County Channel 192 at 8:00 p.m. on Sundays. Meetings initially air the same week in which they occur and are shown weekly until the next regularly scheduled meeting. Citizens may also go to the Town website www.townofblackmountain.org at any time and view the most recent regular meeting of the Board.

Black Mountain Board of Aldermen
Regular Session Minutes – September 10, 2018

In his announcements Mayor Collins asked Planning Director Jessica Trotman to give an update on stormwater. Director Trotman stated she is making progress on updating the stormwater ordinance and will continue these efforts which will include engineers and community stakeholders. Director Trotman stated she is also considering requiring additional permits for large projects as well as requiring developers to meet with staff before their stormwater plans are submitted for review. Director Trotman asked citizens to assist with mapping stormwater problems in the community and presented a form in which citizens can begin documenting any problems they see in the community.

Mayor Collins asked Public Works Admin Assistant Tausha Millwood to give an update on trash and recycling pickup. Mrs. Millwood stated beginning October 1, 2018 the Black Mountain sanitation schedule will change. This change will allow for additional trucks to be dedicated to Black Mountain customers thereby improving waste removal. She stated this will include changes to the trash/recycling and white goods pickup days. Mrs. Millwood stated Waste Pro advised as of Oct 1, they will no longer be servicing another location on Thursdays and Fridays and having those extra drivers and equipment available would allow them to offer Black Mountain customers better service by having a spare driver and truck in the event of breakdowns. This will eliminate the need to leave some routes on the ground overnight. An announcement has been posted on the Town of Black Mountain's website as well as published in the Black Mountain News. Please visit www.townofblackmountain.org to view the notice and schedule.

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation Honoring Bill Hamby

Mayor Collins presented a proclamation honoring Bill Hamby declaring the day as Bill Hamby Day in the Town of Black Mountain, thanking him for his service to the area and to the Swannanoa Valley Christian Ministry for over 30 years. Mr. Hamby received his proclamation and thanked the Board of Aldermen and town administration in the Hope for Tomorrow project. Mr. Hamby thanked the former Town Manager and current town planning staff for assisting with significant cost savings for the project through incentives and identification as affordable housing. Mr. Hamby stated this is a happy and sad day but his plans for retirement include spending much of it with a new grandchild on the west coast. Mr. Hamby stated it was an honor to serve Black Mountain.

B. Hunger Awareness Month- Bounty & Soul

Mayor Collins recognized the month of September as Hunger Awareness Month presenting a proclamation to Bounty & Soul who strive to provide hunger relief to the Black Mountain Community. Karla Gardner, Director of Community Engagement with Bounty & Soul addressed the Board of Aldermen and citizens encouraging citizens to get involved in community groups and with businesses to help end hunger in the area. Director Gardner stated Bounty & Soul serves 700 families and individuals each week and operates 5 fresh produce markets each week with a component of nutrition education.

3. CITIZEN COMMENTS

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Individuals wishing to address the Board 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 Board. 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.

Cannan Hyde of S. Oconeechee, Black Mountain addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property from the Tudor Croft development.

William Jenkins of S. Oconeechee, Black Mountain addressed the Board of Aldermen expressing his concerns for stormwater runoff and support for his neighbor's, Mr. and Mrs. Hyde stating he has discovered a large drain pipe at the rear of his property that is deflecting stormwater onto his property.

Weston Hall of Portmanvilla Rd., Black Mountain addressed the Board of Aldermen expressing his concerns for stormwater runoff in his area stating he will be collecting stormwater information from citizens to present to the Board of Aldermen.

Phil Noblitt of Greenbriar, Black Mountain addressed the Board of Aldermen expressing concerns of waste management. Mr. Noblitt stated he is concerned that area residents are placing trash out the night before pickup and said it is being strewn about by bears in the area. Mr. Noblitt asked the Board of Aldermen to consider an ordinance requiring bear proof containers or enforcing existing ordinances regarding trash.

Bev Macsherry of Enthoffer St., Black Mountain addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property stating her basement is constantly flooded.

Sue Stigleman of E. Keesler Ave., Black Mountain addressed the Board of Aldermen expressing her concerns of stormwater runoff on her property and asked for more information on rain gardens.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

At home viewers can view the video presentations by clicking [here](#).

A. Black Mountain Golf Course Annual Report, Brent Miller, Golf Operations Manager

Brent Miller, Golf Operations Manager gave the Annual Black Mountain Golf Course report to the Board of Aldermen. Mr. Miller stated he is excited to introduce the new Golf Course dog, Calvin who was purchased in May 2018 to herd geese away at the Golf Course. Mr. Miller stated there were around 180 geese on the course prior to the dog and now around 10 and said this significantly has reduced the waste being left on the course and around Lake Tomahawk. Mr. Miller stated 24.7 inches of rain for the month of May greatly impacted golf operations this season which triggers disease on the fairway grasses. Mr. Miller stated he decided to rearrange the greens earlier this year to mitigate the damage and added additional material to the greens which improve the overall turf conditions. Mr. Miller acknowledged golf staff for maintenance of the course. Mr. Miller discussed revenues stating they were decreased this year mainly due to the wet season. Mr. Miller discussed the streambank restoration which is entering its second phase and advised the

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community that the appearance of the vegetation is necessary to trap silt to keep it from flowing downstream into Lake Tomahawk.

