



TOWN OF BLACK MOUNTAIN

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

Date: **January 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.

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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 Trent Holbert, Black Mountain*
- Announcements – *Mayor Don Collins*

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation by Mayor Don Collins Honoring Dr. Martin Luther King Jr.

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 –NONE

A. Library Board Annual Report by *Robert Woodward, Chair*

B. Police Department Semi-Annual Report by *Shawn Freeman, Police Chief*

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
January 8, 2018

Motion: *To adopt the minutes of December 7, 2017 (Agenda Session), and December 11, 2017(Regular Session).*

Consent Motion: *To approve consent item A 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 – NONE

8. NEW BUSINESS

- A. Resolution to Modify Municipal Boundaries of the Towns of Black Mountain and Montreat
#R-18-02

Motion: *To adopt Resolution #R-18-02 calling on the North Carolina General Assembly to modify the municipal boundaries of the Towns of Black Mountain and Montreat as presented.*

- B. Town of Black Mountain Statement of Policy

Motion: *To adopt the revised Town of Black Mountain Statement of Policy as presented.*

- C. Appointment to fill vacancies on Town Boards and Commissions

1. **Historic Preservation Commission** – (1) vacancy/ unexpired term ending June 30, 2018

Nomination: _____

By: _____

Motion: *To appoint _____ to fill an unexpired term ending June 30, 2018
by a vote of _____ for and _____ against.*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

January 8, 2018

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 to discuss approval of Resolution #R-18-01 authorizing the Town of Black Mountain to file an application for approval of a financing agreement as Authorized by N.C.G.S. Section 160A-20 by the North Carolina Local Government Commission for the financing of the purchase of property located at 304 Black Mountain Avenue, Black Mountain, NC, such property being shown on the Buncombe County Tax maps as Pin #0619-34-0581.

Motion:

1. *To open the public hearing.*
2. *To close the public hearing.*
3. *To adopt Resolution #R-18-01, authorizing the Town of Black Mountain to make application to the North Carolina Local Government Commission for approval of a financing agreement authorized by N.C.G.S. 160A-20 for financing the purchase of property located at 304 Black Mountain Avenue, Black Mountain, NC, and described on the Buncombe County Tax maps as Pin #0619-34-0581, as presented [or as amended].*

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed
B. Town Manager – Matt Settlemyer

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT


Matt Settlemyer
Town Manager



Proclamation

Honoring Dr. Martin Luther King, Jr.

WHEREAS, Dr. Martin Luther King, Jr. inspired millions of Americans to participate in non-violent protests to support the ideals of equality for all and was a motivating force behind a civil rights movement that had as its goal the a creation of a society tolerant of all races, cultures and nationalities; and

WHEREAS, the ideals of Dr. King and of Black Mountain's commitment to human rights are worthy of reflection and serve as a reminder that improving the quality of life for all members of our community is a responsibility of every citizen, and

WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution- equality and justice for all; and

WHEREAS, the Town of Black Mountain encourages all citizens to rededicate themselves to the principles of respect for human rights and freedom, of belief in non-violence, and of commitment to improving our community through community service and volunteerism.

NOW, THEREFORE, I, Don Collins, Mayor of the Town of Black Mountain, on behalf of the Board of Aldermen and the citizens of Black Mountain, wish to honor and do hereby proclaim **Monday, January 8, 2018** as

"DR. MARTIN LUTHER KING, JR. DAY"

The Town of Black Mountain will honor Dr. Martin Luther King, Jr. at the 26th Annual Swannanoa Valley Prayer Breakfast, **Saturday, February 10, 2018** 8:00 a.m. at Camp Dorothy Walls, Black Mountain hosted by the local Martin Luther King, Jr. Memorial Corporation.

SIGNED this 8th day of January 2018.

Don Collins, Mayor

Attest:

Angela L. Reece, Town Clerk

Board of Aldermen
Minutes and Attachments
follow this section



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
December 7, 2017

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, December 7, 2017 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, December 11, 2017 at 6:00 p.m.

1. CALL TO ORDER

Mayor Sobol called the meeting to order at 5:00 p.m. with the following members present:

Mayor C. Michael Sobol
Vice Mayor Ryan Stone
Alderman Don Collins
Alderman Larry Harris
Alderman Carlos Showers
Alderwoman Maggie Tuttle

Alderman Elect Jeremie Konegni

The following staff members were present:

Matt Settlemyer, Town Manager
Angela L. Reece, Town Clerk
Ronald E. Sneed, Attorney
Steve Jones, Fire Chief
Jamey Matthews, Public Services Director
Casey Conner, Recreation Services Director
Jessica Trotman, Planning Director

The Board reviewed the items that were proposed for the December 11, 2017 regular session meeting and ADDED minutes from the December 4, 2017 (Special Call) to Item 4A, Adoption of Minutes. The Board also ADDED new Item 8E, Call for Public Hearing to approve R-18-01, authorizing the Town of Black Mountain to file application for approval of a financing agreement to purchase property. The board REMOVED Item 6I-4 Historic Preservation Commission appointment due to no applications being received.

Town Manager Settlemyer presented the proposed agenda to the Board of Aldermen. He stated Jack Taylor will give the invocation.

Manager Settlemyer discussed **Item 4B**, Capital Project Fund Ordinance Amendment Tomahawk Stream Stabilization and **Item 4C**, Budget Amendment for Tomahawk Stream Restoration stating these two items are linked and the project ordinance amendment is necessary to return funds to the General Fund, reducing project revenues and expenses to reflect actual revenues and expenditures.

Black Mountain Board of Aldermen
Agenda Workshop Minutes –December 07, 2017

Assistant Town Manager, Dean Luebbe stated the purpose of the budget amendment is to transfer back to the General Fund the unspent portion (\$27,425) of the original transfer to reflect actual project revenues and expenses at this point in time. Manager Settlemyer also stated these two items are related to **Item 8D**, Resolution to Support Matching Funds for Tomahawk Branch Stream Restoration Project. He stated this resolution is necessary to apply for grant funding to complete the second phase of the stream restoration project.

Manager Settlemyer discussed **Item 4D**, Budget Amendment for FEMA Reimbursement for the Party Rock Fire stating in November of 2017, the Town received \$30,819.33 as reimbursement from FEMA (passed through Buncombe County) for costs associated with the Party Rock Fire of November 2016. From November 11, 2016 through November 20, 2016, The Black Mountain Fire Department recorded over six hundred man hours and two hundred engine hours during this period.

Manager Settlemyer discussed the organizational meeting procedures and appointments to offices stating Steven D. Gogburn, Clerk of Buncombe County Superior Court will swear new board members in.

Manager Settlemyer discussed **Item 8C**, Revision of Recreation and Parks Master Plan stating the original plan was last updated in 2004 and said this update includes revised maps and an updated needs assessment. He stated the update assists with criteria for application for the PARTF grant and helps with opportunities with accreditation.

Manager Settlemyer discussed adding **new Item 8E**, Call for Public Hearing to approve Resolution #R-18-01 authorizing the Town of Black Mountain to file an application for approval of a financing agreement authorized by N.C.G.S. Section 160A-20 by the North Carolina Local Government Commission for the financing of the purchase of property located at 304 Black Mountain Avenue, Black Mountain NC, such property being shown on the Buncombe County Tax maps as Pin#0619-34-0581 stating the public hearing will be held on Monday, January 8, 2018 at 6:00 p.m. at 160 Midland Avenue, Black Mountain NC 28711. Attorney Sneed stated the Local Government Commission requires a resolution of the Board of Aldermen to authorize staff to go forward with obtaining approval for financing for the purchase of this property.

There was no further discussion by the Board.

Alderman Larry B. Harris moved to approve the agenda as amended.

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

There being no further discussion, Mayor C. Michael Sobol adjourned the meeting at 5:22 p.m.

ATTEST:

Don Collins, Mayor

Angela L. Reece, Town Clerk

Matt Settlemyer, Town Manager



TOWN OF BLACK MOUNTAIN

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

Date: **December 11, 2017** Time: **6:00 p.m.** **Regular Session Minutes**

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1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members present:

Mayor C. Michael Sobol
Alderman Don Collins
Vice Mayor Ryan Stone
Alderman Margaret Tuttle
Alderman Carlos Showers
Alderman Larry B. Harris

Alderman Elect Jeremie Konegni

The following staff members were present:

Matt Settlemyer, 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
Casey Conner, Recreation Services Director

Mayor C. Michael Sobol welcomed everyone and led the Pledge of Allegiance. Chaplain Jack Taylor of Mountain View Church Black Mountain gave the invocation.

Mayor Sobol 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

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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.

In his announcements Mayor Sobol encouraged the Board of Aldermen to continue working on the greenway project and continue to work with citizens in town to establish a lower building height requirement.

2. PROCLAMATION AND AWARD RECOGNITION

- A. Mayor C. Michael Sobol - *Presented by Vice Mayor Ryan Stone*
- B. Alderman Carlos Showers - *Presented by Vice Mayor Ryan Stone*

Vice Mayor Ryan Stone presented proclamations to Mayor C. Michael Sobol and Alderman Carlos L. Showers, thanking them for their dedication and service to the Town of Black Mountain.

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.*

Marilyn Sobanski of Rainbow Recycling, Black Mountain addressed the Board of Aldermen and citizens encouraging everyone to participate in the 10th Annual Holiday Recycling Event on Saturday, December 30, 2017 at Hopey & Co., 3018 U.S. Hyw. 70 West, Black Mountain.

4. 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.

Town Manager Settlemyer presented the consent agenda to the Board of Aldermen. There was no discussion on these items.

A. Adoption of Minutes

Motion: *To adopt the minutes of November 9, 2017 (Agenda Session), November 13, 2017 (Regular Session), December 4, 2017 (Special Call), and August 10, 2017 (Closed Session/Personnel).*

B. Capital Project Fund Ordinance Amendment Tomahawk Stream Stabilization #O-17-14

Motion: *To approve Capital Project Ordinance #O-17-14 Amendment for Tomahawk Stream Stabilization Capital Project Fund.*

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Manager Settlemyer stated this ordinance is necessary to amend the original project ordinance monetary figures and said original project budget was \$147,000 and the Town spent \$92,150. He said the Town's matching funds in the amount of \$27,425 should be transferred back into the General Fund. Manager Settlemyer stated the budget amendment Item 4C reflects the transfer.

C. Budget Amendment for Tomahawk Streambank Restoration

FY2018-04

Motion: *To approve Budget Amendment #FY2018-04 as submitted, decreasing the revenue accounts, 6500-3700-710 (NCDWR Grant) by \$27,425, and 6500-3915-945 (Transfer from GF) by \$27,425, and decreasing the expenditure accounts, 6500-5400-040 (Prof Services) by \$1,228 and 6500-5400-730 (Capital Outlay) by \$53,622, and decreasing the revenue account 1000-3905-900 (Fund Balance Appropriated) by \$27,425 and decreasing the expenditure account 1010-5400-543 (Transfer to General Capital Project Funds) by \$27,425.*

D. Budget Amendment for FEMA Reimbursement for Party Rock Fire

FY2018-05

Motion: *To approve Budget Amendment #FY2018-05 as submitted, decreasing the revenue account 1000-3905-900 (Fund Balance Appropriated) by \$30,820 and increasing the revenue account 1010-3350-300 (FEMA – Party Rock Fire) by \$30,820.*

Manager Settlemyer stated this budget amendment is to reflect the reimbursements from FEMA for the Party Rock Fire and said the Black Mountain Fire Department logged over six hundred man hours and two hundred engine hours during this period combined with the efforts of over a 1,000 firefighters from all over the State along with the US Forrest Service and Bureau of Land Management.

Alderman Larry B. Harris moved to approve consent items A-D as presented.

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

5. UNFINISHED BUSINESS – NONE

6. ORGANIZATIONAL MEETING

A. Oath of Office and Installation of Mayor-Elect, Don Collins
Steven D. Cogburn, Clerk of Superior Court

The Honorable Steven D. Cogburn issued the oath of office to Mayor Don Collins.

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- B. Oath of Office and Installation of Aldermen-Elect, Ryan Stone**
Steven D. Cogburn, Clerk of Superior Court

The Honorable Steven D. Cogburn issued the oath of office to Alderman Ryan Stone.

- C. Oath of Office and Installation of Aldermen-Elect, Jeremie Konegni**
Steven D. Cogburn, Clerk of Superior Court

The Honorable Steven D. Cogburn issued the oath of office to Alderman Jeremie Konegni.

- D. Appointment of Alderman for the Town of Black Mountain to an unexpired term ending 2019**

Alderman Ryan Stone moved to appoint Carlos L. Showers as Alderman to the Town of Black Mountain Board of Aldermen to fill an unexpired term ending 2019.

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

The Honorable Steven D. Cogburn issued the oath of office to Alderman Carlos L. Showers.

- E. Appointment of Vice-Mayor for the Town of Black Mountain**

Alderman Larry B. Harris moved to appoint Maggie Tuttle as Vice-Mayor to the Town of Black Mountain Board of Aldermen.

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

Vice Mayor Maggie Tuttle thanked everyone and expressed well wishes to all.

Mayor Don Collins thanked Buncombe County Clerk of Superior Court, Steven D. Cogburn, Buncombe County Commissioners, Ellen Frost and Mike Fryar, Town of Woodfin Mayor, Jerry Vebaun, and Buncombe County Manager, Mandy Stone for attending the meeting.

Mayor Don Collins briefly recessed the meeting at 6:31 p.m. and opened the meeting again at 6:40 p.m.

- F. Appointments of representatives and alternates to represent the Town of Black Mountain on boards/committees of outside agencies.**

- 1. Black Mountain Center for the Arts:**

There is one Board appointment and one Alternate to be filled for the Black Mountain Center for the Arts.

Vice Mayor Maggie Tuttle moved to appoint Town Manager Matt Settlemyer to serve as member of the Black Mountain Center for the Arts.

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

Alderman Ryan Stone moved to appoint Vice Mayor Maggie Tuttle to serve as alternate member of the Black Mountain Center for the Arts.

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

2. Black Mountain- Swannanoa Chamber of Commerce Executive Board:

There is one Board appointment and one Alternate to be filled for the Black Mountain-Swannanoa Chamber of Commerce Executive Board.

Alderman Ryan Stone moved to appoint Alderman Carlos Showers to serve as member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.

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

Alderman Carlos Showers moved to appoint Alderman Jeremie Konegni to serves as alternate member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.

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

3. Land of Sky Regional Council Board of Directors:

There is one Board appointment and one Alternate to be filled for the Land of Sky Regional Board of Directors.

Vice Mayor Maggie Tuttle moved to appoint Alderman Larry B. Harris to serve as member of the Land of Sky Regional Board of Directors.

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

Alderman Larry B. Harris moved to appoint Vice Mayor Maggie Tuttle to serve as alternate member of the Land of Sky Regional Board of Directors.

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

4. French Broad River MPO Board of Directors:

There is one Board appointment and one Alternate to be filled for the French Broad River MPO Board of Directors.

Alderman Larry B. Harris moved to appoint Alderman Ryan Stone to serve as member of the French Broad River MPO Board of Directors.

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

Alderman Ryan Stone moved to appoint Alderman Larry B. Harris to serves as alternate member of the French Broad River MPO Board of Directors.

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

5. French Broad River MPO Technical Coordinating Committee (TCC):

There is one Committee appointment and one Alternate to be filled for the French Broad River MPO Technical Coordinating Committee (TCC).

Alderman Carlos Showers moved to appoint Planning Director Jessica Trotman to serve as member of the French Broad River MPO Technical Coordinating Committee (TCC).

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

Alderman Larry B. Harris moved to appoint Town Manager Matt Settlemyer to serves as alternate member of the French Broad River MPO Technical Coordinating Committee (TCC).

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

6. Metropolitan Sewer District (MSD) Board of Directors:

There is one Board appointment to be filled for the Metropolitan Sewer District (MSD) Board of Directors.

Alderman Larry B. Harris moved to appoint Bob Watts to serve as member of the Metropolitan Sewer District (MSD).

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

7. Asheville Regional Housing Consortium:

There is one Board appointment and one Alternate to be filled for the Asheville Regional Housing Consortium.

Alderman Larry B. Harris moved to appoint Planning Director Jessica Trotman to serve as member of the Asheville Regional Housing Consortium.

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

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Vice Mayor Maggie Tuttle moved to appoint Alderman Jeremie Konegni to serve as alternate member of the Asheville Regional Housing Consortium.

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

- G. Adoption of the schedule for the Board of Aldermen Agenda Workshop and Regular Session Meetings for 2018.

Alderman Larry B. Harris moved to adopt the 2018 schedule of regular meetings of the Black Mountain Board of Aldermen as presented.

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

- H. Filing of 2017 Buncombe County Municipal Election Results

Alderman Ryan Stone moved to enter the 2017 Buncombe County Municipal Election Abstract of Votes into the minutes as part of the Town's record.

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

- I. Appointment to fill vacancies on Town Boards and Commissions

Alderman Ryan Stone clarified with Town Manager Settlemyer the process the Board follows to select candidates for the advisory boards and commissions. Manager Settlemyer stated the way the Board has generally made nominations is that board members will make a nomination and then a vote is taken on that nomination. Manager Settlemyer stated if the nomination receives enough votes to pass then the person is selected without further nominations.

1. **Planning Board** – (1) vacancy/ unexpired term ending June 30, 2018

Alderman Larry B. Harris moved to appoint Lee Scott Reed to fill an unexpired term on the Planning Board ending June 30, 2018.

The motion was approved by a vote of 4-1 with Alderman Jeremie Konegni voting against.

2. **Zoning Board of Adjustment** – (1) alternate vacancy

Alderman Carlos Showers moved to appoint Pam Pauly to fill the 3rd Alternate term on the Zoning Board of Adjustment.

The motion was approved by a vote of 4-1 with Alderman Jeremie Konegni voting against.

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3. **Greenways Commission** – (1) vacancy/ unexpired term ending June 30, 2020

Alderman Larry B. Harris moved to appoint Jennifer Billstrom to fill an unexpired term on the Greenways Commission ending June 30, 2018.

The motion was approved by a vote of 4-1 with Alderman Jeremie Konegni voting against.

7. **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.*

There were no citizen comments.

8. **NEW BUSINESS**

A. Financial Statements and Independent Auditor's Report for the Town of Black Mountain for Fiscal Year Ending June 30, 2017- by *Gould Killian CPA Group, P.A.*

The financial statements and independent auditor's report was presented by Travis Kever, Gould Killian CPA Group, P.A. The report is attached to and made part of these minutes. The audit reflects an unmodified opinion with no material weaknesses in internal control. The auditors also reported no material noncompliance with laws and regulations. Mayor Collins clarified the slight dip in the General Fund balance was due to the cash purchase of the fire truck in the amount of \$425,000. Alderman Larry B. Harris reminded citizens the Board has aggressively paid down debt which will is also reflected in the General Fund. Alderman Harris also reminded citizens debt was decreased while also having a slightly lower than revenue neutral tax rate to benefit citizens. Alderman Carlos Showers thanked staff and stated he appreciated their efforts and the sacrifices they make to move the town forward.

Alderman Larry B. Harris moved to accept the Auditor's Report for the Year Ending June 30, 2017, as presented.

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

B. Finance Quarterly Update, *Dean Luebbe, Assistant Town Manager/Finance Director*

The quarterly finance update was presented by Dean Luebbe, assistant Town Manager/Finance Director and is attached to and made part of these minutes. Mr. Luebbe stated the quarterly report covers the period between July 1, 2017 and September 30, 2017 and represents the first quarter of the FY17-18 budget. Mr. Luebbe stated building permit revenues have continued to increase over

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the last three years and said he is possibly expecting another record year. Mr. Luebbe discussed differences in available and unassigned fund balance stating the policy of the Town was that the unassigned fund balance needed to be 30% of the total general fund expenditures. He stated last year the figure was around 39%, and is currently around 35%. Alderman Larry B. Harris clarified that the unassigned fund balance has no restrictions placed on it. Alderman Harris stated the 30% policy is in place to allow coverage for any major catastrophe or unforeseen emergency the town may have. Mr. Luebbe stated the Local Government Commission's policy is for the available fund balance to be at least 8% but this would not be adequate for a municipality and budget of our size. Manager Settlemyer stated the town is on par with other municipalities of this size. Mr. Luebbe stated debt has continued to decrease considerably which allows for more flexibility to fund capital projects. Mr. Luebbe stated 80% of tax revenues come in from November through January and said cash holdings would be the greatest in January. Mr. Luebbe stated sales tax revenues have historically increased approximately 5% per year over the last six to seven years and said over the last year the revenues have decreased slightly. Mr. Luebbe explained the disbursement calculations for the municipalities within Buncombe County and said the town is receiving slightly less due to the decreased tax rate. Mr. Luebbe stated water sales were 28% of budget and golf revenues were down somewhat this quarter. Mr. Luebbe stated if everything goes as planned then the Golf Fund could have a \$40,000 revenue. Alderman Larry B. Harris stated there is an association between building permit revenues and the golf course and said the course makes the town an attractive place to live. Mr. Luebbe stated the town has four debts remaining out of fourteen over the last five years. Mr. Luebbe encouraged questions from board members as well as the public.

C. Revision of Recreation & Parks Master Plan, Casey Conner, Recreation Director

Town Manager Settlemyer stated the revised recreation and parks master plan includes updated maps, a needs assessment, and updated strategic planning. Manager Settlemyer stated the revision is needed for the CAPRA certification process as well as grant opportunities. Alderman Larry B. Harris clarified this process is revisited every three years.

Vice Mayor Maggie Tuttle moved to approve the revised Recreation & Parks Master Plan as presented.

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

**D. Resolution to support matching funds for Tomahawk Branch Stream Restoration Project
Phase II** **#R-17-06**

Town Manager Settlemyer recalled discussion in the consent agenda reiterating some of the budgeted project funds were not utilized and were placed back into the General Fund and stated this resolution is necessary to continue with the second phase of this project. Manager Settlemyer stated this portion of the streambank restoration will begin at Hiawassee Ave. and will have different design elements and will begin shortly after the permitting process in February or March 2018. Manager Settlemyer stated this project follows recommendation for improvements to water quality of the Swannanoa River and stormwater runoff. He stated this project works to mitigate the erosion problems at the golf course to improve the water quality of the Swannanoa River.

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Manager Settlemyer stated this project is eligible for grant funding which makes it more desirable to the town.

Alderman Larry B. Harris moved to adopt the resolution #R-17-06 in support of matching funds in the amount of \$74,000 presented.

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

- E. Call for Public Hearing to Approve Resolution #R-18-01 Authorizing the Town of Black Mountain to File an Application for Approval of a Financing Agreement Authorized by N.C.G.S. Section 160A-20 by the North Carolina Local Government Commission for the financing of the purchase of property Located at [304 Black Mountain Avenue, Black Mountain, NC](#), such property being shown on the Buncombe County Tax maps as Pin #0619-34-0581.

Town Manager Settlemyer stated a public hearing is required to proceed with purchasing the Foam and Fabric building.

Alderman Larry B. Harris moved to call for the public hearing to approve Resolution #R-18-01 authorizing the Town of Black Mountain to make application to the North Carolina Local Government Commission for approval of a financing agreement authorized by N.C.G.S. 160A-20 for financing the purchase of property located at [304 Black Mountain Avenue, Black Mountain, NC](#), and described on the Buncombe County Tax maps as Pin #0619-34-0581, which hearing shall be held on Monday, January 8, 2018 at 6:00 p.m., or as soon thereafter as the same may be heard, in the Board Room of Town Hall at [160 Midland Avenue, Black Mountain, North Carolina](#).

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 – Attorney Sneed reminded the board and citizens that Mary Hemphill has left property in the Appalachian Conservancy to be used as a town park and stated he and the planning Director, Jessica Trotman have initiated talks with the Appalachian Conservancy today and will have a more detailed report ready next month.
- B. Town Manager – Manager Settlemyer stated the Town of Black Mountain, in conjunction with Buncombe County and Metropolitan Sewerage District of Buncombe County has received a grant from the United States Department of Commerce Economic Development

Black Mountain Board of Aldermen
Regular Session Minutes - December 11, 2017

Administration in the amount of \$827,580 for water and wastewater infrastructure to prepare a site in Black Mountain Commerce Park to enable the expansion of Avadim Technologies, Inc. The total project cost is \$1.6 million dollars which includes additional contributions from the Golden Leaf Foundation. Manager Settlemyer stated this project will bring 551 jobs to the area.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris stated Erica Anderson with Land of Sky wrote the EDA grant and will administer it. Manager Settlemyer stated he will have Erica come give a presentation and timeline to the board and citizens. Alderman Harris also stated he appreciates the hard work of the public services staff in the recent snow storm.

Alderman Carlos Showers thanked the public for coming to the meeting and congratulated Mayor Don Collins, Alderman Ryan Stone, and Alderman Jeremie Konegni on their new appointments. Alderman Showers stated he truly appreciates the confidence the board has given him in asking him to continue to serve the town for the next two years.

Mayor Don Collins also thanked Alderman Ryan Stone and Alderman Jeremie Konegni on their appointments and thanked Alderman Showers for his willingness to continue to serve the town. Mayor Collins also thanked Maggie Tuttle for her willingness to serve as Vice Mayor.

Alderman Ryan Stone thanked everyone for attending the meeting and wished them happy holidays. Alderman Stone stated he and fellow board members are very excited to have a new board and look forward to working with citizens to address their concerns as they move forward. Alderman Stone thanked the public for the opportunity to serve and said he and the board will do their best to make citizens proud.

12. ADJOURNMENT

There being no further business, Mayor Don Collins adjourned the meeting at 7:38 p.m.

ATTEST:

Don Collins, Mayor

Angela L. Reece, Town Clerk

Matt Settlemyer, Town Manager

Attachments to the December 11, 2017 Board of Aldermen Meeting



**GOULD KILLIAN
CPA GROUP, P.A.**

CERTIFIED PUBLIC ACCOUNTANTS

TOWN OF BLACK MOUNTAIN

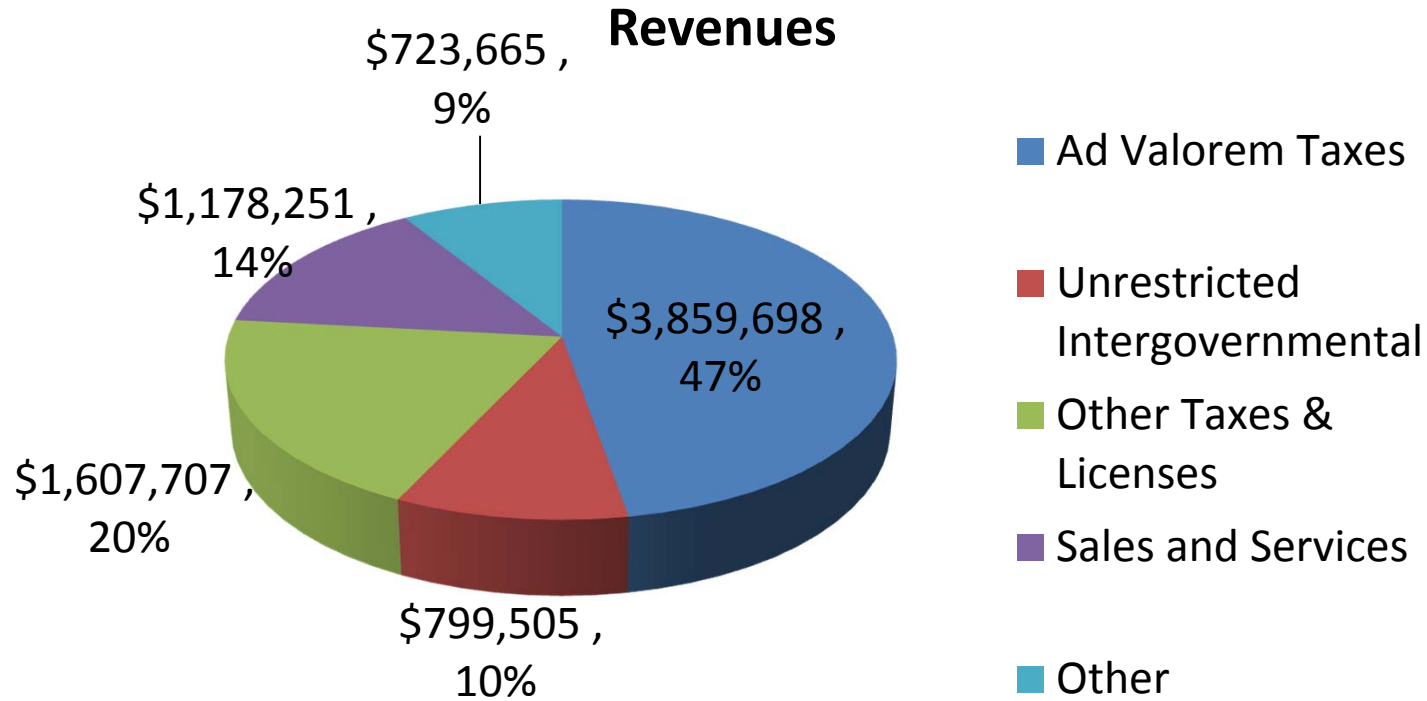
2017 Auditor Report to the Board

Audit Summary

- Thank you for allowing us to serve as your auditors
- We issued an unmodified (clean) opinion
- We reported no material weaknesses in internal control
- We reported no material noncompliance with laws and regulations
- Special thanks to Dean and the staff of the finance department for their hard work and cooperation in completing the audit

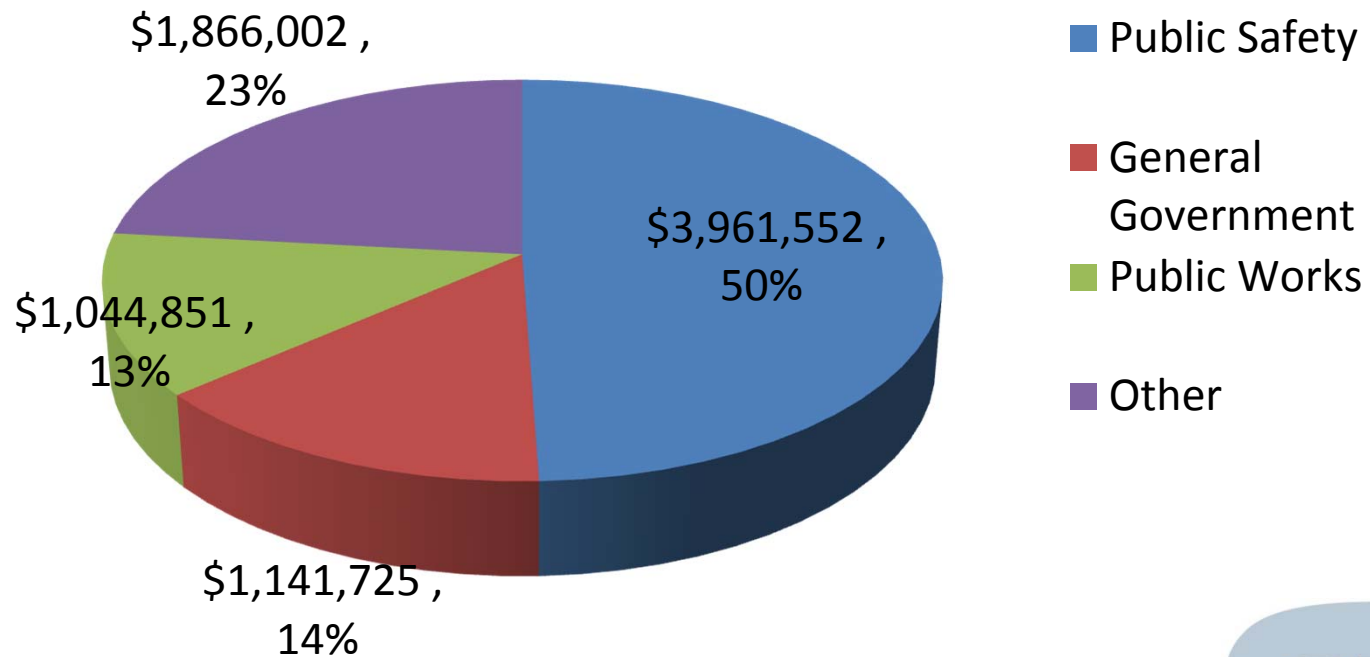


General Fund Summary



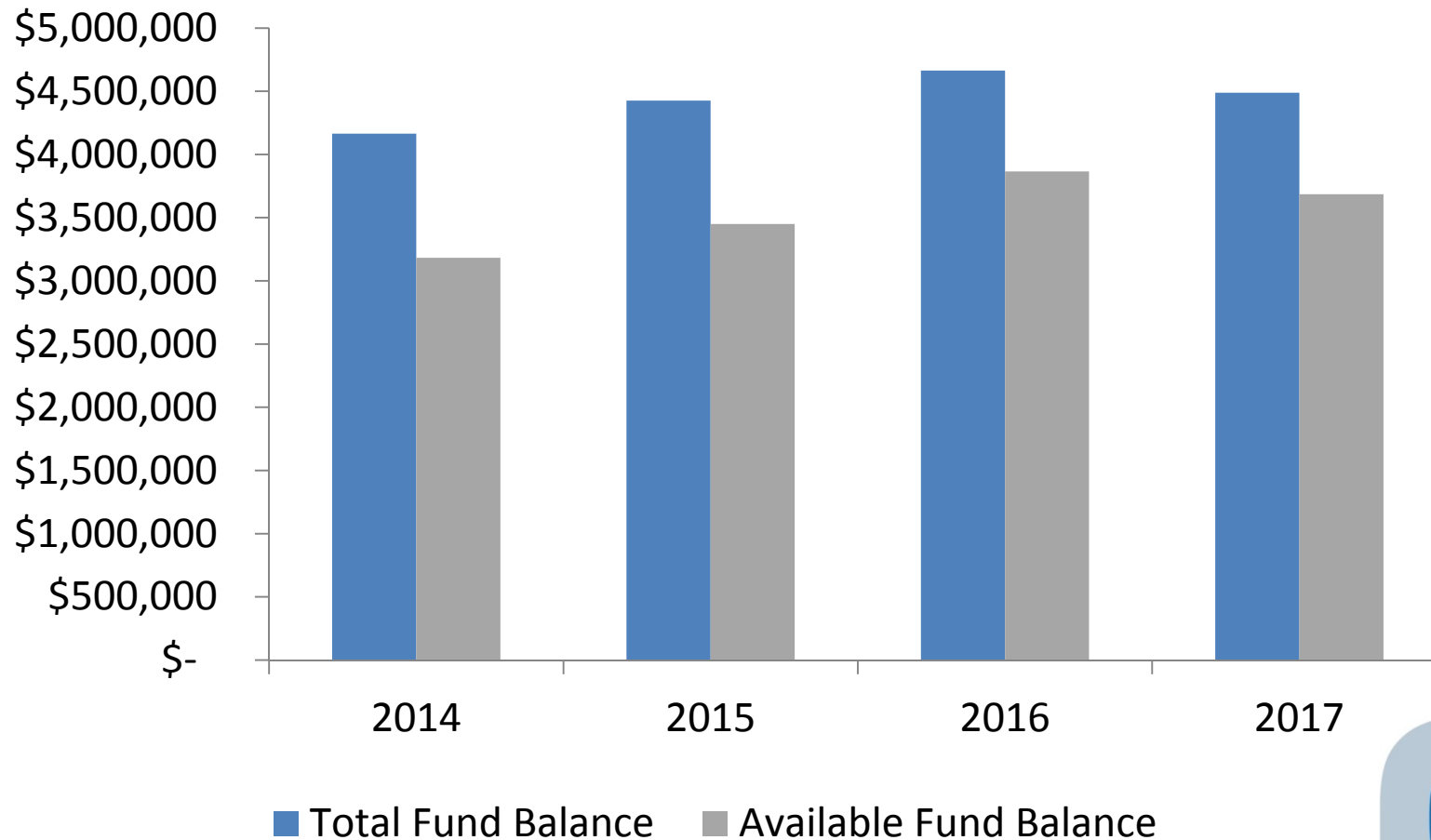
General Fund Summary

Expenditures



General Fund Summary

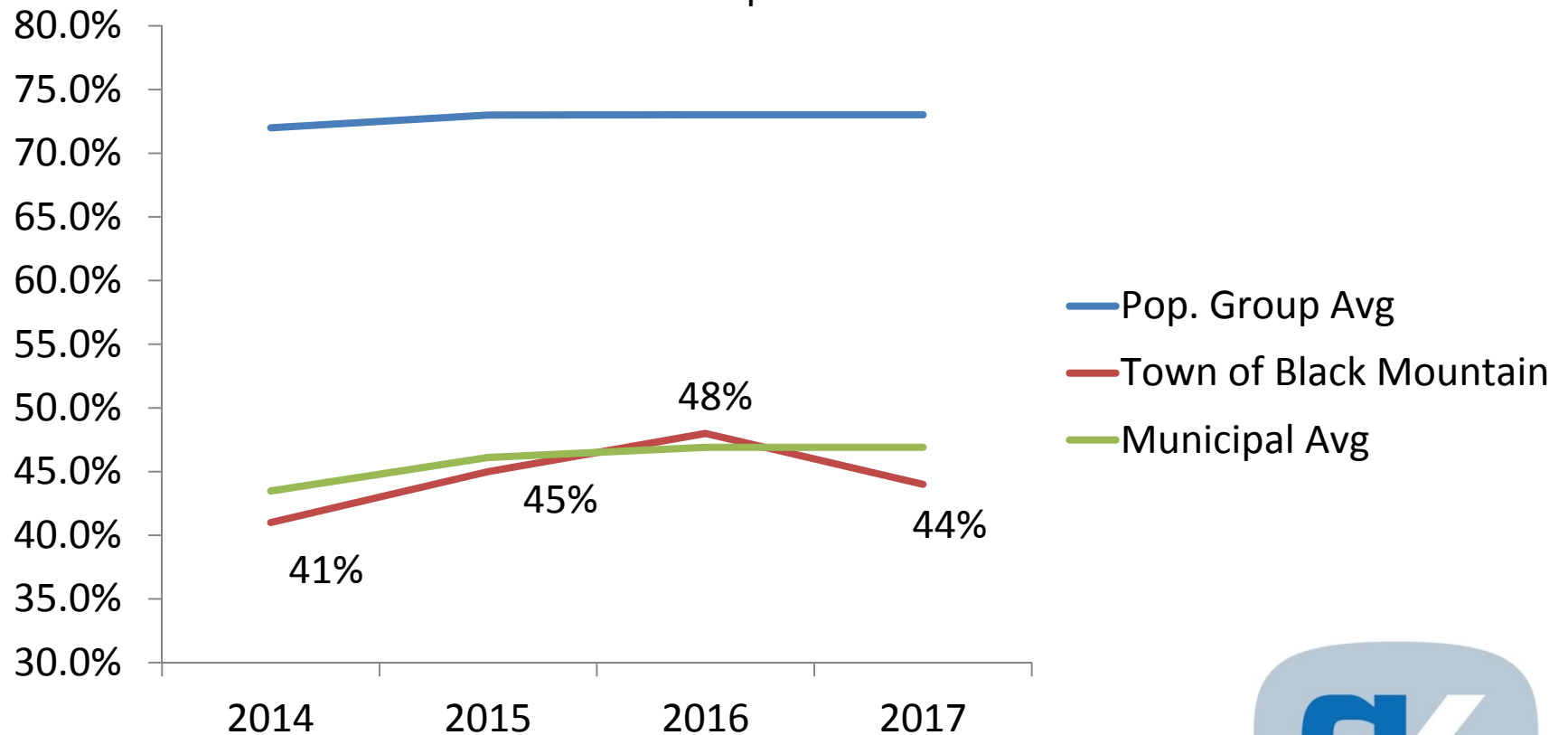
Fund Balance Available



General Fund Summary

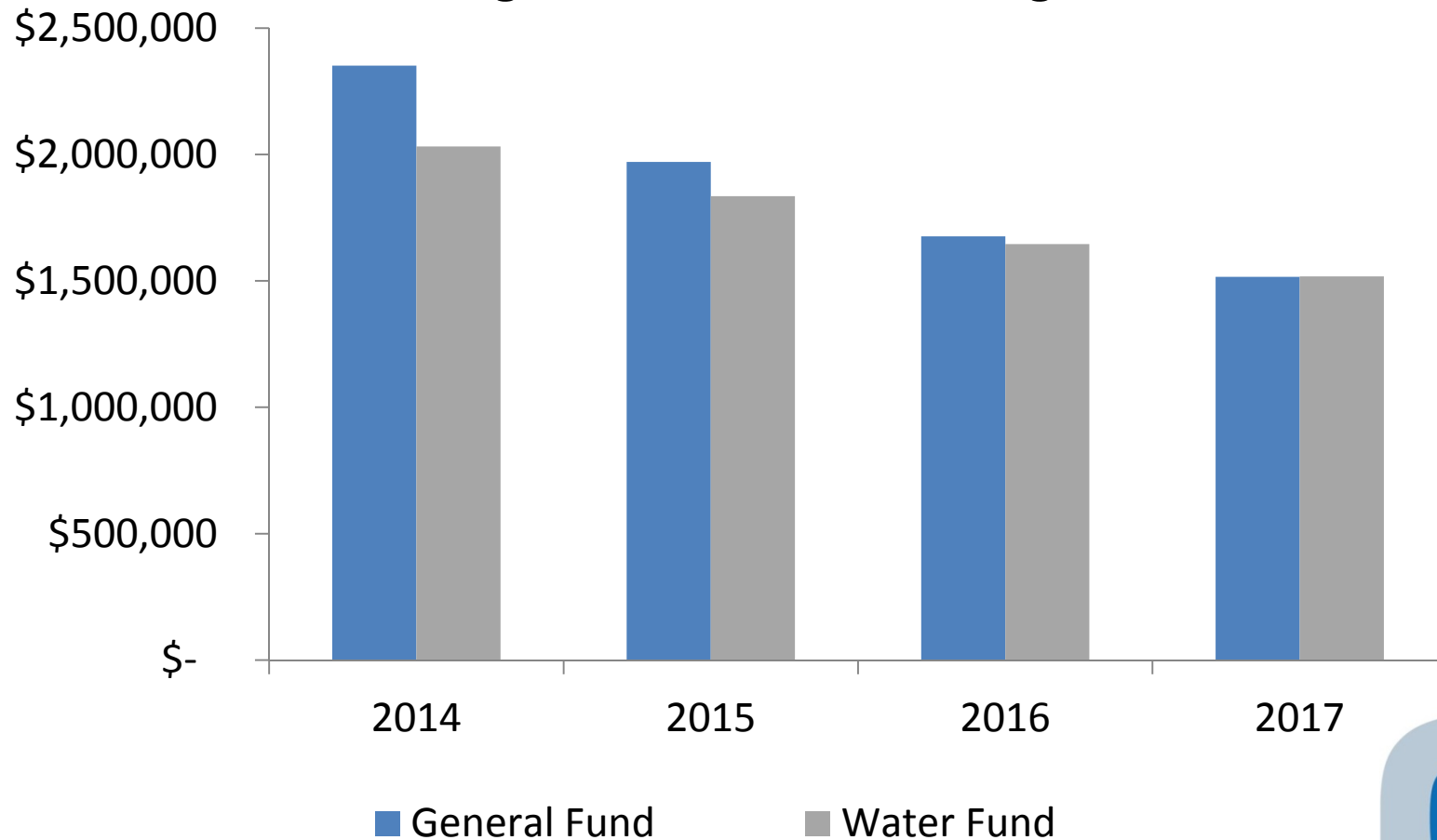
Fund Balance Available

As a % of Net Expenditures



Outstanding Debt

Long-Term Debt Outstanding at June 30



Water Fund Summary

Water and Sewer Fund	2016	2017
Working capital	\$ 1,894,455	\$ 1,714,087
Working capital in months expenditures (budgetary basis)	17.34 months	12.75 months
Unrestricted net position	1,987,773	1,881,743
Operating income (loss)	76,603	117,723
Change in net position	26,778	147,781
Cash flows from operating activities	297,987	405,852
Net increase (decrease) in cash	43,033	(178,102)





**GOULD KILLIAN
CPA GROUP, P.A.**

CERTIFIED PUBLIC ACCOUNTANTS

TOWN OF BLACK MOUNTAIN

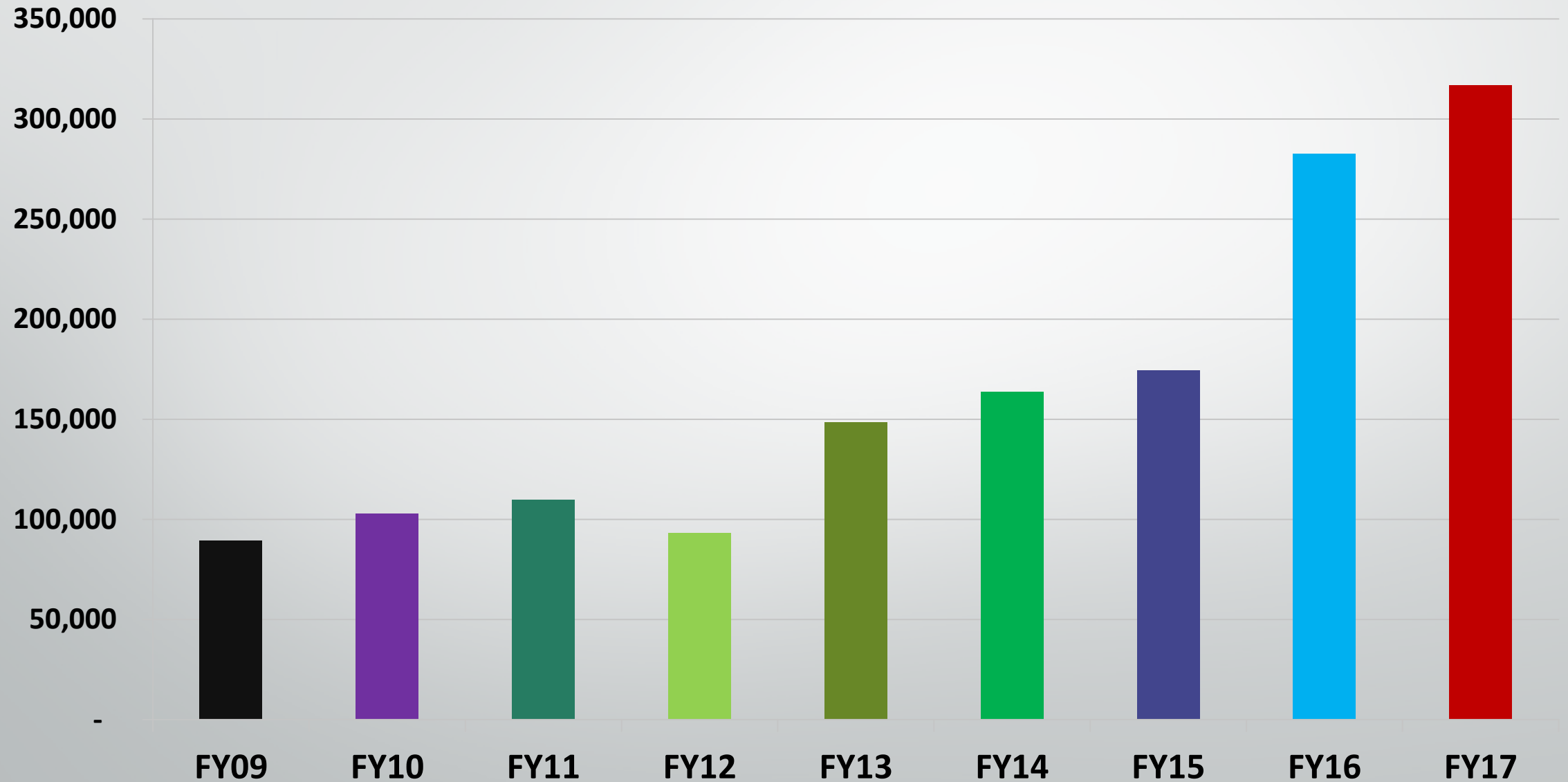
2017 Auditor Report to the Board



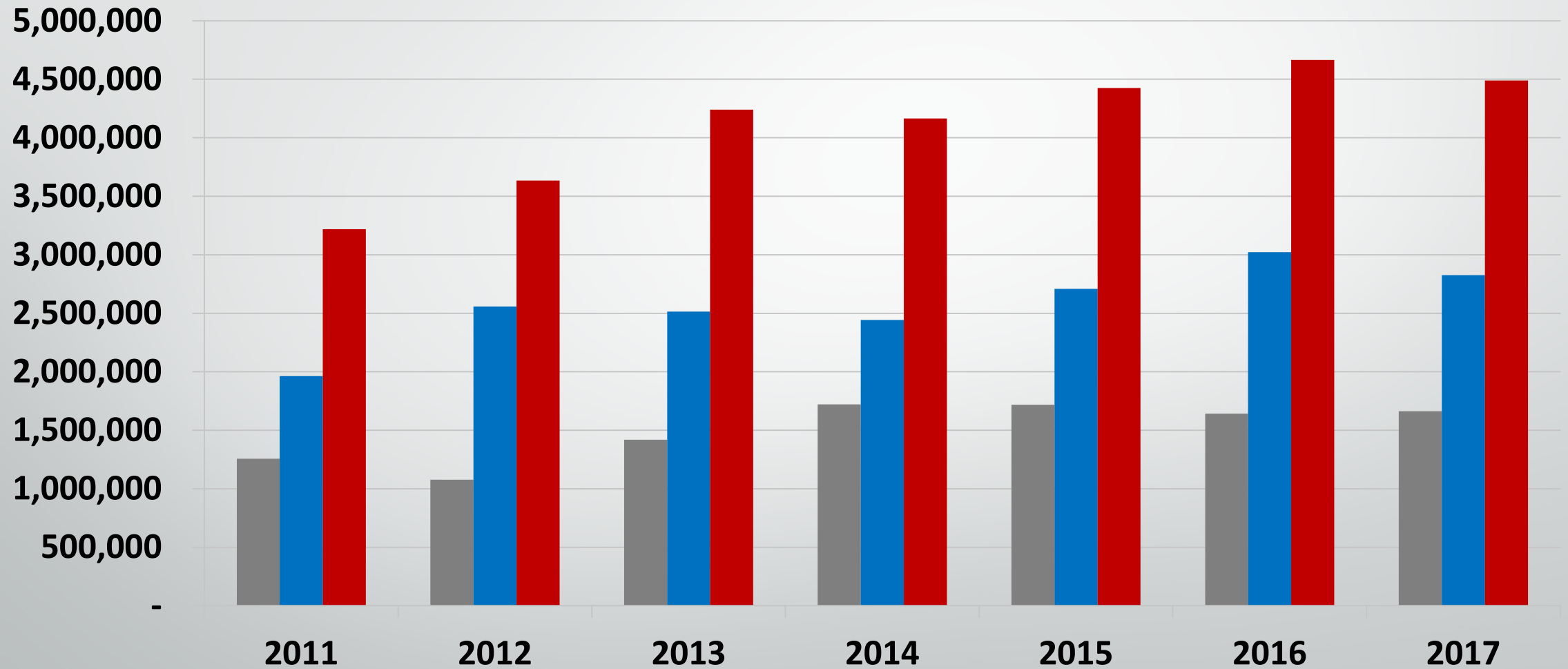
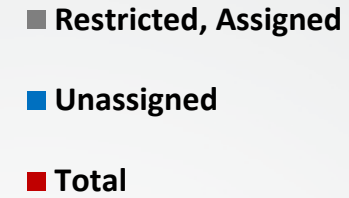
Finance Quarterly Report

Dean Luebbe, Assistant Town Manager/Finance Director

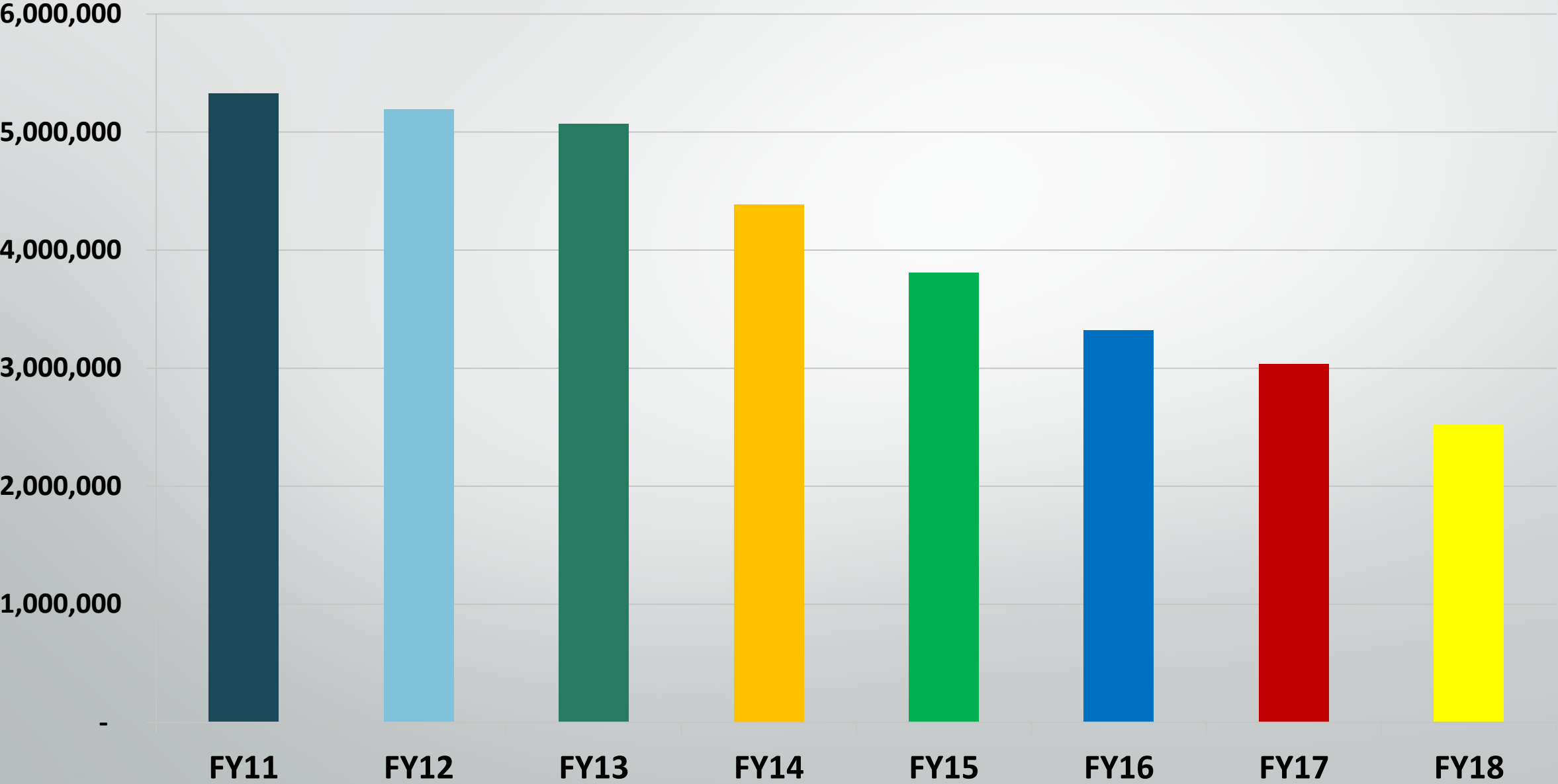
Building permit revenue



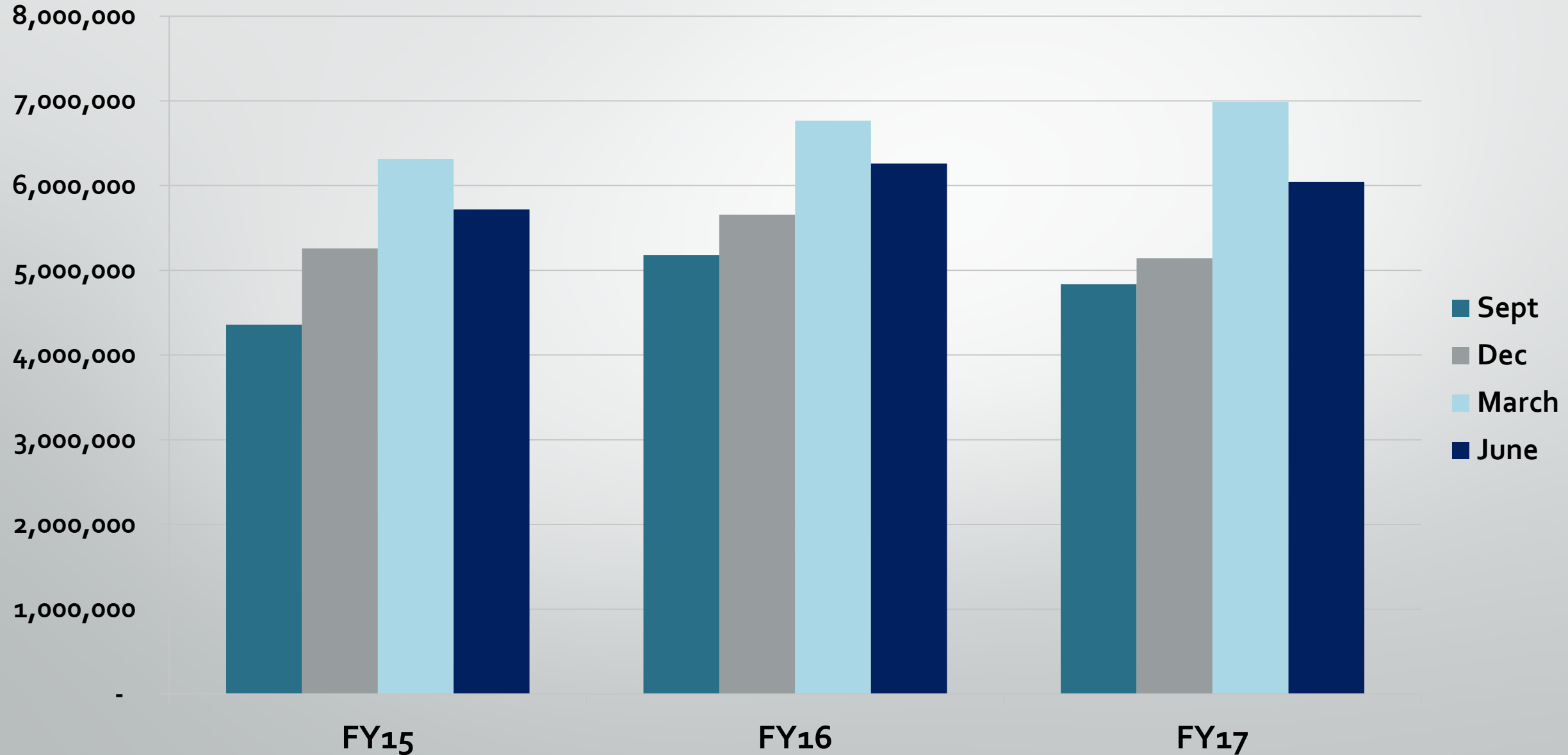
General Fund



Debt due, fiscal year ending



Total Cash and Investments





TOWN OF BLACK MOUNTAIN - QUARTERLY FINANCE UPDATE

SEPTEMBER 30, 2017

GENERAL FUND

REVENUES AT A GLANCE....	CURRENT BUDGET	ACTUAL 9/30/2017	% OF BUDGET	PRIOR YEAR BUDGET	ACTUAL 9/30/2016	% OF BUDGET
Current Year Ad Val and DMV	3,840,140	416,507	11%	3,814,000	358,237	9%
Sales Tax	1,661,000	-	0%	1,596,000	-	0%
Franchise Taxes	733,000	-	0%	691,500	-	0%
Building Permits	270,000	122,503	45%	240,000	71,410	30%
Other General Fund Revenues	1,810,650	291,845	16%	1,627,275	278,497	17%
Transfers	157,090	39,273	25%	582,090	464,273	80%
Fund Balance Appropriated	395,375	-	0%	261,378	-	0%
Total General Fund Revenues	8,867,255	870,127	10%	8,812,243	1,172,417	13%
EXPENDITURES AT A GLANCE.....	CURRENT BUDGET	ACTUAL 9/30/2017	% OF BUDGET	PRIOR YEAR BUDGET	ACTUAL 9/30/2016	% OF BUDGET
GENERAL FUND (by Dept and Fund)						
Governing Board	125,200	29,602	24%	161,000	52,899	33%
Administration	685,840	146,686	21%	666,392	143,110	21%
Public Buildings	696,652	245,429	35%	731,810	308,065	42%
Police	1,903,440	493,963	26%	1,872,309	425,295	23%
Fire	1,709,600	432,781	25%	2,135,713	1,024,589	48%
Planning & Development	590,280	63,269	11%	480,758	164,672	34%
Public Services	2,081,490	350,511	17%	1,961,750	478,860	24%
Recreation Services	1,074,753	518,723	48%	802,511	360,799	45%
Total General Fund Expenditures	8,867,255	2,280,964	26%	8,812,243	2,958,290	34%
GENERAL FUND (by expense category or account)	CURRENT BUDGET	ACTUAL 9/30/2017	% OF BUDGET	PRIOR YEAR BUDGET	ACTUAL 9/30/2016	% OF BUDGET
Personnel	4,680,100	1,034,213	22%	4,538,112	1,014,030	22%
Operating						
Professional Services	141,000	50,044	35%	138,500	39,291	28%
Insurance	250,000	206,605	83%	276,000	263,962	96%
Utilities	216,400	41,074	19%	229,800	53,071	23%
Maintenance and Repair	366,020	79,624	22%	307,435	89,782	29%
Sanitation and Landfill	727,400	133,099	18%	728,000	160,215	22%
Other Operating Expenses	1,099,210	208,623	19%	1,112,315	270,252	24%
Capital	804,000	267,085	33%	891,500	727,181	82%
Debt	428,125	260,597	61%	210,581	10,508	5%
Transfers	155,000	-	0%	380,000	330,000	87%
Total General Fund Expenditures	8,867,255	2,280,964	26%	8,812,243	2,958,290	34%



TOWN OF BLACK MOUNTAIN - QUARTERLY FINANCE UPDATE

SEPTEMBER 30, 2017

WATER FUND

REVENUES AT A GLANCE....	CURRENT BUDGET	ACTUAL 9/30/2017	% OF BUDGET	PRIOR YEAR BUDGET	ACTUAL 9/30/2016	% OF BUDGET
WATER FUND						
Water Sales	1,080,000	298,926	28%	1,050,000	298,220	28%
Other Water Fund Revenues	347,600	96,650	28%	297,000	94,188	32%
Transfers	-	-	0%	125,000	125,000	0%
Fund Balance Appropriated	199,854	-	0%	115,147	-	0%
Total Water Fund Revenues	1,627,454	395,576	24%	1,587,147	517,408	33%
WATER FUND (by expense category or account)						
Personnel	454,800	100,581	22%	494,500	97,272	20%
Operating						
Purchase of Asheville Water	156,000	40,222	26%	135,000	30,188	22%
Utilities	85,000	24,563	29%	85,000	22,357	26%
Other Operating Expenses	231,920	73,735	32%	226,330	46,876	21%
Capital	409,500	78,642	19%	355,000	144,115	41%
Debt	163,144	-	0%	164,227	-	0%
Transfers	127,090	31,773	25%	127,090	31,772	25%
Total Water Fund Expenditures	1,627,454	349,515	21%	1,587,147	372,580	23%

GOLF FUND

REVENUES AT A GLANCE....	CURRENT BUDGET	ACTUAL 9/30/2017	% OF BUDGET	PRIOR YEAR BUDGET	ACTUAL 9/30/2016	% OF BUDGET
GOLF FUND						
Green Fees	242,210	75,458	31%	254,410	88,543	35%
Cart Fees	239,000	76,420	32%	245,278	83,947	34%
Other Golf Fund Revenues	152,000	19,382	13%	151,000	26,263	17%
Total Golf Fund Revenues	633,210	171,259	27%	650,688	198,753	31%
GOLF FUND (by expense category or account)						
Personnel	311,500	73,812	24%	298,058	62,439	21%
Operating						
Pro Shop Merchandise	18,500	5,020	27%	16,000	10,167	64%
Utilities	31,080	10,992	35%	33,000	8,363	25%
Other Operating Expenses	202,130	40,953	20%	208,630	55,528	27%
Capital	40,000	-	0%	65,000	-	0%
Debt	-	-	0%	-	-	0%
Transfers	30,000	7,500	25%	30,000	7,500	25%
Total Golf Fund Expenditures	633,210	138,277	22%	650,688	143,997	22%



TOWN OF BLACK MOUNTAIN - QUARTERLY FINANCE UPDATE SEPTEMBER 30, 2017

CASH HOLDINGS AND DEBT SUMMARY

Cash Holding

	9/30/2017	9/30/2016
SunTrust	81,010	237,591
NCCMT - General	4,483,763	3,978,665
Black Mtn Savings	104,314	103,276
NCCMT - Powell Bill	169,362	225,136
NCCMT - Separation Allowance	180,967	151,244
Police - Forfeiture	47,894	54,806
Total - All Funds	5,067,310	4,750,718

Debt

	Balance at 6/30/2016	Scheduled FY17 Payments (Principal and Interest)	Balance at 6/30/2017	Scheduled FY18 Payments (Principal and Interest)	Balance at 6/30/2018	Scheduled FY19 Payments (Principal and Interest)	Balance at 6/30/2019
General Fund							
Town Square	1,386,000	168,550	1,260,000	164,682	1,134,000	160,814	1,008,000
Lakeview Pool	290,009	42,030	256,218	260,596	-	-	-
Total - Gen Fund Debt	1,676,009	210,580	1,516,218	425,278	1,134,000	160,814	1,008,000
Water Fund							
Tomahawk Stormwater	131,979	9,427	122,552	9,427	113,125	9,427	103,698
Sewer Extension	730,759	64,940	682,041	63,859	633,324	62,777	584,607
Water Improvements	782,795	89,857	713,212	89,857	641,826	89,857	568,592
Total - Water Fund Debt	1,645,533	164,224	1,517,805	163,143	1,388,275	162,061	1,256,897
Total - ToBM Debt	3,321,542	374,804	3,034,023	588,421	2,522,275	322,875	2,264,897

weighted average interest rate is 2.63%



TOWN OF BLACK MOUNTAIN - QUARTERLY FINANCE UPDATE SEPTEMBER 30, 2017

Summary of Capital Projects as of 9/30/2017

	Current Budget	Expenditures to Date	Revenues to Date	Town Portion
Comp Bike Plan	40,000	39,921	39,921	8,000
Watershed Restoration	58,775	42,529	61,027	15,000
Riverwalk Greenway	230,000	147,871	228,297	110,000
Tomahawk Stream Stab	147,000	92,150	119,575	73,500
Veterans Park Improvemen	90,000	87,087	90,000	90,000

New Business Items
follow this section



Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

December 15, 2017

Mr. Don Collins, Mayor
Town of Black Mountain Board of Aldermen
Town Hall
160 Midland Avenue
Black Mountain, NC 28711

To the Honorable Mayor Don Collins,

On behalf of the Montreat Board of Commissioners I write to you to request your support for the de-annexation of property along Montreat Road and Rainbow Terrace from the Town of Black Mountain and the annexation into the Town of Montreat for the location and construction of a new town hall.

Beginning in 2007 Montreat has searched for a suitable location to locate a new town hall facility. Twenty-one sites were identified and investigated. One was initially chosen, though community support for the size, cost, and location of the facility eroded and the project was abandoned. The site located at 1210 Montreat Road was identified as an alternative for a smaller, simpler design. The Town of Montreat is in the final stages of closing on the purchase of that site now. Though the property is just across the municipal boundary between our two towns, we believe it is best suited for the needs of the Montreat Town organization and community.

We request your support through a joint resolution from the Town of Black Mountain Board of Aldermen and the Town of Montreat Board of Commissioners calling for the North Carolina General Assembly de-annex the parcels with the Property Identification Numbers (P.I.N.) 0710-53-9360-00000, 0710-63-1204-00000, 0710-63-0467-00000, and 0710-63-0580-00000 from the Town of Black Mountain municipal boundary and annex P.I.N.s 0710-632329-00000, 0710-53-9360-00000, 0710-63-1204-00000, 0710-63-0467-00000, and 0710-63-0580-00000 into the municipal boundary of the Town of Montreat. These tracts combined equal 2.22 acres and will allow Montreat to construct a new town hall, provide adequate parking, incorporate current service facilities, and construct a connector between Black Mountain's Montreat Road sidewalk project and Montreat's Greenway, Assembly Drive Bike Lane, Elizabeth's Path walking trail, and Rainbow Trail trailhead.

North Carolina General Statutes do not allow for municipalities to de-annex any portion of its jurisdiction, that power is reserved by the General Assembly, usually through local act. Though G.S. 160A-31(g) and 160A-58.7 allow for processes of annexation by local means, we seek a

single act to redraw this section of our boundaries to allow for the expedient determination of our boundary request. We ask for your support.

We thank you for your consideration of this request. It is our belief that this project will enhance the quality of municipal services and the quality of life of the communities of our shared valley.

Very Sincerely,


Tim Helms, Mayor
Town of Montreat

On behalf of: Bill Gilliland, Commissioner
Alice Lentz, Commissioner
Kitty Fouche, Commissioner

Kent Otto, Commissioner
Tom Widmer, Commissioner



TOWN OF BLACK MOUNTIAN RESOLUTION NUMBER #R-18-02



TOWN OF MONTREAT RESOLUTION #17-12-01

**RESOLUTION TO CALL ON THE NORTH CAROLINIA GENERAL ASSEMBLY TO
MODIFY THE MUNICIPAL BOUNDARIES OF THE TOWNS OF
BLACK MOUNTAIN AND MONTREAT**

WHEREAS, the operations of the Town of Montreat have outgrown its existing facilities;
and

WHEREAS, the Town of Montreat has searched for an appropriate site to locate a town
hall facility and endeavored to build a town hall suitable to its current and future needs; and

WHEREAS, The site located at 1210 Montreat Road was identified as best suited for the
needs of the Montreat Town organization and community, despite its location just across the
municipal boundary in Black Mountain: and

WHEREAS, The Town of Montreat has entered into a contract to purchase the property
at 1210 Montreat Road; and

WHEREAS, property outside of the municipality and adjacent to 1210 Montreat Road,
already owned or leased by the Town of Montreat serves as parking, storage, administrative offices
for the Town of Montreat, and the combined 2.22 acres will allow Montreat to construct a new
town hall, provide adequate parking, incorporate current service facilities, and construct a
pedestrian connector between Black Mountain's Montreat Road sidewalk project and Montreat's
Greenway, Assembly Drive Bike Lane, Elizabeth's Path walking trail, and Rainbow Trail
trailhead.

WHEREAS, North Carolina General Statutes reserve the power of municipal de-
annexation solely by act of the General Assembly;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Black Mountain and the Board of Commissioners of the Town of Montreat do hereby jointly request that the North Carolina General Assembly de-annex the parcels with the Property Identification Numbers (P.I.N.) 0710-53-9360-00000, 0710-63-1204-00000, 0710-63-0467-00000, and 0710-63-0580-00000 from the Town of Black Mountain and annex P.I.N.s 0710-632329-00000, 0710-53-9360-00000, 0710-63-1204-00000, 0710-63-0467-00000, and 0710-63-0580-00000 into the Town of Montreat.

Adopted by the Black Mountain Board of Aldermen this ____ day of _____, 2018.

Don Collins, Mayor
Town of Black Mountain

ATTEST:

Angela Reece, Town Clerk

Adopted by the Montreat Board of Commissioners this 14th day of December, 2017.



Tim Helms

Tim Helms, Mayor
Town of Montreat

ATTEST:

Angie Murphy
Angie Murphy, Town Clerk

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
FOR BOARD INFORMATION**

Meeting Date: January 8, 2018

SUBJECT: Revised Town of Black Mountain Statement of Policy

AGENDA INFORMATION

Agenda Location:	New Business
Item Number:	8B
Department:	Administration
Contact:	Matt Settlemyer, Town Manager
Presenter:	Matt Settlemyer, Town Manager

BRIEF SUMMARY: Staff has worked to update the Town of Black Mountain Statement of Policy. The last revision occurred in 1998. This is a compilation of departmental policies for the Board's review that have been approved previously but have never been set out in one document. This document will be distributed to all departments for consistency of information and application.

FUNDING SOURCE: N/A

ATTACHMENTS: Revised Town of Black Mountain Statement of Policy

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.



Town of Black Mountain

Statement of Policy

Revised: January 2018

Adopted by the Black Mountain Board of Aldermen January 8, 2018

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GENERAL GOVERNMENT

Board of Aldermen

All powers of the Town are vested in a Board of Aldermen which consists of five (5) members and a mayor elected at large by voters residing within the Town Limits. Members serve a term of four years. If a vacancy occurs in the office of Mayor or Alderman, it shall be filled for the remainder of the unexpired term by the remaining members of the Board of Aldermen. All members of the Board of Aldermen must be qualified electors of the Town.

Form of Government

The Town of Black Mountain operates under the Council-Manager form of government, with all administrative responsibility and authority to be in a Town Manager and all legislative and policy making decisions to be in the Board of Aldermen. The Board of Alderman appoints a Town Manager to serve at its pleasure. The Town Manager is appointed solely on the basis of his executive and administrative qualifications and need not be a resident of the Town or State at the time of his appointment. The Office of the Town Manager is an office that may be held concurrently with other appointive (but not elective) offices.

Meetings of the Board of Aldermen

Unless otherwise posted, the Board of Aldermen meets in regular session on the second Monday of each month at 6:00 p.m. in the Board meeting room of Town Hall. An agenda meeting is held at 5:00 p.m. on the Thursday prior to the regular Monday meeting each month. Special meetings may be called upon the request of the Mayor or two members of the Board of Aldermen. All meetings of the Board of Aldermen (except emergency meetings) are posted in public view at the Town Hall and on the Town's website at least forty-eight (48) hours in advance of the meeting.

The agenda for the regular monthly session of the Board of Aldermen is set and prepared for publication on the Friday prior to the Thursday agenda meeting. Anyone wishing to have an item placed on the agenda may do so by submitting a request to the Town Clerk prior to the agenda being set. Items for consideration are subject to Board approval.

ADMINISTRATION

Conflict of Interest and Political Activity

Applicability

This policy is in full compliance with NCGS § 14-234 (Public officers or employees benefiting from public contracts) or NCGS § 133-32 (Gifts and favors regulated). Nothing in this policy is intended to supplant, nor can it override the provisions of NCGS § 14-234 and NCGS § 133-32. The provisions of this section shall be applicable to all elected officials and appointed officials of the Town, as well as all Town employees.

Conflicts resulting in Financial Gain

(a) Definitions. For the purposes of this section, the following definitions shall apply:

- (1) *Conflict of interest* means any act in which a public official or employee receives a direct or indirect benefit as a result of the exercise of their official responsibilities or as a result of using the position to which they have been elected or appointed. In any case in which a conflict of interest may be present, elected officials, appointed officials and appointed staff should make the circumstances known to the Mayor or Board of Aldermen; and all employees appointed by the Town Manager should make the circumstances known to the Town Manager for a determination as to whether a conflict of interest does exist.
- (2) *Elected officials* mean those individuals elected to a position as Mayor or Alderman.
- (3) *Appointed Officials* means any person appointed to a Town Board or Commission, as well as Town employees appointed directly by the Board of Aldermen.
- (4) *Employee* means any person hired directly by the Town of Black Mountain, including full-time, part-time and seasonal personnel.
- (5) *Immediate family* is defined by a spouse, children, parents or siblings of an official or employee.

(b) Specific acts creating conflicts. The following acts are deemed to be in conflict with the Town's best interest:

- (1) For an elected official, appointed official or employee to give or receive gifts in connection with their employment which are in conflict with NCGS § 133-32;
- (2) For an elected official, appointed official or employee or any member of their immediate family to benefit personally from any purchase of goods or services or to derive personal benefit from any transaction in which they have an influence;
- (3) For an elected official, appointed official or employee to loan or to borrow from individuals or concerns that do business with the town, except banks and other financial institutions;
- (4) For an elected official, appointed official or employee to serve as an officer, director, employee or consultant of, or to receive income from, any enterprise doing business with the Town, or to seek to do so, unless the relationship has been fully disclosed and has been approved by the city manager, in the case of an employee, and Mayor or Board of Aldermen in the case of an elected official and employees appointed directly by the Board of Aldermen;
- (5) For an employee to use or permit others to use town employees, materials or equipment for personal purposes;

Town of Black Mountain Statement of Policy

- (6) For an employee to accept compensation from non-town related enterprises for services or time for which the employee is being paid by the Town;
 - (7) For an elected official, appointed official or employee to disclose to any person any information which may be used by the recipient for personal benefit unless such information is in the public domain and generally available to others;
 - (8) For an employee to accept any outside employment unless the same has been approved by the employee's department head and by the human resources office; in those cases where such employment is similar to or related to the employee's primary job responsibility, such approval must be granted by the town manager;
 - (9) For an employee to engage in any political or partisan activity while on duty;
 - (10) For any employee to use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
 - (11) For an employee to be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
 - (12) For an employee to coerce, solicit or compel contributions for political or partisan purposes by another employee of the Town;
 - (13) For an employee to be a candidate for the Town Board of Aldermen.
- (c) Reporting a violation. Any allegation of violation of state law involving an elected official should be reported to the Board of Aldermen who, if they determine that the complaint of violation has merit, should report the alleged violation to the District Attorney. Any allegation of violation of this policy involving an appointed official who reports directly to the Board of Aldermen should be reported to the Board of Aldermen. Any allegation of violation of this policy involving an appointed official who reports directly to the Town Manager should be reported to the Town Manager. Any allegation of violation of this policy involving an employee should be reported to the Town Manager.
- (d) Penalty for violation. Any violation of this section shall be deemed to be a conflict of interest and shall subject such violating employee to dismissal or other disciplinary action by the appointing authority or such legal action as permitted by the appropriate laws or ordinances.

Town Property Disposition Policy

Disposal of property is governed by the Articles set forth in NCGS § 160A-265 (Use and disposal of property). Equipment, materials, property or supplies that are deemed to have a current value of less than \$1,000 may be sold or disposed of without specific action of the Board of Aldermen. Town staff will attempt to recover any residual value of equipment by selling the property through a competitive process (provided the potential income from the sale is sufficient to justify the time and expense of selling the item). Materials deemed to have no nominal value may be disposed of or donated to a charitable organization. Final determination of equipment disposal shall be made by department directors.

Any computers to be sold or disposed of will have their hard drives removed or processed to destroy any data that may exist on the drive at the time of disposal. Similarly, any equipment or property to be sold or disposed of will be inspected to ensure no sensitive information or identifying emblems or logos of the town will be conveyed with the disposition.

FINANCE

Budget

North Carolina governments are required by State Statute 159-13 to operate under an annual balanced budget ordinance, covering a period of one year, beginning July 1st and ending June 30th. The budget process usually begins in January with department heads submitting their requests for upcoming fiscal year. The budget officer and finance officer then work with department heads over the next couple months to prioritize spending needs and revenue expectations. At least two budgets workshops are held in the spring in which the Board of Aldermen and Town staff reviews all parts of the budget. These meetings are open to the public. A manager recommended budget is submitted to the Board of Alderman for review, and the budget is required to be adopted by June 30th.

Expenditure Control

The Town of Black Mountain uses a system of encumbrances to ensure that Town expenditures stay within approved budgets. Encumbrances are established for all known expenditures exceeding \$500 and approved by the Finance Director before they are entered into the general ledger system. The Town issues checks on a weekly basis, and the Finance Director reviews all checks before they are mailed. Signatures of department heads are required on all payment requests before they are transferred to accounts payable.

Cash Accounting

All bank accounts are reconciled on a monthly basis, usually completed by the 10th of the following month. Any items that need research or reconciling entries are promptly performed by the Town accountant or Finance Officer. The Finance Officer approves all bank reconciliation upon their completion. Funds are currently held in a checking account with SunTrust Banks and the Town also has investment accounts with the North Carolina Capital Management Trust.

Handling of Funds

All Town facilities that receive money in any form are required to make daily deposits to the bank. Currently, all deposits of cash and check are made daily, originating from the Water Customer Service Department. The bulk of these monies are from collections of water bills, but smaller amounts of money are received on most days from the Planning Department, the Golf Course, and the Recreation Department. Credit cards are also accepted at many Town locations, and daily credit card totals are automatically transferred into the Town checking account at the end of each business day.

Purchasing and Bidding

The Town of Black Mountain follows the bidding, selection of vendors, and purchasing procedures established by the State of North Carolina. Many Town expenditures are below any threshold established by the State, so that department heads are often given the responsibility of locating the vendor best suited for the individual purchase. The Finance Director is also often involved in this

process. Smaller day to day purchases are often accomplished using a P-card. The Town follows all State procedures regarding formal and informal bidding on larger purchases.

Grants

The Town actively pursues local, state, and federal grants that benefit the community. Initially, the department head involved researches available grants. Once a potential grant has been identified, the proposal is communicated to the Town Manager and Finance Director, and at times the Board of Alderman. If approval is given, the Town will then apply for the grant in question. The department head is often the individual responsible for applying for the grant, and should communicate all important facts regarding the grant application to the Town Manager and Finance Director. If the grant is approved, a budget amendment is often needed to be presented to the Board of Alderman.

Capital Asset Management

The Town defines capital assets, as those with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Donated capital assets are recorded at their estimated fair value at the date of donation. All other purchased or constructed capital assets are recorded at cost or estimated historical cost. The cost of normal maintenance and repairs that do not add to the value or materially extend assets' lives are not capitalized. On an annual basis, the Finance Director performs capital assets audits of selected departments.

Property and Casualty Insurance

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Town has insurance through a commercial company for workers' compensation coverage of \$1 million per occurrence. The Town has general liability and auto insurance liability through a commercial company for single occurrence claims up to \$2 million with general aggregate limit of \$4 million and property coverage in excess of \$10 million.

The Town carries commercial coverage for all other risks of loss. There have been no significant reductions in insurance coverage from prior years, and settled claims resulting from these risks have not exceeded commercial coverage in any of the past three fiscal years.

Investment Policy

The major goals and objectives of the Town of Black Mountain's investment policy are the preservation of capital, maintenance of adequate liquidity, and maximization of investment earnings. The primary consideration of the Town's investment program shall be safety. Funds shall be available to meet all required disbursements of the Town of Black Mountain. The Town shall seek the highest competitive rate of interest on investments, taking into account anticipated cash flow needs and/or investment strategy.

NC General Statute 159-30 places responsibility for the Town's investment program with the Finance Director, who shall be responsible for the execution, supervision, and daily operation of all investment activity.

Debt

The Town of Black Mountain shall use debt to finance long-term capital projects, and the financing period shall not exceed the useful life of the project. The Finance Director will be responsible for all debt activities, including issuance of new debt, payments on current debt, and any refinancing or early debt payoffs. The Finance Director shall seek the lowest competitive interest rate available from financial institutions, and follow all requirements of NC General Statute 160A-20. The Town is subject to the Local Government Bond Act of North Carolina, which limits the amount of net bonded debt the Town may have outstanding to 8% of the appraised value of property subject to taxation.

Emergency Purchases

In cases of emergencies, the Department Head or his/ her designee may purchase directly from any vendor the supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, safety, or convenience of the Town of Black Mountain employees or citizens. To qualify as an emergency, the event must be present, immediate, and existing. It cannot be an event that is merely anticipated and may never actually occur.

The user department shall exercise good judgment and use established vendors if possible when making emergency purchases. Always obtain the best possible price and limit purchases to those items emergency related. **Not anticipating needs does not constitute an emergency situation.** First, determine if a true emergency does exist. Second, anticipate needs and avoid emergency situations whenever possible. Emergency orders are always costly. Vendors usually charge top prices if supplies or services must be obtained on an emergency basis.

During working hours, follow standard purchasing procedure as usual as soon as time and the situation permits.

After working hours, the following procedure should be used for emergency purchases: When and if possible, contact the Town Manager or Finance Director to communicate the need for the purchase in question. The invoice received should be coded with the correct account numbers to be charged, signed, and forwarded to the Finance Department. Emergency purchases, although sometimes necessary, are costly in time and money. The use of emergency purchases should be limited.

FIRE DEPARTMENT

Financing

The Town of Black Mountain Fire Department is financed from tax revenue by the Town of Black Mountain ad valorem tax and the East Buncombe Fire District tax. Buncombe County contracts with the Town of Black Mountain Fire Department to serve the remainder of what is known as the East Buncombe Fire District. The State of North Carolina contracts with the Town of Black Mountain Fire Department for the service to state owned properties that lie within the East Buncombe Fire District.

Mutual Aid Response

The Black Mountain Fire Department does not routinely respond to the fires outside the boundaries of the East Buncombe Fire District, unless the following conditions are met:

- (A) A contract for fire service exists with an industry outside the fire district.
- (B) A request comes from a volunteer fire department located in one of the adjacent fire districts with whom the Town has a mutual aid agreement. A request from a county volunteer fire department is to be honored in accordance with the provision of the mutual aid agreement.
- (C) A contract for fire service exists with the U.S. Department of Agriculture, Forest Service and the N.C. Forest Service outside the fire district boundaries to provide protection to National Forest Lands or otherwise. The specialized Forest Fire Team of the Fire Department will respond in this case.

Fire Inspections

Commercial properties are inspected as defined by the Town of Black Mountain Fire Code Ordinance O-92-6. Residential property is inspected only at the request of the owner. Said residential property inspection is not performed for enforcement purposes, but for the purpose of making recommendations only.

Rescue Services

The Black Mountain Fire Department does routinely respond to rescue calls if the Buncombe County EMS unit stationed at Black Mountain is on another call. This “First Response” is to provide initial patient care and to stabilize the patient until the Buncombe County EMS unit arrives. On calls for vehicle accidents with people pinned or trapped, hazardous conditions or any calls requiring specialized equipment, the Fire Department responds on initial alarm. The Department also maintains a specialized Mountain Search and Rescue Team. This rescue service is further outlined in Section #8 of the Fire Department Standard Operating Procedures.

Animal Rescue

The Black Mountain Fire Department will not respond to called for rescue of animals except under extraordinary circumstances. All calls for this type of service are referred to Animal Control through the Buncombe County Sheriff's office, www.buncombecounty.gov

Service and Inspection of Hydrants

Hydrants are inspected twice each year, with water flow and pressure checks conducted by the Public Services Department. Any maintenance required is referred and handled by the Black Mountain Public Services Department, City of Asheville Water Department, Ridgecrest Maintenance Department, Town of Montreat, or the authority having jurisdiction. This is further noted in Section #6 of the Fire Department Standard Operating Procedures.

Use of Fire Department Equipment

Use of the Fire Department equipment by other than governmental agencies is prohibited.

Use of Community Resources

The Fire Department has actively organized an alternative resource program to assist during extended incidents. Many times our Fire Department finds its resources and personnel extended beyond the normal scope of operation; therefore we have to rely on contract equipment and/ or community volunteers. These individuals are almost always assigned to the Logistics Section, assisting with food, facilities, supplies, transportation, communications or medical unit. In some cases these resources may be assigned to the operations as technical specialists or for the type of equipment needed. This group is organized under the Logistics Section Company leader.

POLICE DEPARTMENT

Escorts

- (A) **Funeral** Funeral escorts are not provided outside the corporate limits of Black Mountain. There must be at least four (4) vehicles, including the hearse, before an escort is warranted. The expressed purpose of providing escorts for funeral processions is to maintain a high degree of safety on the streets of Black Mountain. It is for this reason that the speed of the processional should not fall below ten (10) miles per hour.
- (B) **Other Escorts** Other types of escorts will be considered on an individual basis.

Weekend Utility Emergencies

Weekend utility emergency calls are received by the police department dispatcher. The dispatcher will alert the "on-call" personnel to respond to the emergency. Should there be a potential for traffic problems or should the safety of Black Mountain citizens be placed in jeopardy by the emergency, a police officer shall also be dispatched.

House Checks

When practical, the police department will make house checks for residents who will be absent from their homes for an extended period of time. Such residents should notify the police department in writing of their scheduled absence and expected return. The Police Chief will be responsible to determine all schedules and policies for this service.

Death Messages

The Black Mountain Police Department will deliver important and urgent messages to citizens without telephone service. Subject to the availability of manpower, death messages will be delivered in person, if possible, by both a male and female officer.

Assistance to Motorists

Assistance will be provided to stranded motorists. The extent of this assistance will be dependent upon the circumstances surrounding each incident.

Accident Investigation

The Black Mountain Police Department investigates all motor vehicle accidents inside the corporate limits of Black Mountain. This is inclusive of accidents occurring on private property.

Use of Police Department Facilities

Use of the police department training rooms or conference rooms is permitted by governmental agencies though approval of the Police chief and/or Town Manager. Use by non-governmental groups is not permitted.

Community Watch Program

The police department will assist any community group that wishes to establish a community watch program within their neighborhood. Residents may contact the department for information on this service.

Transport of Emergency Personnel During Severe Weather

Severe weather routinely places extraordinary strain on the Police Department's manpower and other resources. It is, however, understood that circumstances sometimes dictate a situation in which personnel in 'vital to life' professions might find themselves stranded. The Police Department feels that this individual should exhaust all other possibilities of transportation prior to contacting the department for assistance. If, however, a call is received and manpower is available, then the department will provide this emergency transportation. This type of service is neither encouraged nor guaranteed. Each situation will be individually assessed, dependent upon department resource limitations and severity of the need for the transportation.

BUILDING & ZONING

In order to provide for the public safety, health and general welfare of the community, the Town of Black Mountain provides for services under the Building and Zoning Department which call for the administration and enforcement of the North Carolina State Building Code and other state and local codes and ordinances.

Building Inspection

The Town of Black Mountain has a Building Inspector which has jurisdiction over all incorporated areas within the Town limits. The Building Inspector shall enforce the North Carolina State Building Code and all relevant state, county and local ordinances pertaining to construction, location, alteration and repair of structures as authorized.

The Building Inspector's duties include, but are not limited to, the following:

- (1) Receives applications and supporting data for permits
- (2) Issues or denies permits
- (3) Makes all necessary inspections to insure code compliance
- (4) Issues or denies certificates of compliance
- (5) Issues or denies certificates of occupancy
- (6) Issues stop work orders or orders to correct violations
- (7) Maintains adequate records or permits issued or denied, inspections made, corrections ordered and certificates issued
- (8) Take other actions that may be required to adequately enforce the North Carolina State Building Code

Building Permits

The Black Mountain Building Inspector shall issue building permits as required under the NC State Building Code. Applications for building permits must be made to the Building Inspectors office at 160 Midland Ave. A permit must be obtained before beginning construction, alterations or repairs, other than ordinary repairs, using application forms furnished by the Building Inspectors Office.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes and deviations are clearly permissible under State building code and local ordinances, shall be made until specific written approval of proposed changes or deviations has been obtained from the inspection department.

Inspections

The Building Inspector shall provide inspection services based upon the NC State Building Code. Plans and specifications are used as a guide but the written building code text prevails in all cases.

As the work covered by permit progresses, the Building Inspector will make as many inspections that he feels is necessary to satisfy him that the work is being done in accordance with the building code and any other applicable ordinance. Work may not proceed on any part of a building or structure beyond the point indicated for each

inspection by State or local law, or the permit, until written approval has been received from the appropriate inspector.

A notice will be given to the permit clerk by telephone, email or fax by 10:30 am the day the inspection is requested. A charge of \$75.00 will be imposed for each inspection that fails more than once.

Electrical inspection services are provided through contract with a private qualified individual(s). All requests for electrical inspections must be made through the office of the Building Inspector.

Certificates of Compliance and Occupancy

At the conclusion of all work done under a permit, the inspector shall make a final inspection, and if he finds that the completed work complies with all applicable State and local laws and with the terms of the permit, he shall issue a certificate of compliance and occupancy. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance and occupancy.

(A) Connection of Service Utilities- No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the NC State Building Code until approved by the inspection department and a Certificate of Compliance and Occupancy is issued.

(B) Authority to Disconnect Service Utilities- The inspection department shall have the authority to require disconnecting a utility service to any building, structure or system regulated by the NC State Building Code in case of emergency or where necessary to eliminate an imminent hazard to life or property. The inspection department shall have the authority to disconnect a utility service when a building has been illegally occupied, and/or entry into the building for purposes of making inspections cannot be readily granted. The inspection department shall notify the serving utility, and whenever possible the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant shall be notified in writing within eight (8) working hours.

Zoning and Code Compliance

The Zoning Administrator is responsible for the administration and enforcement of the Land Use Code and the Town of Black Mountain Code of Ordinances where applicable.

Sign Permits

Application forms for sign permits are obtained from the office of the Zoning Administrator. Completed forms must include a drawing of the sign, including dimensions and location of the sign showing setbacks, and must be filed with the Zoning Administrator. Sign permits will be issued based on the information provided on the application.

Parade Permits

Any group wishing to conduct a parade within the corporate limits of Black Mountain must obtain a permit from the planning department prior to the parade beginning. Any parade that has received the proper permit and is likely to impede the flow of traffic must request a police escort.

Conditional Use Applications

Conditional uses pertain to various specific uses or developmental proposals that may have a direct influence or impact upon neighboring or contiguous land uses. Applications for a conditional use permit must be made by the owner(s), lessee(s), or their legal representative(s) of all land and structures included within the tract, or a governmental agency. An application form for a conditional use permit may be obtained from the Zoning Administrator. Completed forms, in addition to information showing the location, intended use and topography of the site, the names of all property owners and existing land uses within 200 feet, shall be filed with the Zoning Administrator at least two (2) weeks prior to a Zoning Board of Adjustment meeting in order to be heard at that meeting. A non-refundable application fee of \$350.00 shall accompany each application. The Zoning Administrator will forward all pertinent information to the Zoning Board of Adjustment.

Final approval of conditional use permits shall be granted by the Zoning Board of Adjustments. Before passing judgement on a conditional use permit, the Zoning Board of Adjustment shall hold a public hearing on the issue. Notice of the time and place of the hearing must be published in a newspaper of general circulation in the town weekly for two consecutive weeks, no more than 25 days and no less than 10 days prior to the hearing.

Following the public hearing, the Zoning Board of Adjustment may issue a conditional use permit as set forth in the Town's Land Use Code.

Applications for Variance

Persons wishing to seek a variance shall file an application with the Zoning Administrator thirty (30) days prior to the meeting at which it is to be reviewed. A non-refundable fee in the amount of \$350.00 shall accompany each application. The application and fee must be submitted to the Zoning Administrator.

The Zoning Board of Adjustment shall hold a public hearing regarding any variance or appeal application. For variance and appeal applications written notification shall be made to all property owners within 200 feet.

Applications for Appeal

Persons wishing to seek an appeal shall file an application with the Town Clerk thirty (30) days prior to the meeting at which it is to be reviewed.

Temporary Use Permits

The Zoning Administrator is authorized to issue a permit for temporary use as follows:

- (1) Carnivals or circus for a period not to exceed twenty-one (21) days, subject to the approval of the Board of Aldermen
- (2) Religious meetings in a tent or other temporary structure for a period not to exceed sixty (60) days
- (3) Open lot sale of Christmas trees, in the Industrial or Commercial districts for a period not to exceed sixty

(60) days

- (4) Satellite real estate sales office representing sales of land on which the use is located, in any district, for a period not exceed one (1) year
- (5) Contractor's office and equipment shed, in any district for a period covering construction phase of the project not to exceed one (1) year, provided that the office be placed on the property to which it is apparent.

All permits for temporary uses may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses.

Business Registration Permit

Each person who conducts a business within the Town must apply for business registration permit. Applications for a business registration permit may be made at Town Hall during regular business hours. A business registration permit is good the twelve (12) month period beginning July 1 and ending June 30.

ANIMAL CONTROL

Scope

The Town of Black Mountain has a contract with Buncombe County in order to serve the best interests of the community and its citizens. The Animal Control Ordinance can be found at www.buncombecounty.gov.

REFUSE & TRASH COLLECTION

Contract

The Town of Black Mountain refuse and trash collection service is provided through contracts with outside agencies.

Residential Refuse Collection

Household garbage is collected on a once a week basis from curbside, except for disruptions caused by inclement weather, legal holidays, or unavoidable circumstances. Receptacles for garbage shall be of metal, plastic or substantial construction, water tight with tight-fitting lids, provided with handles, and is kept in a serviceable condition with the lid in place. Service is limited to six (6) receptacles with a capacity of not more than thirty (30) gallons each, or the equivalent thereof and each receptacle shall not exceed (50) pounds in weight when filled. Raw garbage must be placed in plastic bags and all garbage must be disposed of by placing it in a garbage receptacle.

Commercial Refuse Collection

Commercial establishments using hand receptacles shall be served on a once weekly basis. Service is limited to eight (8) receptacles of thirty (30) gallons each with each receptacle weighing not more than fifty (50) pounds when filled, or the equivalent thereof.

Industrial Waste

Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same. Industrial waste is defined as all waste generated from manufacturing operations.

Non Acceptable Refuse

Poisons, acids, caustics, infectious materials, explosives, chemical liquids, whole trees, large tree stumps, tree limbs of great than three (3) inches in diameter, any branch exceeding six (6) feet long or any quantity of limbs, branches etc., exceeding eight (8) cubic feet, debris from lot clearing or tree removal will not be collected by the garbage contractor.

Special Call Pickup

Anybody who wishes to have the garbage contractor make a special or extra pickup may contact the garbage contractor to make arrangements. Any fees for special services not covered under this policy shall be payable to the garbage contractor upon services delivered.

Building Materials, Lot Clearing, Landscaping

Building materials and waste from lot clearing and landscaping shall be collected, removed and disposed of by the private contractor or builder performing the work for the property owner or tenant. In the event that the private contractor or builder fails to collect, remove and dispose of building materials and waste from the lot clearing and landscaping, the property owner shall be responsible for the same.

Appliances

Large bulky appliances such as water heaters, refrigerators (with the doors removed), washing machines, etc., will be picked up curbside on Wednesday. A request for this service must be made to the Sanitation Department, located in Town Hall, before 4:00 pm on the Tuesday before service is needed.

Trash Collection

All waste, other than household garbage, industrial waste and non-acceptable refuse shall be placed at curbside. Loose items must be secured in a manner so as to keep them from being blown or scattered. Large bulky items such as furniture, carpet, etc., will be picked up on the regular trash pickup day.

Leaf Collection

Leaves shall be placed at curbside (not in the street), and must be contained in garbage receptacles or plastic bags. Leaves placed at curbside shall not contain any material other than leaves. At no time shall loose piles of leaves be collected by the garbage contractor.

Bagged leaves and loose brush (brush cannot exceed six (6) feet long by three (3) inches in diameter and cannot exceed eight (8) cubic feet in quantity) will be picked up on Fridays and Saturdays upon request to the Town Hall before 4:00pm on the Thursday before the service is needed. Schedules for pickup on bagged leaves and loose brush may vary depending upon the time of year and volume of service requests.

Dumping on Vacant Lots, Streets, Storm Drains, Ditches, Manhole or Median Strip

No person shall throw, dispose of, or sweep any garbage, trash, leaves, industrial waste or non- acceptable refuse into any street, storm drain, ditch, manhole or median strip.

No garbage or offensive or disease producing materials shall be dumped for any purpose in or allowed to accumulate on any lot or space within the Town limits.

Restrictions on Placing Garbage at Curbside

Residents and businesses are prohibited from placing bagged, boxed or unsecured garbage at curbside prior to 5:00 pm on the day before the scheduled pick-up. (Adopted 5/10/99)

Control of Weeds and Underbrush

No person or property owner shall allow or permit the growth and accumulation of grass and/or weeds higher than twelve (12) inches.

Recycling Services

The Town of Black Mountain offers a curbside recycling service and encourages all Black Mountain residents to participate. Recycling will be picked up every other week on the same day as trash collection for residences and commercial customers within the Town limits. The Town does not provide services for industrial or manufacturing operations.

Recycling shall be in blue bags that are 30 gallons or less in size and/or the 18 gallon recycling bins available through the Town. Each bag or bin shall not exceed 50 pounds in weight when filled. Items must be rinsed out and clean. Contact the Town or visit the Town's website for a current list of recyclable items.

Service to residents is limited to six blue bags and/or the 18 gallon recycling containers at each collection. Service to businesses is limited to six blue bags and/or 18 gallon recycling containers at each collection and is only available to those businesses which also qualify for refuse collection from the Town. The Town's contractor may refuse to collect any recyclables that contain materials which are not accepted by the Town's recycling program.

STREETS AND SIDEWALKS

Snow Removal

Upon the need for the removal of snow, ice and sleet, the Town of Black Mountain will initiate the snow removal plan as adopted and modified. Generally, major thoroughfares will be cleared first, then minor streets and lastly residential streets.

A street blocked or obstructed by an object, such as an abandoned car, that could cause damage to the Town's snow removal equipment will not be cleared until said object is removed.

Street Grading, Original Including Curb and Guttering, Etc.

In new subdivision developments the developer shall be responsible for the grading of all streets in compliance with Town standards.

(A) In new subdivisions within the corporate limits of the Town, the following requirements shall apply. All cost of performing the work prescribed shall be the responsibility of the developer.

- (1) Grading. All streets and alleys in the subdivision shall be graded to the profile and cross-section approved by the Planning Department.
- (2) Concrete curb and gutter. Standard width concrete curb and gutter or other Town approved types of curb shall be constructed on all streets in the subdivision. These shall be set to true lines and grades in accordance with profile and cross-section approved by the Planning Department.
- (3) Stone base course. After the curb and gutter has been completed and approved by the Town and all underground utilities have been installed, the street shall receive a full width of stone base course between curbs as approved by the Planning Department.
- (4) Storm sewers. Storm sewers, drains and headwalls shall be installed where needed by the developer, and shall be of a size and design approved by the Public Works Department.
- (5) Bridges. Bridges where necessary shall be constructed of reinforced concrete, and shall meet North

Carolina State Highway Specifications for such work and be approved by the Public Works Department.

- (6) Concrete sidewalks and driveways. Sidewalks shall be constructed on such streets as listed in the Pedestrian Plan and Comprehensive Plan. Sidewalks and their associated driveways shall be constructed within the street right-of-way subject to the specifications, inspection, and approval of the Town.
- (7) Exceptions. The improvement requirements of this section shall not apply to the platting of new lots fronting on established streets that have already been accepted for maintenance by the Town or the State Highway Commission; street width in excess of thirty-two feet curb to curb shall be borne by the Town in an amount determined by the Town.

(B) The Board of Aldermen shall not accept or consider a request, petition, or enter into any contract for the paving of any street which does not meet the minimum street paving width.

Sidewalk Installation in Proposed Subdivisions

In proposed subdivisions, sidewalk installation, according to Town standards, shall be mandatory on such streets as listed in the Pedestrian Plan and Comprehensive Plan and shall be the responsibility of the developer.

Sidewalk Repair and Replacement

Same as Sidewalk Installation until such time as dedicated to the Town.

Sidewalk Maintenance

Property owners with public sidewalk abutting shall be responsible for keeping the sidewalks clean at all times. Also, within twenty-four (24) hours after any fall of snow has ceased, property owners shall remove or cause to be removed such snow from the sidewalks of their respective premises. The condition of the sidewalk should not be altered due to the use of any chemicals or equipment used in snow removal.

Storm Drainage Facilities Construction

(A) On Public Right-of-Way

In new subdivisions storm drainage facility installation shall be the sole responsibility of the developer and such installation shall be incorporated into the total development plan and approved by the Town as other segments of the subdivision plan. At the discretion of the Town, such improvements may be required beyond the public street right-of-way when in the best interest of the public is served.

The Town of Black Mountain may install culverts for homeowners under the following conditions:

- (1) The homeowner has the option to purchase the culvert material or to request that the Town purchase the culvert material and then reimburse the Town for the cost of the culvert material.
- (2) The material used will be at the discretion of the Town.
- (3) The Town will install and/or work on culverts only within the public street right-of-way of Town maintained roads.

- (4) The minimum width of a culvert will be fifteen (15) inches. Town officials maintain the right to require an alternate if deemed necessary by discretion.

The Town of Black Mountain may also require installation of culverts under existing driveways where deemed necessary by the Public Works Director to correct drainage problems to streets or other property. This will include those situations where there is a substandard culvert, or where one is non-existent. Specifications will be followed as stated in the previous paragraph. The expense of the culvert material will be the responsibility of the property owner. The Town of Black Mountain will be responsible for installing these culverts if requested by the property owner.

Street Paving

Town maintained streets are paved on an "as needed" basis with funding from the N. C. State Powell Bill Fund Grant.

Dedication of Streets (Not within subdivision)

The Board of Aldermen shall not accept as a public street, any street extension, new street or part thereof until preliminary plans have been approved by the Planning and Zoning Board and Public Works Director, and unless the street or part thereof has met the following requirements.

(A) Requirements

Petition required from *all* property owners containing the following information:

- (1) Location of the street.
- (2) Statement that property owners are willing to provide cleared right-of-way. (All tree stumps, roots, brush, boulders, and other obstructions within the right-of-way must be removed to the satisfaction of the Public Works Director.)
- (3) For proposed streets with no existing platted right-of-way, property owners must provide a cleared, forty (40) foot right-of-way deeded to the Town. The Town may accept for dedication any street with an existing platted right-of-way of at least thirty (30) feet, upon the approval of the Board of Aldermen. In such cases, a petition may not be required. Right-of-way requirements for cul-de-sacs shall be provided with a turnaround having a roadway diameter of at least ninety-six (96) feet, provided that, if a hardship exists, a "T" turn-around may be acceptable upon the written approval of the Fire Chief. One hundred percent (100%) of the affected property owners must be willing to dedicate necessary right-of-way.
- (4) The street must have three (3) or more property owners per twelve hundred (1200) feet with no other publicly maintained street frontage.
- (5) Where necessary, property owners must be willing to purchase and install approved culverts to install under new constructed driveways.

(B) Street Specifications

If all of the above requirements are met and the preliminary plans have been approved as stated above, the Town of Black Mountain will make improvements following these specifications:

- (1) Grading Two-way streets shall be graded to a minimum width of twenty (20) feet. One-way streets shall be graded to a minimum width of fourteen (14) feet. New driveways shall have approved culverts of a minimum fifteen (15) inch diameter and twenty (20) foot length, to be purchased by the property owner and installed by the property owner. Any pipe necessary for drainage that must go under streets will be paid for and installed by the property owner with prior approval and recommendation from the Town.
- (2) Preparation Before grading is started; the required grading width shall be first cleared of all stumps, roots, brush and other objectionable material to a depth of firm undisturbed soil.
- (3) Cuts The property owners shall be responsible to see that all tree stumps, boulders, and other obstructions within the right-of-way width shall be removed to the satisfaction of the Public Works Director.
- (4) Road-bed Base The roadbed shall be surfaced with material of no lower classification than crushed rocks, stone, or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" or "road bond", from one and one -half (1 1/2) inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. The thickness of the stone roadway shall be no less than six (6) inches. The roadbed shall be approved by the Public Works Director.
- (5) Cul-de-sacs Permanent dead-end streets shall not exceed five hundred (500) feet in length unless exception is granted by the Planning Board, and shall be provided with a turnaround having a roadway diameter of at least ninety-six (96) feet. Cul-de-sacs shall not be used to avoid connection with existing streets.
- (6) Pavement: All streets must be paved prior to being accepted and maintained by the Town. Any street proposed to be dedicated shall be paved in accordance with NCDOT "Subdivision Road Minimum Construction Standards."

Nothing within this section shall be construed to relieve any developer of property from complying with all provisions of the Black Mountain Zoning and Subdivision Ordinance and any other provisions of law which may supersede the intent of this section.

The Town will not accept any street for maintenance, covered under the provisions of this section, until it has been accepted by Town Staff and the Board of Aldermen and said acceptance recorded in the minutes of the meeting at which said street was accepted.

The Town shall not be required to perform any work, use any labor or material or authorize any expenditure on the improvement of or service to any street or part thereof until all provisions of this policy are complied with.

Street Names

Street names shall be subject to the approval of Buncombe County 911 Addressing Department.

Driveway Construction Curb Cuts

It is unlawful for any person to place or construct, or cause to be placed or constructed, any driveway across any street curb or sidewalk pavement or from the roadway of any street to property abutting upon such street, without a written permit from the Planning Department and the Public Works Department.

Street Closings

The following procedure must be followed for all street closing requests:

- (1) When property owners propose to permanently close any street or public alley, they must petition the Black Mountain Board of Aldermen requesting that the described street or public alley be closed. All property owners whose property abuts the street or right-of-way as shown in the county tax records must sign the petition.
- (2) The petition will then be submitted to the Black Mountain Planning Board for their consideration at their next scheduled meeting. If the Planning Board feels that the closing of said street or public alley is not contrary to the public interest and that individuals owning property in the vicinity of the street will not be deprived of reasonable means of ingress and egress to their property, they will submit the request and written petition to the Town Clerk to be placed on the agenda at the next regular meeting of the Board of Aldermen.
- (3) At this time, a fee of three hundred (\$300.00) dollars must be collected from the petitioners for legal, advertising, and administrative costs. Once the fee is collected, a Resolution of Intent is drawn up with a legal description of the street obtained from the Town Attorney, and the Resolution is presented to the Board of Aldermen.
- (4) The Board of Aldermen may then consider and pass the Resolution of Intent, and call for a Public Hearing at the next scheduled regular meeting.
- (5) The Resolution of Intent will then be published in the Black Mountain News for four (4) consecutive weeks. A copy of the Resolution of Intent will also be prominently posted in at least two places along the street or public alley proposed for closing.
- (6) After the public hearing is held, if the Board of Aldermen is satisfied that the closing of the street is not contrary to the public interest and that individuals owning property in the vicinity of the street will not be deprived of reasonable means of ingress or egress to their property, then the Board of Alderman may adopt an order for the closing of the street or alley. At this time, the Board will reserve its right, title, and interest in any utility improvement or easement as is deemed necessary.
- (7) After closing a street or alley in accordance with these procedures, title to the street or alley shall be in the persons owning parcels adjacent to the street or alley, and their lot lines will be extended to the center line of the street or alley.
- (8) Any person aggrieved by the resolution may appeal within thirty (30) days to the Superior Court of Buncombe County.
- (9) A certified copy of the order of the governing board will be filed in the office of the County Register of Deeds.
- (10) The \$300 fee collected for legal, advertising, and administrative costs is not refundable.

STREET LIGHTING

The Town of Black Mountain is charged with the responsibility of street lighting on all of the dedicated streets and alleyways within the Town limits. The following specific policy is set forth for assessing the need for, spacing of, and quantity of street lights which the Town will provide and maintain.

In applying this policy, common sense and judgment must prevail on the part of the person enforcing this policy. Such things as the tree situation, winding streets, high crime areas, high traffic areas, school areas, existing pole spacing, etc., must all act as an influencing factor in the decision of when or where not to install street lights.

This policy will not mandate an immediate change in the existing street lighting. The street lighting in existence prior to the adoption of this policy is to evolve into compliance with this policy over time as directed by the Town Manager.

(A) Residential Street

- (1) Spacing for residential street lighting shall be one (1) light at each intersection normally to be placed facing the more heavily traveled street. Where there are a number of trees at the intersection or where the streets are wider than thirty six (36) feet, two (2) lights should be used. Each light shall be placed diagonally to the other and overhanging opposite streets.
- (2) In the blocks exceeding six hundred (600) feet in length, addition of intermediate lights (usually one) may be required to maintain a minimum of one (1) light per 600 ' linear length. Measurement of a block will be from center of intersection to center of intersection.
- (3) In areas of winding roads, schools, hospitals, etc., additional lights will be added at the discretion of the Town Manager.

(B) Arterial Roadway

- (1) Any intersection of an Arterial Roadway and another publicly used street shall have two (2) street lights, one (1) overhanging the Arterial Roadway opposite the location of the intersection, and one (1) overhanging the intersecting street at this point of intersection.
- (2) Light spacing for an Arterial Roadway should be two hundred (200) feet to three hundred (300) feet along a linear line.

(C) Business Districts

- (1) Any intersection of a business district shall have one (1) street light overhanging the roadway more

heavily traveled opposite of the intersection. If an Arterial Roadway is inside a business district, then the policy for Arterial Roadway (B. 1.) will supersede.

- (2) Light spacing inside a business district shall be one hundred fifty (150) feet to two hundred (200) feet along a linear line.

(D) Undeveloped Areas

The Town will not light undeveloped areas within the town limits as determined by the Town Manager.

(E) Lumens

The Town's lights may either be of mercury or sodium vapor and shall be enclosed so as to maximize the available lighting.

- (1) For residential use, 7,000 to 12,000 lumen lights shall be the minimum used.
- (2) For commercial districts, 22,000 to 50,000 lumen lights shall be the minimum used.

(F) Placement for Support Standards

Whenever possible, existing poles or standards shall be used to attach the street light(s); however, the use of more decorative attachment structures shall be permitted upon agreement between Carolina Power and Light, the requesting party, and the Town of Black Mountain.

(G) Disconnections

If, in the opinion of the Town Manager, the existing lighting pattern for a specified area seems to be excessive, he may ask for an in-house or an independent study to determine the advantage or disadvantage of removing or redesigning a portion or all of the existing lighting. However, prior to the removal or redesign of said lighting patterns, all adjoining property owners shall be contacted for their suggestions.

(H) Expressway or Interstate Lighting

Any lighting on existing or future expressway or interstate highways within the Town of Black Mountain shall be done only on completion of a municipal agreement between the Town of Black Mountain and the Department of Transportation.

(I) Charge for Underground Service

Any person(s) requesting street lighting in areas where underground service is in place, or is required, should be advised that a one-time service fee per pole will be charged by Carolina Power and Light company. The Town of Black Mountain will not assume responsibility for payment of any fees associated with underground service installation or connection. Arrangement shall be made between the requesting party and CP&L for payment of all underground service fees, prior to acceptance of the lighting by the Town.

The Town Manager may vary from any or all of these standards when it is determined that adverse topography, roadway geometries and design, the presence of natural vegetation, or any other adverse condition exists. In such instance the enforcing person may reduce the spacing requirements or require a clustering of lights to prevent a

hazardous condition.

RECREATION AND PARKS

Parks

Lake Tomahawk – 401 Laurel Circle Dr.

Park Hours: 5:00 AM – Midnight

Pool Hours: Memorial Day to Labor Day, Mon-Sat 11:00 AM – 6:00 PM, Sun 1:00 PM – 6:00 PM

Cragmont – Swannanoa Ave.

Park Hours: 6:00 AM – 9:00 PM

Carver Community Center – 101 Carver Ave.

Office Hours: Mon – Thurs 8:30 AM – 5:30 PM, Fri 8:30 AM – 5:00 PM

Veterans Park – 10 Veterans Park Dr.

Park Hours: Sunrise – Sunset, unless otherwise scheduled

Town Square – 106 Montreat Rd.

Park Hours: Sunrise – Sunset

Restroom Hours: 8:30 AM – Dusk

Splash Pad Hours: May 1 – Sept 30, 10:30 AM – 8:00 PM

Riverwalk Park – 205 NC Hwy 9

Park Hours: Sunrise – Sunset

Greenways – Various Locations

Hours: Sunrise - Sunset

Park Maintenance

The Town of Black Mountain employs the Public Services Department to maintain the Town's Parks and Greenways System. This requires communication between the Recreation and Parks staff submitting work orders and the Maintenance staff executing the work orders. The two Departments have established coordinated standards so that each park can be maintained according to the agreed upon levels of maintenance.

Facility Operations and Staffing

The Town Manager and Recreation and Parks Director oversee, direct, and set policy for individual operations in Parks and at recreation facilities. These policies, plans, and procedures may not conflict with or supersede any policies set by the Board of Alderman. All staff and regular volunteers are required to have annual background checks.

Risk Management

The Recreation and Parks Department is obligated to provide, to the maximum extent possible, a safe environment for all patrons of parks and participants of activities as well as all of their employees with safe working conditions so that employees may do their job without endangering their safety or health. These conditions should include, but not be limited to, safe parks and facilities, a safe place to work, proper training in safe work procedures, and fellow employees who also perform their job in a safe manner.

There shall be a designated safety officer within the department and that person will work with the Town of Black Mountain's Risk Manager to create and administer the Department Safety Plans and Procedures.

Programs, Events, Sports, and Rentals

Fee Policy

Statement of Need: The Recreation and Parks Department offers diversified recreation services to its citizens, recognizing the Board of Alderman's desire to provide public recreation facilities and leisure opportunities. Due to the demand for services, continual increase in operational and capital costs, and the limited amount of available tax revenues, it becomes very difficult to maintain existing levels of service, much less provide new services. Therefore, it has been deemed necessary for the Recreation & Parks Department to develop a sound and consistent fees and charges policy that is both fair and equitable. The underlying goals of such a policy must remain to provide the broadest services to meet the needs of the community, and to assure equitable delivery of those services. As always, services provided shall be in direct relationship to the operating funds received through the annual budget process.

Department Philosophy: The basic principle of Black Mountain Recreation & Parks is to offer the most efficient and diversified recreation services possible to ensure all citizens equal opportunities as follows:

To improve the quality of life for each individual through recreation and leisure opportunities.

To provide and maintain parks and recreation facilities for use by the general public.

To provide trained and qualified personnel for supervision and instructions in recreation programs and activities.

To provide properly maintained facilities through a quality maintenance program.

To welcome public input into planning and evaluation of recreation programs, activities, and facilities

To provide the opportunity for all residents of Black Mountain to participate in programs and activities and to fully utilize the facilities of the department.

Fee Schedules

One or more of the following criteria shall be considered in recommendations toward user fee adjustments:

Entrance and Facility/Activity User Fees: Each park, facility, and activity shall be assigned participation or usage fees to supplement tax dollars required to operate Black Mountain's Park System.

1. Facility use fees shall be charged for areas that are being reserved for the use by a certain group or individuals for their sole use. These include shelters, ball fields, picnic areas, etc.

Activity User fees shall be charged when appropriate for special events or activities to assist in the recovery of the cost, or partial cost, for providing the special event or activity. Youth sports may be subsidized, adult sports should make a profit or at the very least break even.

Park staff revenue specific records.

Similar facilities or activities by other park departments or commercial vendors.

A special "marketing price" to encourage better use of the facility or activity.

In the event that the Recreation Commission's recommendations are approved by the Board of Alderman, the new fee will become effective with the new budget year and allow proper notice to the public.

In the unlikely event that a recreational request is made that an appropriate fee has not been established, the Director shall present the recommended fees for the event to the Recreation Commission for their approval. If the event is to be held within 60 days which is considered a short planning period, the Recreation & Parks Director's approval is sufficient for moving forward with the event using the approved fees. Any such approved fees will become part of the next review of fees to be considered for adding to the policy by the Board of Alderman.

Fees for Facilities

When not in use for Recreation Department sponsored and co-sponsored activities, designated areas and facilities may be rented by organizations and the general public in accordance with established policies and procedures.

Resident vs. Non Resident Rates

There will be specific rates for people and/or organizations that reside within the town limits of Black Mountain.

Any organization that has Black Mountain Recreation & Parks as a co-sponsor will not be charged any facility rental fees with the approval of the Recreation & Parks Director. To be co-sponsored the event/activity must meet the following criteria:

Provide a measurable impact and outcome for the participants

Be open to all interested

Include Black Mountain Recreation & Parks on all publicity

Provide Black Mountain Recreation & Parks with a certificate of insurance as additionally insured

User Groups

Group I – Merit Groups - Groups primarily for youth and where no specific program, other than an annual membership fee is charged. Examples: Owen Youth Baseball, Owen Youth Football, Boy Scouts, Girl Scouts.

Group II – Government, Non-Profit Groups and Schools

Group III – Private – Weddings, receptions, private parties, business groups, functions for profit, and non-profit group sponsored private parties and fund raisers.

Reservations include existing park and recreation facilities only. Any additional equipment or activities (i.e. Bounce Houses, Tents, generators, other structures, etc.) must be approved by Recreation & Parks Director at least 30 days prior to reservation date. All equipment must be operated and supervised by the contract vendor at all times. The Director will require the organization or groups to provide Black Mountain Recreation & Parks with evidence of comprehensive liability insurance sufficient to protect the Town against risk. Not all Park facilities are able to accommodate additional equipment or activities. Additionally, some park facilities may not be able to accommodate a power source or water source.

Alcohol – Alcohol is only permitted inside the Lakeview Center. To serve alcohol (beer, wine, champagne) the applicant must complete the Town’s “Application for Alcohol Permit” and the associated fee. The applicant assumes all responsibility for consumption and control of alcohol as well as for any injuries related to alcohol use. To allow fortified wine and/or spirituous liquor on premises a Limited Special Occasion Permit must be obtained by applicant from the North Carolina Alcoholic Beverage Control Commission.

Special Consideration for Fees and Charges Variances

Black Mountain Funded Agencies shall be granted special consideration in the form of free use of park facilities during normal business hours. Any direct costs incurred for use of the facility and additional

manpower costs if necessary will be passed on to the agency. Entrance fees still apply unless otherwise approved by the Recreation & Parks Director. An approved reservation is required.

Use of certain park rental facilities may be used for the a Black Mountain Employee Appreciation Day celebration or such other event with the approval of the Recreation & Parks Director at no cost or transfer of funds.

Special Interest Groups or individuals shall be granted no special consideration in the form of reduced rates or free services with the exception of those groups who are co-sponsoring with the Parks and Recreation Department.

Town of Black Mountain Employee Rates – Town employees are granted two discounted rental(s) of a facility in a given year.

The Director is permitted to grant special or discount rate rentals in special or extreme circumstances.

Alternative Sources of Revenue

Grants

1. Any employee of the Park Department, Commissioner, or interested citizen is encouraged to investigate the possibilities of securing a grant or sources of outside funding for department facilities and programs.
2. As required all grant applications must be approved by the Director.

Non-Appropriated Funds for Recreation Services

With prior approval of the Director, solicitations, sales, benefits, donations, or gifts, may be received for Black Mountain sponsored programs.

2. Funds collected in any manner during a Town sponsored program shall be handled in accordance with established Town policies and procedures. Receipts for all items received will be maintained by the Department's Administrative Assistant.

Evaluation of Policy and Fee Schedules

Fee schedules shall be reviewed annually by park staff and the Recreation Commission during the month of January. Recommendations for fee adjustments shall be forwarded to the Director for consideration and possible advancement to the Board of Alderman for approval. All recommendations for policy changes or fee adjustments shall be approved by the Black Mountain Recreation Commission and Board of Alderman prior to implementation.

Refund Policy:

Rentals: A rental deposit is paid to hold a current date at a specific facility and must be made within two business days of calling to reserve the facility. Rental deposits become damage deposits once the rental fee is paid in full. A damage deposit is used as a guarantee that the facility/equipment will be returned to the state that it was prior to the facility rental.

Rental Deposits – Refund of rental deposits will be made in full if the cancellation is requested prior to two weeks before the scheduled date of the rental. Cancellations made between two weeks and 48 hours before the rental will receive half of their rental deposit. Cancellations made less than 48 hours before the scheduled rental will receive no deposit refund.

Damage Deposits – Refund of deposits for completed rentals will occur within seven business days of completion of rental as long as items on cleaning checklist have been completed in a satisfactory manner and the keys are returned. Violations of deposit agreement will be charged at a rate of \$20 per hour for cleanup infractions and will be charged associated dollar amount for damages that occur during the rental period.

Pool Rentals – Pool rental deposits may be returned if they must be cancelled because of weather.

Ballfield Rentals – Ballfield rental deposits may be returned if they must be cancelled because of weather.

Programs:

1. Cancelled program: All cancelled programs will result in the participant receiving a full refund.

Withdrawal from program: All voluntary withdrawals from programs by participants may be eligible for a pro-rated refund based on program costs and/or time remaining in the program. This does not include persons quitting a team where team fees have been paid.

Exclusion from program: All exclusions from programs related to violation of code of conduct policy, disciplinary reasons, park rules violations or other violations are not subject to a refund. This includes team fees and or partial team fees paid by individuals.

Summer Camps: Deposits are non-refundable.

Entry Fees:

Pool entry fees: Rain checks will be given at the pool if the patron(s) have been at the pool for less than one hour when the pool must be closed because of weather.

WATER

Scope

The intent of this policy is to provide uniform procedure, rates, and charges for utility service, cut on, cut off, and other services provided to the customer.

Tampering with Fire Hydrants or other Water Connections

By Town Ordinance, it shall be unlawful for any person to interfere with the hydrants, plugs or sidewalk cut offs.

Water Connections

Right of Town to Make Necessary Connections

In the event of failure of any person to connect with an approved water system, the town may go upon the premises and connect the improved properties with the water system. All expenses incurred shall immediately be a first and prior lien against the properties for the amount or amounts so expended in connecting the properties with the water system.

Depth of Water Lines

All water lines installed within the Town on public or private property, and all water lines elsewhere that are to be connected with water mains belonging to the Town, shall be at least 24 inches deep.

Open Ditches

All ditches dug for the purpose of laying water pipe shall be left open and uncovered until inspected by a Town representative.

Water Taps and Use

Classification of Service

All services are classified under one category to include residential, schools, churches and commercial users.

Rate Schedule and Tap-On Fees

Rates for water service shall be established annually by the Town Board of Aldermen (See Appendix)

Tap-on Fees

For customers that are to be tapped on the Town Water System, a tap-on fee is based on the tap size needed. This fee is a one-time non-refundable charge paid by the customer to the Town.

Exceptions: In cases where existing water lines are replaced and/or upgraded with new water lines, the existing Black Mountain water customers on the old line may request a new water tap onto the new water line at no charge to the customer. A new application must be filed but no service charge will be collected.

Application for Service

Any person(s), association, partnership, firm, or corporation requesting utility service shall make application therefore prior to using any Town supplied utility service by executing an agreement for the purchase of utility services on the form prescribed by the Town.

Service will be supplied only to those who have applied and paid the required fees and deposits.

Customers will make application for service, in person, at the office of the Town and at the same time pay the service charge and deposit required.

The Town may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons.

Water Meter Requirements and Regulations

No one has the privilege of unmetered water use, however obtained. The Town has full water use accountability as a primary goal and measures designed to achieve that result, that are practical, will be undertaken.

Each new residential, industrial or commercial building or unit, under one roof (including shopping centers, condominiums and apartment buildings), whether or not under common ownership, shall have one water meter for each building or unit. Variations from this regulation shall be by written permission from the water department only.

Mobile Homes. Mobile homes that occupy a single lot or area in a mobile home park or trailer park shall have an individual water meter. A mobile home occupying a lot with another house may not be served from that house. Areas designated as mobile home parks or courts shall be served by individual water meters.

All water meters shall be located at some convenient place within the street right of way, if possible, or adjacent thereto as designated by the Water Department Supervisor or other authorized representative. Water will not be permanently turned on to any premises until the Building Inspector has inspected the plumbing fixtures and the plumbing from the meter to the structure.

The consumer shall cause to be installed in his/her service line an accessible cutoff valve, verified by the Building Inspector, located on his/her property on the user side of the meter, and shall cause each service pipe connected thereto to be provided with an accessible cutoff valve, so that the water may be turned off in case of accident, vandalism, or to prevent freezing and bursting of house pipes and to help provide continuity of service. Any water loss on the user side of the meter is the consumer's responsibility.

Water meters will be repaired or replaced as the need for such action arises, but no set timetable for calibration or exchange will be set.

Service Charge

All customers will make a non-refundable service charge of \$25.00, and a \$100.00 refundable deposit.

The individual in whose name the service charge is paid shall be responsible for payment of all bills incurred in connection with the service furnished. A separate service charge is required for each meter installed or used.

Initial or Minimum Charge

The initial or minimum charge, as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter requires a separate meter number and each meter number shall cover a separate and individual account.

Where service is furnished to a consumer during certain months only, the minimum charge per service for the period of non-use shall be the regular minimum as set out in the published rates of the corporation, unless water is turned off, in which case no charge for service will be made while the water is off.

Town's Responsibility and Liability

The Town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.

The Town may install its meter at the property line or, at the corporation's option, on the consumer's property or in a location mutually agreed upon.

When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated to which consumer it applies.

The Town does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefore.

The Town reserves the right to refuse service unless the consumer's line or piping is installed in such manner as to prevent cross-connections or backflow.

The Town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises, unless such damage results directly from negligence on the part of the Town. The Town shall not be responsible for any damage done by, or resulting from, any defect in the piping fixtures or appliances on the consumer's premises. The Town shall not be responsible for negligence of third persons or forces beyond the control of the Town resulting in any interruption of service.

Under normal conditions, the consumer will be notified of any anticipated interruption of service by means of newspaper publication and/or radio broadcast.

Consumer's Responsibility

Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the corporation's lines or mains.

If the consumer's piping on consumer's premises is so arranged that the corporation is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.

Where meter is placed on premises of a consumer, a suitable place shall be provided by consumer for placing such meter unobstructed and accessible at all times to the meter reader.

The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter; the Town to provide a cutoff valve on the corporation's side of such meter.

The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner, and in accordance with the Town's rules and regulations, and in full compliance with the sanitary regulations of the North Carolina Department of Human Resources.

The consumer shall guarantee proper protection for the Town's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the Town.

In the event that any loss or damage to the property of the Town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the Town; and any liability otherwise resulting shall be assumed by the consumer.

The amount of such loss or damage or the cost of repairs shall be added to the consumer's bill; and if not paid, service may be discontinued by the Town. If meters are purposefully damaged by the consumer, the consumer shall pay three times the cost of the meter as damages.

Extensions to Mains and Services

Any property owner or group of property owners having need for a water main extension in order to receive Town water service for their property shall enter into an agreement with the Town for acceptance into the Town system, through the Town Manager. The owner(s) shall be responsible for the extension and to dedicate same to the Town without reservation before the extension can be placed in service, provided of course that acceptance of the line by the Town is contingent upon it being acceptable to the Water Supervisor in strict accord with Town, State, and Federal specifications and regulations. In such instances, the Town will make all tap-ons and charge a tap fee as outlined in this Town Policy and the Black Mountain Code of Ordinances.

(A) Water distribution lines to serve undeveloped subdivisions will be handled as follows:

(1) The developer will submit plans for review and approval by the Town, its engineer and the North Carolina Department of Human Resources.

(2) Lines will be installed by the developer in accordance with the approved plans.

(B) Other Extensions. The location, size and distance of any water line extension shall be determined by the Town Board of Aldermen in accordance with the recognized standards and accepted engineering practices and design. Said extensions shall be based on the need of the improvement and the benefit to the community that it will serve.

Extension of water lines within the Town's service areas will be handled as follows:

(1) The plans for the extension will be submitted for review and approval by the Town, its engineer and the North Carolina Department of Human Resources.

(2) The lines will be installed in accordance with the approved plans.

(C) Limitations of Service

(1) Water service will not be provided at any location where a minimum of 30 pounds per square inch cannot be maintained under normal conditions.

(a) Property above the service line may be provided a tap according to the Town's fees, but the property owner must provide any additional equipment that is deemed necessary by the Town to provide adequate water pressure from the tap.

(2) Any natural or manmade obstruction that impedes the extension of water lines such as, creeks, rivers, railroads, interstate highways, etc., will not be crossed.

(D) Any group of property owners represented by a bona fide homeowner's association or like organization may petition the Town of Black Mountain for maintenance service for private water pumps and reservoirs. Under such agreements, the homeowner's association will retain ownership of the appurtenances and the association will reimburse the Town for all costs associated with the maintenance, to include all labor and material costs.

Replacement of Old Water Lines

Upon the recommendation of the Public Works Director and approval of the Town Manager, old water lines will be repaired and/or replaced as funds are available in order to maintain or improve the existing level of service.

Access to Premises

(A) Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing Town property, inspecting piping, reading or testing meters or for any other purpose in connection with the Town's service and facilities.

(B) Each consumer shall grant or convey, or shall cause to be granted or conveyed, to the Town a perpetual easement and right of way across any property owned or controlled by the consumer wherever said perpetual easement and right of ways necessary for the Town water facilities and lines so as to be able to furnish service to the consumer.

Change of Occupancy

(A) Notice must be given in person or in writing, at the Town office, to discontinue service for a change in occupancy, by 3 PM on the day of which service is to be discontinued.

(B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

Meter Reading; Billing and Collecting

(A) Meters will be read and bills rendered monthly; but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently, if necessary or desirable.

- (B) Bills for water will be figured in accordance with the Town's published rate schedule then in effect, and will be based on the amount consumed for the period covered by the meter readings.
- (C) Charge for service commences when meter is installed and connection made, whether used or not. Sixty (60) days may be allowed for hookup on initial installation of the water system.
- (D) Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different consumers, or for the same or different services.
- (E) Bills are due when rendered and become delinquent ten (10) days thereafter.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

Suspension of Service

- (A) A sixty dollar (\$60.00) fee must be paid to reconnect meters after they have been disconnected for non-payment.
- (B) When it becomes necessary for the Town to discontinue water service to a customer for nonpayment of bills, service will be reinstated only after all bills for service the past due amount have been paid and any deposit or reconnect charge has been paid.
- (C) It is the policy of the Town to discontinue water service to customers by reason of non-payment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The Town's billing form and all notices of intent to disconnect water services for nonpayment shall contain clearly visible and easily readable provisions to the effect:
 - (1) That all bills are due and payable on or before the date set forth on the bill; and
 - (2) That if any bill is not paid by or before that date, the Town may discontinue water service without further notice.
- (D) Any customer disputing the correctness of his bill shall have the right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the Town official in charge of water billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make final determination of the customer's complaint. The Town Manager shall designate the official who will hear such complaints and make the determination as provided in this section.
- (E) The Town reserves the right to discontinue its service without notice for the following additional reasons:
 - (1) To prevent fraud or abuse.
 - (2) Consumers willful disregard of the corporation's rules.
 - (3) Emergency repairs

- (4) Insufficiency of supply due to circumstances beyond the corporation's control.
- (5) Legal procedures.
- (6) Direction of public authorities.
- (7) Strike, riot, fire, flood, accident or any unavoidable cause.

(F) A twenty five dollar (\$25.00) fee will be charged to seasonal customers for reconnecting meters after service has been temporarily cut off.

Returned Checks

When, for any reason, a customer's check is returned by the bank on which the check is drawn, because the bank will not pay or honor the check, the payment credited to the customer's account shall be reversed. Proper payment must still be made on the account by the due date, in accordance with these rules and regulations.

The Town shall recover the amount of the bad check by any means allowed by law, including the addition of a service charge to the customer's bill.

Complaints, Adjustments

(A) If any customer disputes the accuracy of his/her bill, they shall have the right to a meeting in which they may be represented in person or by any other person they so choose, and may present, orally or in writing, their complaint and intentions. The claim shall be presented in person at the Town's office before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his/her claim.

(1) Anyone desiring a meeting may contact the Water Department at Town Hall, Black Mountain, North Carolina. Meetings are held between 8:30 a.m. and 4:30 p.m., Monday through Friday. The Water Department and/or the Assistant Town Manager have authority to make a final determination of the complaint and the authority to order that any service not be discontinued.

(B) If the seal of a meter is broken by other than the Town's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his/her previous bills and/or from other proper data.

(C) The Town may consider an adjustment for leaks in the consumer's lines or appliances only after the consumer shows proof that the leak has been repaired. Said adjustment may be considered only one time each 12 month period.

Abridgment or modification of Rules

(A) No promise, agreement or representation of any employee of the Town shall be binding upon the Town except as it shall have been agreed upon in writing, signed and accepted by the acknowledged officers of the corporation.

- (B) No modification of rates or any of the rules and regulations shall be made by any agent of the Town.

Water Shortages

- (A) Restrictions on Use of Water

At any time it appears to the Mayor and Board of Aldermen that a shortage of water prevails and that it is necessary for the health of the citizens and the community that the use of water be curtailed, the Town Clerk or other designated officer shall notify all service stations, garages and other citizens of the community to discontinue the use of water for the purposes of washing cars, sidewalks, watering lawns and for any other unnecessary purposes.

- (B) Proclamation Declaring Water Shortage

At any time that it appears there is a shortage of water in the Black Mountain water system, a proclamation of the above restrictions shall be published in the Black Mountain News, signed by the Mayor and attested by the Clerk, restricting the use of water as set forth in the Code of Ordinances.

- (C) Use of Water Restricted

(1) Use of water may be restricted when an emergency has been created by a shortage in Town water supply, and said shortage actually exists, threatening the health and safety of the citizens.

Rates and Charges

- (A) Turning Water on and Off

(1) In all cases where necessary, water shall be cut off and turned on by the Water Department or by some person authorized by the Town authorities. If after it is so turned off it shall be turned on by any other person, such person shall be guilty of a misdemeanor.

- (B) Water Rates

(1) Users of water where such water is measured through a water meter shall pay for the water and use of the meter as set forth in **Appendix A** as attached.

BLACK MOUNTAIN GOLF COURSE

Statement of Goals

The following goals have been prescribed for the Black Mountain Golf Course by the Town of Black Mountain and are the direct responsibility of the Pro Shop Manager/Operations Manager. These goals are meant to cover the entire spectrum of golfing activities and are to remain the focal point for the direction of resources. The specific goals are:

1. To provide supervised golf recreation activities under the best circumstances to the greatest number of people at the most reasonable cost to players, while still giving the course an opportunity to achieve financial success.
2. To provide the best possible facilities and operation services to the golfing public while staying within realistic budgeting constraints.
3. To interact with local, regional and national authorities and golf industry organizations to promote, stimulate and develop interest in golf.
4. To keep abreast of the latest research and activities of professional organizations, and to implement the latest methodologies in both maintenance and operations management if they fall within the scope of a realistic budget.
5. To develop and maintain golf facilities that meets the needs of the golfing public, while continually working to improve the Black Mountain Golf Course.
6. To stay within the guidelines of safety measures put forward by the Town of Black Mountain.
7. To provide and maintain the highest possible level of personnel efficiency in all areas.

Rules and Regulations

General:

The following activities are prohibited on the golf course grounds and facilities, unless authorized by the Pro Shop Manager/Operations Manager. Local law enforcement may be called upon for assistance in enforcing any of these regulations.

- Storage of private or personal property.
- Solicitation of any kind.
- Circulation or posting of handbills, petitions, advertising matter and promotional materials.
- Selling of any goods, wares or merchandise.
- Carrying or discharging any firearm.
- Use of the golf course for any purposes other than to play golf in the accepted manner.
- Littering
- Loitering, lingering or “loafing” on the premises.
- Pets are not to be brought on the course without pro shop permission.
- Any activities other than golf without pro shop permission.

Dress Code:

1. Swim suits, tank tops, cut off pants or cut off shirts are not allowed on the golf course or clubhouse.
2. Shirts must be worn on the golf course at all times.
3. Golf shoes or smooth sole athletic shoes must be worn on the course at all times. No metal spikes.
4. All clothing containing offensive or profane material is prohibited.
5. Management reserves the right to refuse service to anyone not in compliance with the dress code.

Golf Play:

1. USGA rules of golf and posted local rules govern play at all times.
2. No play is allowed on the course when it has been closed by the Pro Shop Manager/Operations Manager.
3. All players must check in with the pro shop before playing on any part of the course.
4. Practicing shall be limited to the chipping and putting green.
5. No more than four persons will play in one group at a time unless instructed to do so by pro shop staff.
6. It is the responsibility of each player to replace divots, smooth traps and repair ball marks on the greens.
7. In the interest of all, players must play without delay, allowing faster players to play through. Unjustifiable slow play will not be tolerated.
8. The Pro Shop Manager/Operations Manager or authorized representative may cancel an individual or groups daily playing privileges at any time if conditions justify such action. Reasons for this action include, but are not limited to the following:
 - Submitting false information for the purpose of securing playing privileges
 - Playing golf without purchasing a greens fee or registering with the shop
 - Intoxication, disorderly conduct, use of abusive language or other behavior detrimental to the orderly operation of the golf course.
 - Failure to comply with the existing rules and regulations governing play, practice, operation of golf carts, personal conduct and inappropriate dress.

Golf Carts:

1. Cart operators must possess a valid driver's license and be 16 years of age or older to drive a golf cart.
2. Only golf carts owned by the Town of Black Mountain will be permitted on the golf course at any time.
3. Golf carts must be mechanically maintained as required to provide safe and reliable operation.
4. Golf carts shall be washed after each round of play or as manager sees necessary in winter season.
5. Golf carts purchased new shall be considered for replacement five years from the date of purchase and each year that follows.
6. Routine maintenance procedures shall be performed every 6 months. This will include oil change, air filter check, grease fittings, tire rotation if needed and any other major overhaul item. All repairs that staff are unable to handle will be referred to the golf cart dealer.
7. No vehicle other than golf carts shall be allowed on the golf course except for maintenance purposes.
8. The Pro Shop Manager/Operations Manager may restrict golf carts to path only at any time.
9. Golf carts must be operated in a manner that will conform to all existing rules in order to protect the golf course, speed up play and ensure safety of all players.
10. No more than two bags and two players per cart.

11. Anyone using a golf cart must obey all posted cart rule signage on the course.
12. Failure to follow any of the golf cart rules can result in the denial of golf cart use or playing privileges.

Starting Times:

1. Reservations can be made one week in advance for public play, two weeks in advance for Annual Pass holders and further out for groups of 20 or more players with permission of Pro Shop Manager/Operations Manager.
2. Permanent starting times will not be assigned at any time except for commonplace or weekly events such as ladies day, mens Gangsome or geritol league play.
3. Reservations shall be cancelled no later than 24 hours before start time. A late cancellation fee can be charged.
4. Staff reserves the rights to switch or interchange tee times if such change would prevent delays, eliminate confusion, correct a problem or be to the benefit of all players on the course.

Closing the Golf Course:

1. The Pro Shop Manager/Operations Manager or any authorized representative is responsible for the decision of temporary or all day closings of the golf course. Considerations will be made based on the general welfare of the golfing public and potential revenue loss.
2. The decision will be made based on if conditions will leave the course damaged, put players in potential danger (ice, lightening, wet conditions, snow, abnormal cold temperatures) leaving the town open to lawsuit or any qualifier deemed reasonable by Pro Shop Manager/Operations Manager.
3. If possible, notification should be made prior to the first tee time of the day and posted for all to see.
4. If a possible late opening is to occur, the decision maker should stay close by to monitor the playing conditions.
5. The maintenance staff shall be given ample time to get the golf course in playing shape if the course is to reopen after a weather event.

Greens Fees:

1. Rack Rates are those that are voted on by the Board of Alderman and occur as the golf courses standard daily rates. Green fees are subject to change, current rates shall be posted in the pro shop and online.
2. Holiday fees will be charged on any holiday the Pro Shop Manager/Operations Manager sees the demand for tee times increase, but will not deter patrons.
3. Senior Citizen rates will be made available to all players, 60 years of age and older. These rates will be available Monday thru Friday, not including holidays.
4. Juniors 12 years and younger will play for free with a paying adult. Juniors 13-17 will pay the prevailing junior rate based on the time of year and day of week.

Complimentary Greens Fees (Cart Fees Always Required):

1. All town staff will be required to pay cart fees only.
2. PGA Professionals will pay cart fees only. Credentials are required. This is an industry wide common courtesy.

3. Pro Shop Manager/Operations manager can make a greens fee only donation to tournaments or benefits.
4. Part-time town employees will not receive complimentary greens fees in the off season when they aren't working.

Refunds and Rainchecks:

1. The Black Mountain Golf Course reserves the right to eject any player for proper cause, without refunding greens fees.
2. An 18 hole rain check will be given to those completing 5 holes or less and having to stop play due to an inclement weather course closing. A 9 hole rain check will be given to those completing 13 holes or less and having to stop play due to an inclement weather closing.
3. Rain checks will not be given to those who begin play in inclement weather or when inclement weather is clearly imminent.
4. Rain checks will be issued for an unforeseen emergency that causes a player to have to leave the course.

School Team Play:

1. The Pro shop Manager/Operations Manager will permit high school and college teams to play, practice and host scheduled matches on a case by case basis.
2. Any regular school or college teams who play will be required to provide a list of all eligible players.
3. Players will be required to follow all course rules and dress requirements. Failure to do so can result in teams losing their playing privileges.
4. Teams will not be permitted to practice on weekends or holidays or any time where it will cause hardship for the golf course.
5. The golf course will charge for spectator carts for any match days or practices for anyone wanting a golf cart.
6. The Town of Black Mountain and authorized golf staff hold the right to revoke playing privileges at any time.

Tournaments:

1. Any golf club, company, association or recognized organization may request to hold a golf tournament at the Black Mountain Golf Course.
2. The type of event (shotgun start, modified shotgun start, tee time tournament) will be discussed between the tournament organizers and Pro Shop Manager/Operations Manager. Based on the number of players, time of day and day of week, the Pro Shop Manager/Operations Manager will decide which tournament type is best for the Black Mountain Golf Course.
3. For a full shotgun start tournament, a rate of \$2,500 will be charged for the first 72 players and \$30 per player for every player after that.
4. Tee times will be issued outside of the tournament based on what type of tournament is set up.
5. Full shotguns will not be booked on weekends or holidays.
6. Tournaments who provide their own food and prevent the grill from making revenue, will owe and addition \$2 per player to be paid directly to the grill.
7. Tournament sponsors will be liable for any personal injury or property damage resulting from tournament play.
8. Golf carts will be mandatory for all tournament play.

Men's and Women's Associations

1. The Town of Black Mountain will not sponsor or co-sponsor any particular golf club. The town will however recognize and approve one club for men and one club for women at the Black Mountain Golf Course.
2. Men's Gangsome/Par Quota play and Ladies Association play will follow guidelines set forth by the Pro Shop Manager/Operations Manager. Those guidelines are as follows:
 - Permitted only at times deemed appropriate by management.
 - Must play during designated times.
 - Must pay prevailing greens fee and cart fees.
 - Must manage their own game and prizes.
 - Each group is responsible for their prizes left behind after a play day.
 - The Black Mountain Golf Course and the Town of Black Mountain carry no responsibility for these groups.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

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

The Black Mountain Board of Aldermen will meet on Monday, January 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 to consider approval of resolution #R-18-01 authorizing the Town of Black Mountain to file an application for approval of a financing agreement as authorized by N.C.G.S. Section 160A-20 by the North Carolina Local Government Commission for the financing of the purchase of property Located at 304 Black Mountain Avenue, Black Mountain, NC, such property being shown on the Buncombe County Tax maps as Pin #0619-34-0581.

The meeting is open to the public.


Angela L. 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 12/13/17

Published in the Black Mountain News 12/28/17 and 1/4/2018

www.townofblackmountain.org



RESOLUTION #R-18-01

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR THE
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Black Mountain, North Carolina desires to purchase downtown property to better serve the citizens of Black Mountain; and

WHEREAS, the Town of Black Mountain desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

WHEREAS, the Board of Aldermen of the Town of Black Mountain, North Carolina, met in regular session on the 8th day of January, 2018, and made the following findings of fact:

1. The purchase of this property is necessary because it will allow the Town of Black Mountain to better serve the citizens of Black Mountain by consolidating all town offices within one half mile of downtown Black Mountain, give the Public Services Department needed additional space for vehicles and heavy equipment, and provide free downtown public parking for residents and guests.
2. The proposed contract is preferable to a bond issue because of the high costs associated with general obligation bonds, and the time period involved in gaining approval for general obligation bonds. The proposed undertaking exceeds the amount that can be appropriated from available fund balance. Current low rates of interest make installment financing a desirable option for the Town.
3. The amounts that will be due under the contract are adequate and not excessive for the proposed purchase based on information obtained through property appraisal procedures.
4. The Town of Black Mountain will continue to follow appropriate and adequate debt management procedures and policies as directed by the Local Government Commission.

5. It has been determined by the Black Mountain Board of Aldermen that no change in the tax rate will be needed to meet the debt obligation.
6. The Town of Black Mountain is not in default in any of its debt service obligations.
7. The attorney for the Town of Black Mountain has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and the laws of North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that the Town Manager is hereby authorized to act on behalf of the Town of Black Mountain in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

I move the adoption of the foregoing resolution:

Alderman

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

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk

Matt Settlemyer, Town Manager