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.

Interim Town Manager Moore presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

Motion: *To adopt the minutes of August 9, 2018 (Closed Session), August 9, 2018 (Agenda Session), August 13, 2018 (Closed Session), August 13, 2018 (Regular Session), August 17, 2018 (Closed Sessions), August 9, 2018 (Closed Session), August 23, 2018 (Closed Session), August 24, 2018 (Closed Session), August 30, 2018 (Closed Session).*

B. Budget Amendment for Golf Fund Deficit **#FY2018-14**

Motion: *To approve Budget Amendment #FY2018- as submitted, increasing expenditure accounts 1000-5000-560 (Transfer to Golf) by \$130,530, and 5092-3905-900 (Fund Balance Appropriated) by \$130,530 and increasing the revenue accounts 1000-3905-900 (Fund Balance Appropriated) by \$130,530 and 5092-3808-800 (transfer from General Fund) by \$130,530.*

Manager Moore stated this budget amendment is necessary to balance the Golf Fund for the fiscal year end.

C. Budget Amendment for Replacement of HVAC at Lakeview and Grey Eagle **#FY2019-2**

Motion: *To approve Budget Amendment #FY2019-2 as submitted. This amendment increases budgeted Capital expenditures in the Recreation Department by \$30,500, decreases assorted salary and benefit line items in the Recreation Department by \$24,960, and increase Fund Balance Appropriated by \$5,540.*

Manager Moore stated staff have received complaints from rentals of the air conditioning not working properly. He stated one air conditioning unit was replaced at Lakeview and four air conditioning units were replaced at the Grey Eagle. Manager Moore also stated the heavy rains resulted in water damage to the Lakeview Center in which repairs cost \$30,500. Manager Moore stated the funds to install the air conditioning units and repair the Lakeview Center were appropriated from the Recreation budget utilizing funds that were budgeted for window replacement and salary and benefit savings.

D. Resolution in Support of Dynamic Messaging Signs for I40 - NCDOT Funded **#R-18-18**

Motion: *To adopt resolution #R-18-18 in support of Dynamic Messaging Signs to be placed east and west of the Old Fort Mountain on I-40.*

Manager Moore stated the NCDOT has funding to implement permanent messaging signs in

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each direction along I40 near exit 64 in Black Mountain that will aid in traffic control and important safety messages for the area.

- E. Call for Public Hearing to Close a Platted Portion of Wolf Creek Drive **#R-18-17**

Motion: *To call for the public hearing to close an unopened, platted portion of Wolf Creek Drive to be held on Monday, October 8, 2018 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

- F. Call for Public Hearing for Text Amendments to Replace Privilege License Section with Business Registrations **#O-18-04**

Motion: *To call for the public hearing for text amendments to replace privilege licenses with business registrations to be held on Monday, October 8, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Manager Moore stated the NC General Assembly changed the law regarding privilege licenses and this amendment reflects those changes locally and codify the ordinance with the statute.

- G. Call for Public Hearing for Text Amendments to Definitions to Add Vacant Lot and Undeveloped Lot **#O-18-05**

Motion: *To call for the public hearing for text amendments to definitions, Chapter 1, Section 1.2.3, to be held on Monday, October 8, 2018 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Manager Moore stated this amendment is necessary to clarify what is a vacant lot versus an undeveloped lot in the town ordinance. Manager Moore stated these items will go in front of the Planning Board for review.

Consent Motion: *To approve consent items A-G as presented.*

Alderman Carlos Showers moved to approve consent items A-G as presented.

The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Board 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.

Marilyn Sobanski of Laurel Ave., Black Mountain addressed the Board of Aldermen expressing her concerns regarding even year elections. Ms. Sobanski asked the Board of Aldermen to continue elections on odd numbered years.

7. UNFINISHED BUSINESS

A. Agreement for Wholesale Purchase of Water from City of Asheville

Manager Moore stated the Town's water system produces half a million gallons per day and the town reserves an additional 200,000 gallons per day from the City of Asheville. Manager Moore explained to the public that the City of Asheville charges a set fee per amount of water being reserved per month as well as a fee for the actual usage. Manager Moore further explained the reserve amount depends on percent of capacity. He stated over the last year the average usage ranges anywhere from 153,000 gallons per day to 194,000 gallons per day and said staff is working to determine the actual average usage taking into account future growth and possible leaks. Manager Moore stated the water transfer agreement will allow Black Mountain to take in an additional 600 water customers from the City of Asheville in two phases. Alderman Larry B. Harris reminded everyone this transfer is being made possible through an EDA and Golden Leaf Grants to build a pumping station on US Highway 70 near Blue Ridge Road. Manager Moore stated it is important to calculate future water needs considering future development in this corridor along with current needs. Alderman Harris stated the completion date for the Avadim project is late 2019 and he prefers leaving this item under unfinished business to continue discussions each month until a determination of water needs is made.

8. NEW BUSINESS

A. Charter Amendment for Even Year Elections

Alderman Harris stated the election cost share with other municipalities in Buncombe County was approximately \$12,000 in the last election. Alderman Harris stated Biltmore Forrest has expressed interested in supporting a move to even year elections due to a cost savings. Alderman Harris stated he feels it is necessary to keep this item on the agenda until more information can be obtained from the remaining municipalities. Alderman Ryan Stone stated he feels this issue requires a fair amount of consideration by voters and said he does not feel the Board should act without public hearings and stated he feels this issue should be placed on the 2019 ballot as a referendum special election. Alderman Stone stated one of the things that could happen with this move would be that current Board members terms would be extended by one year.

B. Request to Acquire Blue Ridge Assembly Drive Water Line- City of Asheville Water Line Transfer Agreement Amendment

Alderman Larry B. Harris stated the Town of Black Mountain currently has a water agreement with the City of Asheville and it has come to the Town's attention and the City of Asheville's attention that the waterline on Blue Ridge Assembly Drive is not adequate in terms of pressure for fire safety. Alderman Harris stated this line is included the initial transfer but is asking for it to be turned over earlier than planned. Attorney Ron Sneed stated he has contacted Asheville's City Attorney to begin discussing the possibility of this.

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Alderman Larry B. Harris moved to pass a resolution to pursue accelerating the takeover of the waterline on Blue Ridge Assembly Drive from the City of Asheville.

The motion was approved by a vote of 5-0.

C. Service Agreement for Town Water Distribution System

Manager Moore stated the Town is required by law to maintain its water system and can be fined if this measure is not taken. Manager Moore stated maintaining the water system requires state licenses and certifications which current employee, Charlie Gross possesses. Manager Moore stated Mr. Gross has a private business and is leaving employment with the town to peruse those endeavors and has offered to continue servicing the Town's water system at a fraction of the cost of hiring another employee to perform this task. Public Works Director Jamey Matthews reminded the Board he has a succession plan in place but acquiring these types of certifications and licensing take time. Approval of this agreement will allow the Town to remain in compliance with state law.

Alderman Ryan Stone moved to adopt the Service Agreement for the Town's Water Distribution System.

The motion was approved by a vote of 5-0.

9. PUBLIC HEARING -NONE

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on 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.

10. COMMUNICATION FROM STAFF

A. Town Attorney – None at this time.

B. Interim Town Manager – Ron Moore discussed schedule changes and logistics of moving programs and staff from the Lakeview Center for repairs and stated a notice will be posted on the Town's website. Manager Moore stated Public Works and Recreation have now moved to the new building at 304 Black Mountain Avenue. Manager Moore introduced new employees; Recreation Director, Josh Henderson; Senior Center Program Supervisor, Melida Polites; and Recreation Activities Coordinator Gerard Harvey to the Board of Aldermen and citizens. Manager Moore thanked Public Works Director Jamey Matthews for a job well done in overseeing the Recreation Department through the transition as well as continuing to supervise his staff of 15 without disruption.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Carlos Showers asked the Board of Aldermen to issue a Happy Birthday to Sadie Berry who is 100 years old and is still working five days a week at her business on US Highway 70. Alderman Showers stated there has been a lot of turnover in the Parks and Recreation Department and praised staff for the professionalism in continuing programs and services during the transition. Alderman Showers requested Mary Soynova to address the

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Board of Aldermen regarding the Black Mountain welcome sign at exit 64 stating he supports replacing this sign. Ms. Soyenova reminded the Board she has been the sign painter in town for the last 20 years and said the sign in question has been in place for over 15 years. Ms. Soyenova stated she recommends replacement of this sign to include “The Little Town that Rocks” for a cost of \$1,281.

Alderman Carlos Showers moved to approve funding in the amount of \$1,281.00 for sign replacement at exit 64.

The motion was approved by a vote of 5-0.

Mayor Don Collins commended Public Works Director Jamey Matthews for taking on extra duties during the transition.

There was no further communication from the Board.

Alderman Larry B. Harris moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:28 p.m.

The motion was approved by a vote of 5-0

Alderman Larry B. Harris moved to return to open session at 7:35 p.m.

The motion was approved by a vote of 5-0.

Alderman Larry B. Harris moved to appoint Josh Harrold as Town Manager for the Town of Black Mountain pursuant to the terms and conditions contained in the employment contract.

The motion was approved by a vote of 4-1 with Alderman Ryan Stone opposing.

12. ADJOURNMENT

There being no further business, on a motion made by Alderman Larry B. Harris and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 7:39 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor