



TOWN OF BLACK MOUNTAIN

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

Date: August 12, 2019 Time: 6:00 p.m.

AMENDED

Regular Session Agenda

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

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

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

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

1. CALL TO ORDER

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

2. PROCLAMATIONS, AWARDS & RECOGNITION – NONE

3. CITIZEN COMMENTS

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

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

- A. Building/Planning/Zoning & Planning Board Annual Report – *Jessica Trotman, Planning Director*

5. CONSENT AGENDA

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

- A. Adoption of Minutes

Motion: To adopt the minutes of July 8, 2019 (Agenda Session), and July 8, 2019 (Regular Session).

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA

August 12, 2019

B. Call for Public Hearing for Text Amendments to Amend Duplex Definition #O-19-17

Motion: *To call for the public hearing for text amendments to definitions to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

C. Call for Public Hearing for Text Amendments to Amend Timeframe for Nonconformities

#O-19-18

Motion: *To call for the public hearing for text amendments to the timeframe of nonconformities to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing for Text Amendments to Amend Historic District and Historic Conservation District Overlay #O-19-19

Motion: *To call for the public hearing for text amendments to the historic district and historic conservation district overlay to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

E. Budget Amendment Transferring Funds to Golf Fund #FY2019-21

Motion: *To approve Budget Amendment #FY2019-21 – as submitted, increasing expenditure accounts 1000 -5000-560 (Transfer to Golf) by \$125,000, and 5092-3905-900 (Fund Balance Appropriated) by \$125,000 and increasing the revenue accounts 1000-3905-900 (Fund Balance Appropriated) by \$125,000 and 5092-3808-800 (transfer from General Fund) by \$125,000.*

F. Budget Amendment for Governors Crime Commission Grant (Police Dept.) #FY2020-1

Motion: *To approve Budget Amendment #FY20-1 as submitted, increasing the expense accounts, 1010-5100-730 (Capital Outlay) by \$25,000 and the revenue account, 1010-3395-300 (Governors Crime Commission Grant) by \$25,000.*

Consent Motion: *To approve consent items A-F 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.

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
August 12, 2019

7. UNFINISHED BUSINESS

A. Offer received to purchase Town owned property located at 2992 U.S. Hwy 70, Black Mountain NC (Former Public Works Building)

B. River Walk Greenway Update

C. Appointment to fill vacancies on Town Boards and Commissions

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

*1 applicant: **Cindy Costen** (new applicant applying for unexpired term)*

Nomination: _____

Motion: *To appoint _____ to fill an **unexpired term ending June 30, 2020** by a vote of _____ for and _____ against.*

D. Cherry Street One-Way Resolution

#R-19-16

Motion: *Approve as presented [or as amended].*

8. NEW BUSINESS

A. NCDOT Utility Repair Reimbursement Agreement (Waterline Blue Ridge Road)

Motion: *Approve as presented.*

B. Resolution Prescribing Procedures for Disposal of Surplus Personal Property **#R-19-15**

Motion: *Approve as presented [or as amended].*

C. Art in the Afternoon Lease

Motion: *Approve as presented [or as amended].*

TOWN OF BLACK MOUNTAIN- REGULAR SESSION AGENDA
August 12, 2019

D. 4th Street Speed Limit Reduction

#O-19-16

Motion: *Approve#O-19-16 as presented [or as amended].*

E. Fire Station #1 Foundation

F. Little Free Library Agreement

Motion: *Approve as presented [or as amended].*

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 Rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential)

REZONING

Motions:

1. To open the public hearing to rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential).
2. To close the public hearing.
3. To adopt the Statement of Consistency as presented [or as amended].
4. To rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential) as presented.

10. COMMUNICATION FROM STAFF

- A.** Town Attorney – Ron Sneed
B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT



Josh Harrold
Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Call for Public Hearing for Text Amendments to Amend Duplex Definition

AGENDA INFORMATION

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

BRIEF SUMMARY: The current definition for a duplex does not clearly indicate how a duplex is to be separated resulting in ambiguity in the definition. At their July 2019 meeting, the Planning Board voted to amend the definition of duplex to clarify how a duplex is separated.

MOTION FOR CONSIDERATION: To call for the public hearing for text amendments to definitions to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance #0-19-17, Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held on Monday, September 8, 2019 or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN STATEMENT OF
CONSISTENCY FOR: TEXT AMENDMENT TO CHAPTER 1, SECTION 1.2.3,
DEFINITIONS FOR DUPLEX DEFINITION**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACKMOUNTAIN, that they adopt the following Statement of Consistency:

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

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

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

- The definition is better defined and clarifies the physical form.
- Maintains the character of residential districts.

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

- Vision Statement 9: Community Planning – maintains the integrity of neighborhoods while supporting a variety of housing types.

WHEREAS, after notice duly given, a public hearing was held on September 8, 2019 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN APPROVE THIS STATEMENT OF CONSISTENCY, by a vote of _____ to _____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

ORDINANCE #0-19-17

**AN ORDINANCE TO AMEND SECTION 1.2.3, DEFINITIONS, DUPLEXES, OF THE
LAND USE CODE**

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is required in order to carry out vision statement nine: community planning of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.2.4, Definitions, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1 – Structure and Administration
Section 1.2.3 – Definitions

Duplex or two-family residence: ~~A detached building which includes two individual dwelling units.~~ A duplex may be held in single ownership and may be subdivided as a town home or condominium. **It is a building designed as a single structure with two residential units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling unit.**

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Call for Public Hearing for Text Amendments to Amend Timeframe for Nonconformities

AGENDA INFORMATION

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

BRIEF SUMMARY: The current timeframe for replacement of nonconforming uses or structures is one year. Most municipalities only allow 180 days to help reduce the number of nonconformities. At their July 2019 meeting, the Planning Board voted to recommend changing the current text of one year to 180 days.

MOTION FOR CONSIDERATION: To call for the public hearing for text amendments to the timeframe of nonconformities to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance #O-19-18, Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held on Monday, September 9, 2019 or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN STATEMENT OF
CONSISTENCY FOR: TEXT AMENDMENT TO CHAPTER 1, SECTION 1.3,
NONCONFORMITIES**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACKMOUNTAIN, that they adopt the following Statement of Consistency:

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

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

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

- Favors conforming uses.
- Creates an increased number of compatible uses, particularly in residential areas.

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

- Vision Statement 3: Community Appearance
- Vision Statement 7: Housing and Neighborhoods
- Vision Statement 9: Community Planning

WHEREAS, after notice duly given, a public hearing was held on September 8, 2019 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN APPROVE THIS STATEMENT OF CONSISTENCY, by a vote of _____ to _____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

ORDINANCE NO. #O-19-18

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.3, NONCONFORMITIES

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

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

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

NOW, THEREFORE, BE IT RESOLVED that Chapter 1, Section 1.3, Nonconformities, is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. Chapter 1 – Structure and Administration **Section 1.3 - Nonconformities**

1.3.1 – Nonconforming uses, structures and lots.

- A. Any use, structure, or lot which does not conform to the requirements of the town’s land use code but which existed before the effective date of this chapter as a legal “pre-existing conformance” and which remains nonconforming, and any use, structure or lot which has become nonconforming as a result of the adoption of the land use code or any subsequent rezoning or amendment to the text or official map of this chapter, may be continued or maintained only in accordance with the terms of this section.
- B. This section shall not apply to any feature which is the subject of a variance from particular regulations that has been granted by the zoning board of adjustment subsequent to the adoption of this code. Where a variance has been granted which does not otherwise conform to the requirements of this section, that feature shall be deemed conforming.
- C. Subject to the conditions and exceptions set out in the following sections, any lot, building, structure, or use of land existing at the time of the enactment of these land use codes or any amendment thereto that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions. They shall not be:
 1. Changed to another nonconforming use;
 2. Enlarged or extended except in conformity with this chapter;
 3. Reestablished after a discontinuance of ~~one year~~ **180 days**;
 4. Extended beyond adopted amortization period if applicable (as with the sign ordinance).

1.3.2 – Single-family units or replacement manufactured homes on nonconforming lots in residential districts.

A single-family dwelling unit or replacement manufactured home meeting the criteria set forth in manufactured housing regulations (chapter 5), shall be permitted on any existing, residentially zoned lot of record which contains an area or width less than the required minimum lot size for a single-family dwelling in the district in which a lot is located as long as:

- A. The lot is in separate ownership and not of continuous frontage with other lots in the same ownership on the effective date of this section. Where single ownership exists among adjacent lots, nonconforming lots shall be brought into compliance.
- B. Variance of any district regulations other than lot size requirements shall be obtained through the action of the zoning board of adjustment.
- C. A replacement, nonconforming manufactured home may be placed within ~~one-year~~ **180 days** after the previous home is removed and shall conform to the setback standards of the district in which it is located, and, when this is not possible, the replacement manufactured home shall not increase the nonconformity of the setback of the district requirements and shall be placed to achieve the maximum amount of setback required under the ordinance as possible.
- D. After ~~one-year~~ **180 days**, new construction or replacement manufactured homes shall conform to the setbacks and other standards of the district in which it is located.
- E. All replacement and new manufactured housing shall comply with the requirements for manufactured homes found in Chapter 5.

1.3.3 – Nonconforming structures occupying conforming lots.

- A. Any nonconforming structures on conforming lots may be occupied by a conforming use. If any nonconforming structure is proposed to be changed by improving but not expanding the structure to an extent exceeding one-half or 50 percent of its current value, exclusive of foundations, as determined by the building inspector, or if any additions or expansions are made to the structure, then the entirety of the improved building or structure must be in conformance with the dimensional requirements of the district or a variance must be obtained through an action of the zoning board of adjustment.
- B. Structures which are nonconforming in so far as they violate the front, side and/or rear setback requirements of the district in which they are located can be added to providing that no further encroachment occurs to the setback.
- C. Any multi-family dwellings that are in nonconforming structures must meet the minimum lot area standards for multi-family or for the applicable special use permit requirements in the zoning district in which it is located and may not be expanded. No variance may be provided by the zoning board of adjustment to expand a nonconforming multi-family structure.
- D. An existing nonconforming structure may be incorporated within a new special use permit request as long as the other structures and components of the master plan conform to the special use requirements.
- E. A nonconforming structure does not make other structures, such as accessory structures and fences, nonconforming on the same lot. Each nonconforming structure stands alone in its nonconformance and will not affect a conforming structure.

1.3.4 – Nonconforming use of structures, buildings, or land.

- A. A legally established nonconforming use may be continued subject to the following limitations:
 - 1. When a nonconforming use of a structure has been changed to a conforming use, it may not later be used for any nonconforming use.
 - 2. A nonconforming use of a structure may be enlarged or extended only:
 - a. Where such alteration does not enlarge or increase the nonconformance of the structure, or
 - b. Where such alteration is required by law or an order from the building safety director, fire chief or the planning and development director to ensure the safety of the structure.
 - 3. A nonconforming use of a structure that is ceased for a continuous period of more than ~~one year (365 days)~~ **180 days** may not be re-established and all subsequent uses of the structure must be in conformance with the particular district regulations.
- B. A nonconforming use of land or buildings or structures shall not be changed to any new use other than a use listed as permitted or conditional within the district in which it is located.

1.3.5 – Nonconforming vacant lots.

- A. A nonconforming vacant lot may be used for any of the uses permitted in the zoning district in which it is located if the setbacks and district requirements are met or if the owner is granted a variance by the zoning board of adjustment.
- B. If a nonconforming vacant lot adjoins and has continuous frontage with one or more other lots in the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section without combining these adjoining lots.
- C. A lot that is only nonconforming due to the fact that it does not comply with access standards can be developed with one single-family residence and typical residential accessory structures if some form of legal access is provided to the property.

1.3.6 – Maintenance and repairs of nonconforming structures.

- A. Maintenance and repair necessary to keep any nonconforming structure in sound condition, or to maintain a conforming structure on a nonconforming lot in sound condition, are permissible as long as the repairs do not increase the nonconformity.
- B. Nothing in this chapter shall prevent the strengthening of, or restoration to, a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the building inspector, fire marshal, or any other duly authorized town official.
- C. Any nonconforming building or structure which is damaged by fire or natural casualty may be repaired, provided such repair be accomplished:
 - 1. Without any increase in the square footage, building height, or floor area;
 - 2. Without any change in location except to provide greater conformance with district setback requirements;

3. Within ~~365~~ **180** successive days of the fire; provided that the fire-damaged structure does not otherwise violate the state fire prevention code;
 4. That the use to which the building or other structure is put after repair does not result in a change from one nonconforming use to another nonconforming use.
- D. Any nonconforming building or any building containing a nonconforming use which has been damaged by fire to an extent exceeding 50 percent of its structure or 50 percent of its value at the time of the destruction, shall cause any repair, reconstruction or re-use to be in conformity with the provisions of this chapter.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Call for Public Hearing for Text Amendments to Amend Historic District and Historic Conservation District Overlay

AGENDA INFORMATION

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

BRIEF SUMMARY: The current language for the historic district overlay has inconsistent language between the historic district and the historic overlay district and requires a mandatory review for the conservation district but voluntary compliance and does not speak at all to historic district review. The proposed amendments will clean up the inconsistent language as well as set up procedures for historic district review and compliance. At the July 2019 meeting, the Planning Board recommended the proposed amendments.

MOTION FOR CONSIDERATION: To call for the public hearing for text amendments to the historic district and historic conservation district overlay to be held on Monday, September 9, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance #O-19-19, Statement of Consistency

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held on Monday, September 9, 2019 or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN STATEMENT OF
CONSISTENCY FOR: TEXT AMENDMENT TO CHAPTER 4, SECTION 4.7.3,
HISTORIC DISTRICT AND HISTORIC CONSERVATION DISTRICT OVERLAY**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACKMOUNTAIN, that they adopt the following Statement of Consistency:

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

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

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

- Continues to protect the designated Historic District and its contributing structures.
- Supports the Historic Preservation Commission in providing education and outreach to the community as a whole.

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

- Vision Statement 6: Downtown Black Mountain – continues to protect the Historic District and contributing structures.

WHEREAS, after notice duly given, a public hearing was held on September 8, 2019 as part of the regularly scheduled Board of Aldermen meeting at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, THE BOARD OF ALDERMEN APPROVE THIS STATEMENT OF CONSISTENCY, by a vote of _____ to _____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

ORDINANCE NO. #O-19-19

**AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.7.3., HISTORIC DISTRICT
AND HISTORIC CONSERVATION DISTRICT OVERLAY**

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

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

WHEREAS, the following text amendments are required to carry out vision statement six: downtown Black Mountain of the 2014 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that Chapter 4, Section 4.7.3, Historic district and historic conservation district overlay, is amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

1. Chapter 4 – Zoning District Requirements

Section 4.7.3 Historic district and historic ~~conservation~~ district overlay.

4.7.3.1 Intent.

The historical heritage of our town is one of our most valued and important assets. The ~~conservation and~~ preservation of historic districts and landmarks stabilize and increase property values in their areas and strengthen the overall economy of the town. The purpose of establishing local ~~conservation districts~~, historic districts and landmarks is to encourage the restoration, preservation, and rehabilitation ~~and conversation~~ of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, objects and their surroundings, and to review new construction design to ensure compatibility with the character of the district and to safeguard against any potentially adverse influences which may cause the decline, decay, or total destruction of these important assets. In addition, the preservation of the historic districts and landmarks provides for the education, pleasure and enrichment of the residents of Black Mountain and the state as a whole.

4.7.3.2 Historic district, ~~conservation district~~ and landmark establishment.

- A. Historic districts, ~~conservation districts~~ and landmarks are established through the application of an overlay district which are zoning districts that are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning controlling the use and development of a lot to ensure the compatibility and appropriateness of exterior design within the historic district or for the landmark.
- B. Overlay districts can be applied to any zoning districts and the boundaries of such overlay shall be shown on the official zoning map of the Town of Black Mountain. (i.e. “HD” overlay also

referred to as “historic district”). An overlay district can be initiated as an amendment by board of aldermen, planning board, historic preservation commission, or a property owner.

4.7.3.3 Designation of historic districts.

The board of aldermen may adopt, amend, reject or repeal ordinances designating historic districts when adoption or amendment is pursuant to the following procedure:

- A. An investigation and report describing the historical, architectural, or archaeological significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and the description of the boundaries of such district has been prepared; and
- B. The North Carolina Department of Cultural Resources, acting through the state historic preservation officer or his or her designee, shall make an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the department to submit its written analysis and recommendations to the board of aldermen within 30 calendar days after a written request for such analysis has been received by the department of cultural resources shall relieve the town of any responsibility for awaiting such analysis, and the board of aldermen may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- C. Historic districts shall consist of areas, which are deemed to be of special significance in terms of their history, prehistory, architecture and/or culture, and to possess integrity of design, setting, materials, feeling, and association. The area, buildings, structures, sites, or objects shall be significant elements of cultural, social, economic, political, or architectural history of the town or of the archaeological history or prehistory of the town. The ~~conservation~~ **preservation** of such a district will provide for the education, pleasure and enhancement of the quality of life of all residents of the town.
- D. The board of aldermen shall designate the boundaries of an historic district in accordance with the procedures set forth in the town code of ordinances, amendments of the Black Mountain Zoning Ordinance and G.S. 160A-384.
- E. Following the board of aldermen designation and approval an historic district, the area so designated shall be labeled “HD” on the official zoning map.
- F. With respect to any changes in the boundaries of such district subsequent to its initial establishment or the creation of additional districts within the town, the investigative studies and reports shall be prepared by the historic preservation commission and shall be referred to the planning board for its review and comment. Changes in the boundaries of an initial district or proposals for additional districts shall also be submitted to the department of cultural resources in accordance with the provisions as stated above.

4.7.3.4 Designation of conservation district.

The board of aldermen may adopt, amend, reject, or repeal ordinances designating conservation districts when adoption or amendment is pursuant to the following procedure:

- A. The board of aldermen shall designate the boundaries of a conservation district in accordance with the procedures set forth in chapter 1.5, amendments chapter and G.S. 160A-384.

- B. Following the board of aldermen designation and approval of a conservation district, the area so designated shall be labeled “CD” on the official zoning map.

Section 4.7.3.5 Designation of landmarks.

The board of aldermen may adopt, amend, reject, or repeal ordinances designating historic landmarks that meet the following criteria, when those ordinances contain the following elements and when adoption or amendment is pursuant to the following procedure:

- A. Criteria for designation. No building, structure, site, area, or object shall be recommended for designation as an historic landmark unless it is deemed and found by the historic preservation commission to be of special significance in terms of its historical, prehistorical, architectural, archaeological, and for cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.
- B. Elements of ordinances designating historic landmarks. Ordinances designating historic landmarks shall contain the following elements, which shall:
 1. Describe each property designated in the ordinance, including the approximate area of the property so designated.
 2. List the name or names of the owner or owners of the property.
 3. Describe those elements of the property that are integral to its historical, prehistorical, architectural, archaeological and/or cultural significance.
 4. Describe the nature of the commission’s jurisdiction over the interior, if any, and those interior features of the property to be reviewed for certificates of appropriateness if they are to be changed.
 5. Require, for each building, structure, site, area, or object designated as an historic landmark that the waiting period set forth in the general statutes be observed prior to demolition.
 6. Recite any other information the board of aldermen deems necessary within the authority conferred by the general statutes.
- C. Procedure for adopting or amending historic landmark ordinances. Ordinances designating historic landmarks shall be adopted and amended according to the following procedure:
 1. The historic preservation commission shall make, or cause to be made, an investigation and report on the historical, prehistorical, architectural, archaeological and/or cultural significance of each building, structure, site, area, or object proposed designation. Applications prepared by owners will be judged by the same criteria as those prepared by the commission. Such reports shall contain the following information:
 - The name of the property to be considered for designation – both common and historic names, if they can be determined.
 - The name and address of the current property owner.
 - The location of the property proposed to be designated historic, including the street address and tax map and parcel numbers.
 - The date of construction and of any later alterations, if any.
 - An assessment of the significance of the site or structure.
 - An architectural or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant

features are proposed to be designated, the report shall contain a description of those features.

- An historical discussion of the site or structure within its type, period, and locality.
 - Black and white photographs and color slides that clearly depict the property proposed to be designated, including views of all facades, pertinent details and siting.
 - A map showing the location of the property, including any outbuildings and appurtenant features.
 - A clear description of the boundaries.
2. The commission shall forward its recommendation to the board of aldermen. The commission shall refer the report to the state department of cultural resources, division of archives and history.
 3. The department of cultural resources, acting through the state historic preservation officer or his or her designee, may make an analysis of and recommendations in connection with any proposed designation within 30 calendar days after a written request for such analysis has been received by the department, the commission and the board of aldermen shall be relieved of any responsibility to consider such comments.
 4. The historic preservation commission and the board of aldermen shall each hold a public hearing on the proposed ordinance. Notice of the hearings shall be published at least once in a newspaper generally circulated within the town. Written notice of the hearings shall be mailed by the preservation commission to all owners of property proposed for landmark status and the owners of all properties that abut the proposed landmark property whose identity and current mailing address can be ascertained by the exercise of reasonable diligence. All such notices shall be published or mailed not less than ten nor more than 25 days prior to the date set for the public hearing. The mailed notices in this subsection are for the convenience of property owners and occupants and any defect of their omission therein shall not impair the validity of the public hearing or any action following therefrom.
 5. Following the public hearings, the board of aldermen may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
 6. Upon adoption of the ordinance or any amendments thereto, the owners and occupants of each designated historic property shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and each amendment thereto shall be filed by the historic preservation commission in the office of the county register of deeds. Each historic property designated as an historic landmark in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the historic preservation commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and of each amendment thereto shall be kept on file in the town clerk's office and shall be made available for public inspection at any

reasonable time. A third copy of the ordinance and each amendment thereto shall be given to the ~~county~~ town building inspector.

7. Upon adoption of the ordinance or any amendments thereto, it shall be the duty of the historic preservation commission to give notice thereof to the county tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the assessor in appraising for tax purposes. The fact that a building, structure, site, area, or object has been designated an historic landmark shall be clearly indicated on all tax maps maintained by the county for such period as the designation remains in effect.

4.7.3.6 Jurisdiction of historic preservation commission.

There is hereby established a commission, which shall be known as the Black Mountain Historic Preservation Commission and is further described in title III, section 30.70 through section 30.72 [chapter 2, article III, division 7] of the Black Mountain Code of Ordinances. Its jurisdiction shall include the Town of Black Mountain and any extraterritorial jurisdiction area of the town as shown on the official zoning map and atlas of the town.

4.7.3.7 Rules of procedure, design guidelines and meetings.

- A. The historic preservation commission shall develop and adopt rules of procedure, which shall govern the conduct of its business in accordance with the provisions of this ordinance. Such rules of procedure shall also include as an appendix “The Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Guidelines” including photographs, illustrations, descriptions and other similar material interpreting the criteria for determine appropriateness. The design guidelines shall be placed on file in the Black Mountain town offices and made available to the general public during the regular town office business hours.
- B. The historic preservation commission may review and propose changes to the design guidelines and forward any such recommendations for changes to the board of aldermen for their approval.
- C. Specific provisions shall be made in the commission’s rules of procedure for commission meetings following the filing of a proposal on which the commission is required to pass. Such specific provisions shall be made in order that a proposal be brought before the commission:
 1. Within a reasonable time;
 2. In a manner which is conducive to commission consideration; and
 3. In a manner which will facilitate commission action.
- D. The commission shall meet at regularly scheduled times and at such other times as the commission may determine or at the call of its chairman as provided for in its rules of procedure.

4.7.3.8 Powers and duties.

- A. The powers of the historic preservation commission shall be to:

1. Receive applications for certificates of appropriateness. The commission shall review such application according to the criteria to determine appropriateness, provided in the historic district guidelines, and the guidelines of the Secretary of the Interior, and shall approve, approve with conditions, or disapprove such application.
 2. Recommend to the board of aldermen districts or areas to be designated by ordinance as historic overlay districts, conservation districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by ordinance as an historic landmark.
 3. Recommend to the board of aldermen that designation of any areas as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be removed for cause.
- B. The Black Mountain Historic Preservation Commission shall exercise such other powers and perform such other duties as are required elsewhere by the ordinance creating the historic preservation commission, the Black Mountain Zoning Ordinance or the General Statutes of North Carolina or as assigned by the Black Mountain Board of Aldermen.

4.7.3.9 Certificates of Appropriateness required.

- A. From and after the designation of a landmark or an historic district, no exterior portion of any building or other structure (including masonry, walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on a landmark, or within the historic district, until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. Such a certificate is required to be issued by the commission prior to the issuance of a building permit or other permit granted for the purpose of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this ordinance. A certificate of appropriateness shall be required whether or not a building or other permit is required. Any such zoning permits or such other permits not issued in conformity with this section shall be invalid.
- B. For purposes of this ordinance, “exterior features” shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. Exterior features may also include historic signs, color and significant landscape, archaeological and natural features of the area. In the case of outdoor advertising signs, exterior features shall be construed to mean the style, material, size and location of all such signs.
- C. The State of North Carolina (including its agencies, political subdivisions and instrumentalities), the Town of Black Mountain and all public utility companies shall be required to obtain a certificate of appropriateness for landmarks and in the historic district prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the State of North Carolina, the Town of Black Mountain or public utility

companies or for construction, alteration, moving or demolition within the historic district or of designated landmarks.

D. Examples of specific items which fall under ordinary maintenance or repair that will not require a certificate of appropriateness are:

1. Underground utilities, except where archaeological finds or sites are uncovered;
2. Extension or upgrading of service to customers for equipment such as meters, valves and cleanouts;
3. Changes in type or amount of mechanical equipment such as interfaces, transformers or traffic-control devices on existing overhead lines, poles or ground-mounted installations;
4. Deletion or replacement of poles of standard material and height, not to exceed 37 feet;
5. Addition or delete of fire hydrants;
6. Routine replacement of street signs;
7. Any upgrading of facilities to comply with National Electrical Safety Code (NESC) requirements;
8. Addition of equipment on existing lines or poles;
9. Replacement of existing overhead lines, poles or ground-mountain installation.

4.7.3.10 Application for certificate of appropriateness.

- A. Applications for a certificate of appropriateness shall be obtained from, and when completed, filed with the planning director or his or her designee. The application shall be filed two weeks prior to the next regularly scheduled meeting of the commission. Sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction shall accompany each application. The names and mailing addresses of property owners filing and/or subject to the application, and the addresses of property within 100 feet on all sides of the property, which is subject to the application, must also be filed. No application which does not include the aforementioned information will be accepted. **It is the responsibility of the property owner to ascertain if the project will require a certificate of appropriateness.**
- B. It shall be the policy of the commission, in regard to applications involving new construction or extensive alterations and/or additions to existing structures, that an applicant may request a meeting with staff and an individual commission member prior to going to the full historic commission in order to advise them informally at an early state in the development process concerning the commission's guidelines, the nature of the area where the proposed project will take place, and other relevant factors. The staff members and individual commission member, collectively and individually, shall refrain from any indication of approval or disapproval. Advice or opinions given by any staff member or commission member at such an informal meeting shall not be considered official or binding upon the commission.

4.7.3.11 Criteria to determine appropriateness.

- A. No certificate of appropriateness shall be granted unless the commission finds that the application complies with the principles and guidelines as adopted in the historic district design guidelines. It is the intent of these regulations to insure, insofar as possible, that construction,

reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures in the district or of landmarks shall be congruous with the special character of the district or landmark.

- B. The following review criteria, in addition to the principles and design guidelines and the guidelines of the secretary of the interior, shall be considered, where relevant, to make findings of fact indicating the extent to which the application for a certificate of appropriateness is or is not congruous with the historic aspects of the designated landmark or district:
1. Lot coverage, defined as the distance between adjacent buildings.
 2. Setback, defined as the distance from the lot lines to the building.
 3. Building height.
 4. Spacing of buildings, defined as the distance between adjacent buildings.
 5. Proportion, shape, positioning, locating, pattern sizes and style of all elements of fenestration and entry doors.
 6. Surface materials and textures.
 7. Roof shapes, forms and materials.
 8. Use of regional or local architectural traditions.
 9. General form and proportion of buildings and structures and the relationship of additions to the main structure.
 10. Expression of architectural detailing.
 11. Orientation of the building to the street.
 12. Scale, determined by the size of the units of construction and architectural details in relation to the human scale, and also by the relationship of the building mass to adjoining open space and nearby buildings and structures; maintenance of pedestrian scale.
 13. Proportion of width to height of the total building façade.
 14. Archaeological sites and resources associated with standing structures.
 15. Effect of trees and other landscape elements.
 16. Major landscaping which would impact known archaeological sites.
 17. Style, material, size and location of all outdoor advertising signs.
 18. Appurtenant features and fixtures, such as lighting.
 19. Structural condition and soundness.
 20. Walls – Physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses or combinations of these.
 21. Ground cover or paving.
 22. Significant landscape, archaeological and natural features.
- C. The Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building" shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for certificate of appropriateness.
- D. The commission shall adopt principles and guidelines interpreting these criteria for new construction, alterations, moving and demolition of landmarks or properties in the historic district.

4.7.3.12 Demolition.

- A. An application for a certificate of appropriateness authorizing the relocation, demolition, removal or destruction of a designated landmark or a building, structure or site within historic

district may not be denied except as provided in section 4.7.3.12(C) below. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The commission shall reduce the period of delay if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During such period the commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the commission finds that a building, structure or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

- B. If the commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the board of aldermen, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission for a period of up to 180 days or until the board of aldermen takes a final action on the designation, whichever comes first.
- C. The board of aldermen may enact an ordinance to prevent the demolition by neglect of any designated landmark or any structure or building within the established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue hardship.
- D. An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

4.7.3.13 Land use, interior arrangement, maintenance, emergency repairs not considered.

- A. Nothing herein shall be construed to prevent a property owner from making any use of his or her property not prohibited by other statutes, ordinances or regulations.
- B. The commission may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof.
- C. Except as provided in paragraph D, below, the commission shall have no jurisdiction over interior arrangement and shall take no action except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of a landmark or of the district.
- D. Notwithstanding paragraph C, above, the jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owner designated landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of any owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds and indexed accordingly to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior

features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

- E. The ordinary maintenance or repair of any exterior architectural feature of a landmark, or in the historic district (HD) which does not involve a change in design, material, or outer appearance thereof, shall not be prevented by the requirements pertaining to the designated landmark or historic district.
- F. Nothing in this article shall be construed to prevent (a) the maintenance or (b) in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the commission or the ordinary repair of streets, sidewalks, pavement markings, street signs, or traffic signs.
- G. The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the town building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition, shall not be prevented by the requirements pertaining to the landmark, or the historic district.

4.7.3.14 Hearing procedures.

- A. The historic preservation commission shall receive applications for certificates of appropriateness. The commission shall review such application according to the review criteria, the historic district guidelines and the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings and shall approve or disapprove such application as provided in paragraph F of this section.
- B. Prior to issuance or denial of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard. A written notice of the proposal shall be sent to the applicant and to owners of property (i.e. lots, parcels or tracts of land) within 100 feet of the property for which an application for a certificate of appropriateness has been applied for.
- C. Applications for certificates of appropriateness shall be acted upon within 90 days after filing, otherwise the application shall be deemed approved and a certificate shall be issued.
- D. Prior to the issuance or denial of a certificate of appropriateness that applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. All meeting of the commission shall be open to the public in accordance with the North Carolina Open Meetings law, G.S. ch. 143, and art. 33C.
- E. In cases where the commission deems it necessary, it may hold a public hearing concerning an application for a certificate of appropriateness.
- F. The historic preservation commission's final action on an application for a certificate of appropriateness shall be by the passage of a motion to take one of the following actions:
 - 1. Approve the application for a certificate of appropriateness as proposed;
 - 2. Approve the application for a certificate of appropriateness subject to specific conditions and/or modifications of the proposal presented in the application for a certificate of appropriateness;
 - 3. Disapprove the application for a certificate of appropriateness as proposed or modified.

- G. An appeal of the commission's action in granting or denying any certificate may be taken to the zoning board of adjustment (a) by an aggrieved party, (b) shall be taken within 30 days of the written decision and (c) shall be in the nature of certiorari.
- H. Written notice of the intent to appeal to the board of adjustment from the historic commission must be sent to the town clerk postmarked within 30 days following the riling of the written decision with the town clerk. The superior court of Buncombe County shall hear appeals of the board of adjustment. In the case of properties owned by the State of North Carolina or its agencies, appeals may be taken to the North Carolina Historical Commission which shall render its decision within 30 days from the date of the appeal by the state is received by the historical commission. The decision of the North Carolina Historical Commission shall be final and binding upon both the state and the commission.

4.7.3.15 Major and minor works.

- A. Major works – Major work projects involve a change in the appearance of a building or landscape, and are more substantial in nature than minor works projects.
- B. Minor works – A certificate of appropriateness application when determined to involve a minor work, may be reviewed and approved by the minor works committee or in some cases by staff as outlined in the design guidelines. The minor works committee consists of the historic preservation chairman and vice-chairman and the planning director and his or her designee.
1. Minor works are defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the landmark or property in the historic district.
 2. An application may receive a certificate of appropriateness from staff or the committee if it falls under the list of minor works provided in the historic preservation commission rules of procedure or the design guidelines. If the staff or committee does not issue a certificate of appropriateness, the applicant will be advised to make a formal application to the historic preservation commission. No application may be denied without formal action by the historic preservation commission. All minor works applications approved by the planning director or his/her designee shall be forwarded to the commission for their information in time for its next scheduled meeting.

4.7.3.16 Certificate issuance; expiration; enforcement.

- A. Passage of a motion to approve, with or without modification, an application shall constitute the issuance of a certificate of appropriateness by the historic preservation commission. The application and the duly approved minutes of the commission shall constitute the written documentation of such issuance. Following the meeting a certificate shall be mailed to the property for which a certificate has been issued. The certificate shall be posted on the premises, in a location visible from the street, while the work is in progress. Minutes of a historic preservation commission meeting shall be approved before the end of the next meeting.
- B. A certificate of appropriateness shall be valid for a period of six months from the date of issuance for the purpose of obtaining a zoning permit or other permit for constructing or altering structures. A certificate of appropriateness shall expire six months after the date of issuance if the work authorized by the certificate has not been commenced. If after

commencement the work is discontinued for a period of six months, the permit shall immediately expire.

- C. Compliance with certificates of appropriateness shall be enforced by the planning director and his or her designee. Failure to comply with a certificate of appropriateness shall be a violation of the zoning ordinance and is punishable according to established procedures and penalties for such violations. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.
- D. In case any building, structure, site, area or object designated as a landmark or located within the historic district is about to be demolished whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance, the commission or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to a building or structure.

4.7.3.17 Conditions for certain approvals.

- A. In the event that the commission, in considering an application for a certificate of appropriateness, shall find that a building or structure for which a zoning permit is requested is to be an authentic restoration or reconstruction of a building or structure which existed at the same location but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the zoning board of adjustment authorizes such a special exception and not use other than that permitted in the district in which such is located is made of said property. Such conditions as may be attached to the historic preservation commission approval and those conditions as may be set by the zoning board of adjustment shall be included in any certificate of appropriateness related thereto.
- B. If the commission finds that an application for a certificate of appropriateness concerning any porches, steps, posts, fences, walls or other items extending over, on or within public rights-of-way to be necessary for the authentic restoration, reconstruction or maintenance thereof, and will not impede or block pedestrian traffic or constitute hazard to public safety, such findings shall be transmitted to board of aldermen for its consideration in authorizing or denying such encroachments into rights-of-way.
- C. If the board of aldermen authorizes such encroachments, any items, restored, reconstructed or maintained on, over or within a public right-of-way shall be the responsibility of the owner, and the owner shall agree to protect and hold the Town of Black Mountain harmless against any and all liability, cost damage or expense suffered as a result of the restoration, reconstruction or maintenance thereof. The lowest point of any such item projecting over any sidewalk shall be at least nine feet above the sidewalk immediately below.

4.7.3.18 ~~Conservation~~ **Historic** district review required.

- A. From and after the designation of a downtown ~~conservation~~ **historic** district, no project involving a major work (as defined in the “Black Mountain Historic District Guidelines”) shall be erected, altered, restored, moved or demolished within the downtown ~~conservation~~ **historic** district, until after an application for a certificate of appropriateness has been submitted to and

reviewed by the historic preservation commission. Such a certificate is required to be issued by the commission prior to the issuance of a building permit or other permit granted for the purpose of constructing, altering, moving or demolishing structures.

- ~~B. The conservation district review procedure is established as an education program and as a means to further the goals of the town's historic preservation efforts. The purpose of the review procedure is to advise and educate rather than to regulate. The review process in this section is mandatory, however compliance with the recommendations contained in the review is voluntary.~~
- C. Application for a ~~conservation~~ **historic** district review shall be obtained from, and when completed, filed with the planning director or his or her designee. The application shall be filed two weeks prior to the next regularly scheduled meeting of the commission. Sketches, drawings, photographs, specifications, descriptions and other information of sufficient detail to clearly show the proposed exterior alterations, additions, changes or new construction shall accompany each application.
- D. Projects shall be reviewed and certificates of appropriateness shall be issued consistent with the principles and guidelines adopted by the commission for review of changes. It is the intent of these regulations to insure, insofar as possible, that construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, or appurtenant fixtures shall be congruous with the special character of the district.
- E. Applications for a ~~conservation~~ **historic** district review shall be reviewed and a certificate of appropriateness issued within 30 days from the date that the application is received by the town.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 9th day of September, 2019.

Don Collins, Mayor

ATTEST:

Angela L. Reece, Town Clerk

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Budget Amendment Transferring Funds to Golf Fund **#FY2019-21**

AGENDA INFORMATION

Agenda Location: **Consent Agenda**
Item Number: **5E**
Department: **Finance**
Contact: Dean Luebbe, Assistant Town Manager/Finance Director
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The Town of Black Mountain Golf Fund is still operating at a deficit. At June 30, 2019, the cash position of the golf is (\$116,513.38). Negative cash can never be recorded in the financial statements of local governments, so the General Fund needs to transfer funds to the Golf Fund. This budget entry is effective back to June FY19, as cash is not changed. This entry has no effect on overall Town cash.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY2019-21- as submitted, increasing expenditure accounts 1000-5000-560 (Transfer to Golf) by \$125,000, and 5092-3905-900 (Fund Balance Appropriated) by \$125,000 and increasing the revenue accounts 1000-3905-900 (Fund Balance Appropriated) by \$125,000 and 5092-3808-800 (transfer from General Fund) by \$125,000.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY2019-21.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2019-21
Fiscal Year 2018-2019

Dept.	Account #	Account Name	Debit	Credit	Comments
	1000-5000-560	Transfer to Golf	125,000.00	-	General Fund
	1000-3905-900	Fund Balance Appr		125,000.00	transfer to Golf to correct
					negative cash
	5092-3905-900	Fund Balance Appr	125,000.00		
	5092-3808-800	Transfer from Gen Fund		125,000.00	

Totals: 250,000 250,000

BD # _____

Journal # _____

Fiscal Yr _____

Date _____

Entered By: _____

Approved By: _____

Date _____

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Budget Amendment for Governors Crime Commission Grant #FY2020-1

AGENDA INFORMATION

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

BRIEF SUMMARY: In the fiscal year 19 budget, \$25,000 was budgeted by the Police Department in capital outlay (1010-5100-730) for new laptops and printers for police vehicles. Revenues in the amount of \$25,000 were also budgeted, as the Police Department had received a grant from the Governors Crime Commission. For reasons beyond the control of the Town, these funds were not released by June 30, 2019. In July of 2019, the Police Department received notification that these funds were being released, and the Town will now be using them to make the purchases associated with the grant.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY20-1 as submitted, increasing the expense accounts, 1010-5100-730 (Capital Outlay) by \$25,000 and the revenue account, 1010-3395-300 (Governors Crime Commission Grant) by \$25,000.

FUNDING SOURCE: N/A.

ATTACHMENTS: Budget Amendment #FY20-1

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2020-01
Fiscal Year 2019-2020

Dept.	Account #	Account Name	Debit	Credit	Comments
	1010-5100-730	Capital Outlay	25,000		Governors Crime
	1010-3395-300	GCC Grant		25,000	Commission Grant

Totals:	25,000	25,000
---------	--------	--------

BD # _____

Journal # _____

Fiscal Yr _____

Date _____

Entered By: _____

Approved By: _____

Date _____



North Carolina Department of Public Safety

Governor's Crime Commission

Roy Cooper, Governor
Erik A. Hooks, Secretary

Robert Evans, Chairman
Caroline C. Valand, Executive Director

July 2, 2019

Christopher Freeman
Project Director
Black Mountain Police Department
106 Montreat Road
Black Mountain, NC 28711

SUBJECT: Project Name: 2018 - Black Mountain Police Department - Mobile Data Terminal
Project Number: PROJ 013014
Implementing Agency: Black Mountain Police Department

Dear Christopher:

Congratulations on receipt of your recent grant award from the Governor's Crime Commission. Attached you will find the Governor's Crime Commission's grant award checklist, your grant award document, and special conditions documents.

Please note that this grant award does not become effective until it has been signed by the **Authorizing Official** and **Project Director** listed above and is returned to the Governor's Crime Commission. The signed grant award should be returned within thirty days of the date the award is mailed. You will be authorized to make expenditures under the grant and receive reimbursement once we have received the original signed grant award.

Be aware that this grant award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, as well as the resolution of any audit or site-visit findings. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate. To assist you, we have attached a checklist of what you need to do in order for your Grants Management Specialist to receive your file and open your award.

As always, please contact our office if you have any questions or need additional assistance.
Best wishes to you for successful program outcomes!

Best,



Caroline C. Valand
Executive Director

MAILING ADDRESS:
4234 Mail Service Center
Raleigh, NC 27699-4234
www.ncgccd.org
www.ncdps.gov



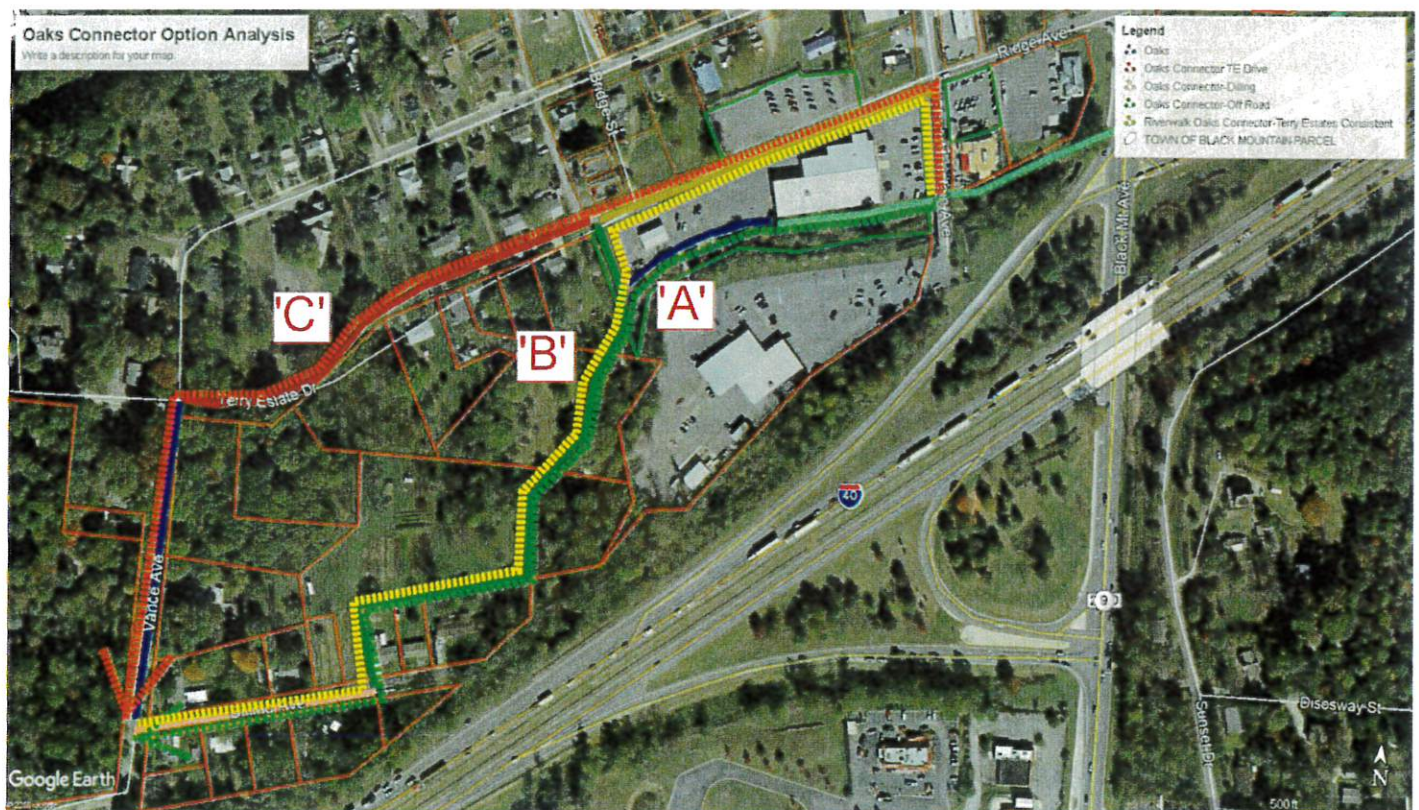
OFFICE LOCATION:
1201 Front St.
Raleigh, NC 27609
Telephone: (919) 733-4564
Fax: (919) 733-4625

MEMORANDUM

Date: July 24, 2019
To: Jessica Trotman (Planning and Development Director, Town of Black Mountain NC)
From: Fred Grogan
Subject: Riverwalk NCTIP # EB-5547 Oaks Connector
CC: Josh Harrold (Town Manager, Town of Black Mountain NC)

Jessica-

Per your request on Wednesday, July 17, 2019 please see the below 'pro-vs-con' list related to the Oaks Connector alignment options provided to the Town of Black Mountain on June 14, 2019.



For purposes of this memorandum, the alignment options for the Oaks Connector are being referred to as A, B, and C. Alignment 'A' is located South of the Town facility, and would utilize existing pavement through the facility yard. Alignment 'B' utilizes Black Mountain Ave, and Terry Estates to circumnavigate the Town property, then reconnect with 'A' to the West of the Town property. Alignment 'C' would be considered an "on-road" route utilizing Black Mountain Avenue, Terry Estates, and Vance Avenue.

Please note: due to an expansive area of undefined paved area to the north, and to minimize number of Terry Estates roadway crossings, it is assumed that alignments will be located to the South of Terry Estates Road.

The list below shall not be considered comprehensive due to the preliminary nature of the current planning effort.

Alignment A:

Pros-

- Minimizes vehicular/pedestrian interface/conflicts
- Preliminarily least expensive of the options
- Maintains definition of "Riverwalk" and intent of user experience of greenway being off-road
- Paving for greenway is in-place

Cons-

- Potentially higher long-term maintenance costs which may be caused by flooding/active erosion of adjacent stream (solutions can be implemented to address concern including, but not limited to, stream restoration, and use of materials which can withstand inundation)
- Fence relocation may impact utility vehicle circulation & reduce usable stockyard area.
- Will require support/easements from property owners (3) Please note, alignment is intended to utilize existing sewer easement.

Alignment B:

Pros-

- Can work with Depot Spur Sidewalk effort (will require scalable solution to accommodate spatial requirements of a shared use path)
- Locates trail away from river (long term maintenance costs). Can also be considered con related to user experience.

Cons-

- Utility vehicle access conflicts (into Town property yard)
- May require fence relocation which may impact utility vehicle circulation & reduce usable stockyard area.
- Will require support/easements from property owners (3). Please note, alignment is intended to utilize existing sewer easement.

Alignment C:

Pros-

- Utilization of Town's 30' right of way (see cons below)
- Locates trail away from river (long term maintenance costs). Can also be considered con related to user experience.

Cons-

- Utility vehicle access conflicts (into Town property yard)
- May require fence relocation which may impact utility vehicle circulation & reduce usable stockyard area.
- Preliminarily most expensive of the options
- Likely utility conflicts
- Although Town holds 30' right of way, there is a high likelihood of property disputes



Fred Grogan, PLA/ASLA

fred.grogan@mbakerintl.com

MBI-Project Manager



TOWN OF BLACK MOUNTAIN

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

Angela Reece, Town Clerk

(828)419-9310

BOARDS AND COMMISSIONS VACANCIES

I sent an email notification to all boards & commission members on January 23, 2018 notifying them of their status and asking them to consider re-applying for their seat if they are eligible. Some individuals indicated they do not wish to re-apply while others have submitted their applications for re-appointment. See below.

The Town of Black Mountain has vacancies on the following Boards and Commissions:

- **Greenways Commission**

1 unexpired term ending June 2020

Applied Cindy Costen applied for an unexpired term ending June 2020. There were no other applications received.

- **Historic Preservation Commission**

1 unexpired term ending June 2020

No additional applications have been received. The term will remain vacant pending new applications.

CHERRY STREET Conceptual Intersection & Parking Layout

(not to scale)

Parking Spaces

- 45 Shown on Cherry Street
- 4 Accessible Spaces (HC)
- 8 Shown on 100 block of State Street
- 1 Accessible Space (HC)

Fire Hydrant

Optional On-Street
Bike Rack Location

Fire Hydrant



40 20 0 40 Feet



TRAFFIC PLANNING AND DESIGN, INC.

WWW.TRAFFICPD.COM

Memo

To: Jessica Troutman, AICP, Planning Director, Town of Black Mountain

From: S. Colin Kinton, P.E., Senior Project Manager, TPD, Inc. *SK*

Date: 2019-08-02

Cherry Street One-Way Analysis

Downtown Parking and Circulation Study

Re: Town of Black Mountain, NC
TPD# TOBM .00001

Background

The Town has requested an evaluation of Cherry Street operations for one-way flow in consideration of the overall Parking & Circulation Study currently underway.

Existing Operations

Cherry Street currently allows for two-way flow with one 9 ft travel lane in each direction and parallel parking on both sides of the street. Since the roadway was resurfaced in 2018, it has not been re-stripped. The width of Cherry Street is 35 feet from curb to curb.

Turning movement counts were collected at area downtown intersections on a weekday in May, 2019 from 7:00 AM until 9:00 AM, Noon until 2:00 PM and 3:00 PM until 6:00 PM. During the AM Peak Hour, approximately 20 vehicles traveled north and 25 vehicles traveled south on Cherry Street. During the Midday Peak Hour, approximately 29 vehicles traveled north and 55 vehicles traveled south on Cherry Street. Finally, during the PM Peak Hour, approximately 19 vehicles traveled north and 42 vehicles traveled south on Cherry Street. **Figures 1-3**, attached, illustrate existing traffic flows.

Pedestrian activity along Cherry Street is high considering the downtown street-front shops located all along Cherry Street. Sidewalks on both sides remain busy throughout the day while shops and restaurants are open. Because of the narrow width of the roadway, low volume and speed of traffic and pedestrian scale of development along Cherry Street, pedestrians frequently cross mid-block going from one side of the street to the other. Very few pedestrian/vehicle conflicts have been observed during data collection along Cherry Street with most conflicts occurring where Cherry Street intersects State Street to the north and Sutton Avenue to the south. Pedestrians appear to have the most difficulty crossing Cherry Street in the marked crosswalk at the intersection of State Street. This is because of the angle of intersection that creates a long crossing distance and the potential conflicts with turning vehicles coming from multiple directions.

Utilizing the above referenced count data, capacity analyses were completed according to the

methodologies contained in the 6th Edition Highway Capacity Manual (HCM) using Synchro 10 software, a Trafficware product. Existing vehicle delays are minimal entering and exiting Cherry Street. Cherry Street at Sutton Avenue presently operates at a level-of-service (LOS) A during AM, Midday and PM peak hours. Cherry Street at State Street operates at LOS A or B during the same three peak time periods. Left-turns from State Street onto Cherry Street do occasionally create queue backups on State Street. Northbound left-turns from Cherry Street onto State Street are prohibited; however, the existing signing is insufficient notification and motorists will make left-turns that create additional conflicts at the adjacent crosswalk and through traffic along State Street.

As Cherry Street is only one block long with only two driveway accesses to the east, most traffic is destined for on-street parking and local shopping. Cut-through traffic is minimal. With the majority of traffic either looking for parking spaces or in the process of parking, empirical data of vehicle speeds on Cherry Street indicate minimal concerns during the daytime when pedestrian traffic is highest.

On-street parking along Cherry Street is configured in a parallel alignment with the curb, with approximately 8 ft by 20 ft spaces (formerly marked). Along the east side, there are 22-23 spaces available (variance is due to the present lack of markings). Along the west side, there are 25 spaces available. In total, approximately 47 spaces are available over the entire length of Cherry Street. None of these spaces are currently restricted for loading or ADA parking. Parking maneuvers can impact the flow of traffic along a street; however, in the case of Cherry Street, the low vehicular volumes and speeds do not result in significant impacts.

Proposed Operations

The Town of Black Mountain is considering one-way flow along Cherry Street. J.M. Teague Engineering completed a brief analysis of Cherry Street in August 2018 that suggested northbound one-way on Cherry Street would provide for improved conditions. TPD completed a review of this prior analysis along with an expansion of the analysis to include other significant intersections in the downtown area as a part of this broader Study. TPD completed an operational analysis of Cherry Street one-way to understand impacts to flow. **Figures 4-6**, attached, illustrate existing traffic flows with redistribution of Cherry Street traffic do to revision to one-way flow.

With re-distribution of traffic resulting from one-way Cherry Street, overall traffic operations at downtown intersections will continue to function similarly to existing operations with only slight increases in delay and no significant change in level-of-service. **Table 1**, attached, provides LOS and delay details for the study intersections included.

One significant concern with conversion of Cherry Street to one-way is the increase in queuing of vehicles along State Street. **Table 2**, attached, provides details on how queues of vehicles at intersections vary between current operations and proposed one-way flow of Cherry Street. The eastbound queue for State Street at Broadway Avenue is shown to increase from 303 ft to 323 ft during the PM peak-hour. As the distance between the Broadway Avenue and Cherry Street intersections is only 230 feet, there may be instances where traffic will backup and block Cherry Street.

Increases in queuing on State Street will be balanced with the planned new interchange at I-40 and Blue Ridge Road. After reviewing projections provided by NCDOT Division 13, the proposed new interchange, which will be constructed in the next 3-5 years, should result in a 10-15 percent

reduction in traffic volumes along State Street. In addition to the reduction in number of vehicles on State Street, truck traffic, currently at 3-5 percent, should be reduced as well. Overall, traffic congestion may increase slightly in the short-term as is the case with most changes in travel patterns, but in the long-term there should be no significant impacts.

On-street parking alternatives were analyzed with the proposed change to one-way traffic flow. Alternatives include implementing angle parking on one side of the street or continuing the existing parallel parking of both sides.

Angle Parking Considerations:

- Easier entry into a parking space
- Easier exit from a parking space (if visibility not blocked by adjacent vehicles)
- Requires greater width for drive aisle, maneuvering space and parking depth (36-38 feet minimum pavement width is typical)
- Bumpers may overhang onto sidewalk space without curb stops; Curb stops create tripping hazard
- Cherry Street at 500 feet in length would provide approximately 47 spaces at a 60 degree angle
- Delivery trucks (UPS, FedEx, USPS, etc.) would potentially block several parked vehicles
- Potential danger for bicycles from vehicles backing up out of parking spaces.

Parallel Parking Considerations:

- More difficult parking maneuvers required
- Visibility not impacted by other parked vehicles
- Does not change existing patterns
- Would allow relatively easy conversation back to two-way operations if necessary
- Existing parallel parking layout provides 47 spaces
- No impact to sidewalks
- Preferred parking stall length is 22 feet
- Delivery trucks do not block traffic flow or impact safety when double parked
- Facilitates delivery trucks without blocking more than one or two parked vehicles
- Provides safety cushion/buffer between sidewalk areas and travel lane
- More easily permits pedestrians to pass between parked vehicles
- Does not block traffic flow when one vehicle is parking

Recommendations

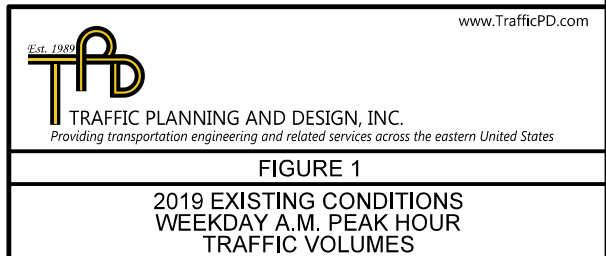
Based on these findings and feedback received at the project Steering Committee meeting on July 9, TPD recommends the following strategies for Cherry Street:

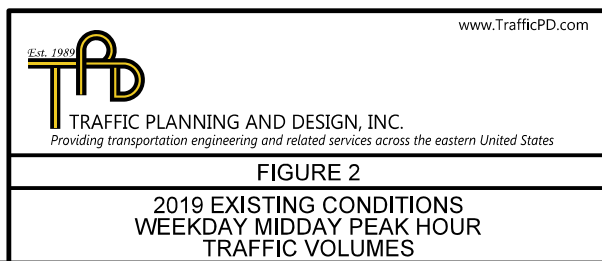
- Change flow of Cherry Street to one-way northbound from Sutton Avenue to State Street
- Continue to prohibit left-turns from Cherry Street onto State Street (install additional standardized signing per the Manual of Uniform Traffic Control Devices (MUTCD))
- Maintain existing parallel parking on both sides of the street
- Increase standard length of parallel parking spaces to 22 feet in length (would reduce total number of spaces to 23 on west side and 22 on east side)
- Spaces adjacent to driveways, hydrants and at either end of street can be reduced to 20 feet in design given that the adjacent clear zone provides ease of maneuverability.

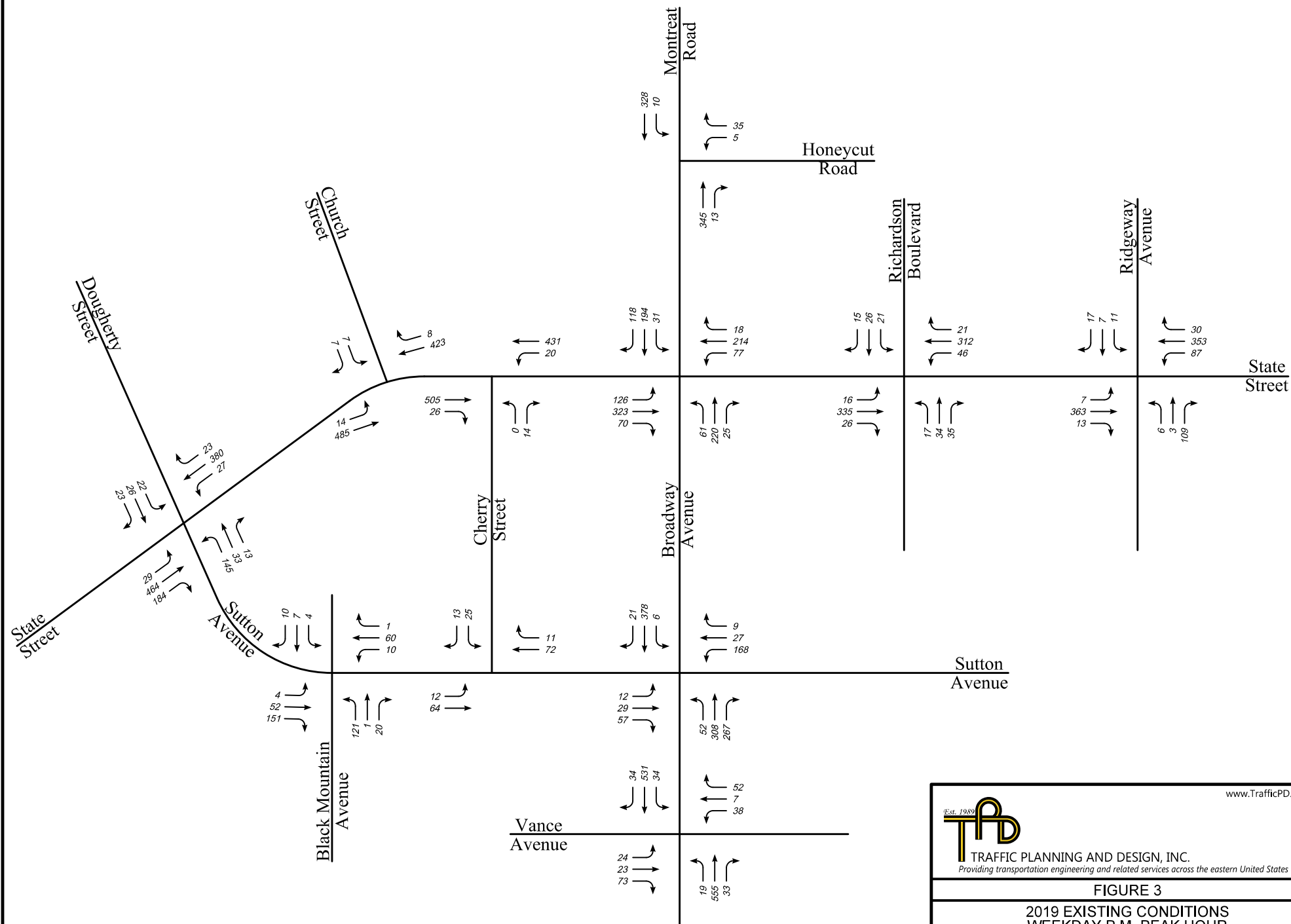
- Maintain 15 feet clear area next to hydrants
- Maintain 22 feet clear area next to driveways
- Provide a minimum of one (two preferred) accessible parking spaces on each side of the roadway (two minimum and four preferred total spaces)
- Spread accessible parking spaces over entire block and do not group together to minimize walking distances
- Provide curb extensions (bulb-outs) at Cherry Street and State Street intersection to reduce crosswalk distance for pedestrians crossing Cherry Street. This could be implemented as a temporary treatment in the interim (with pavement markings and flexible delineators) as the Town allocates additional budget to construct full bulb-outs in concrete in the near future.

If you have any questions or comments related to this analysis, please call anytime.

Attachments: Figures 1-6: Peak Hour Existing Conditions and One-Way Scenario Traffic
 Table 1: Level of Service Delay Summary
 Table 2: Maximum Queue Summary





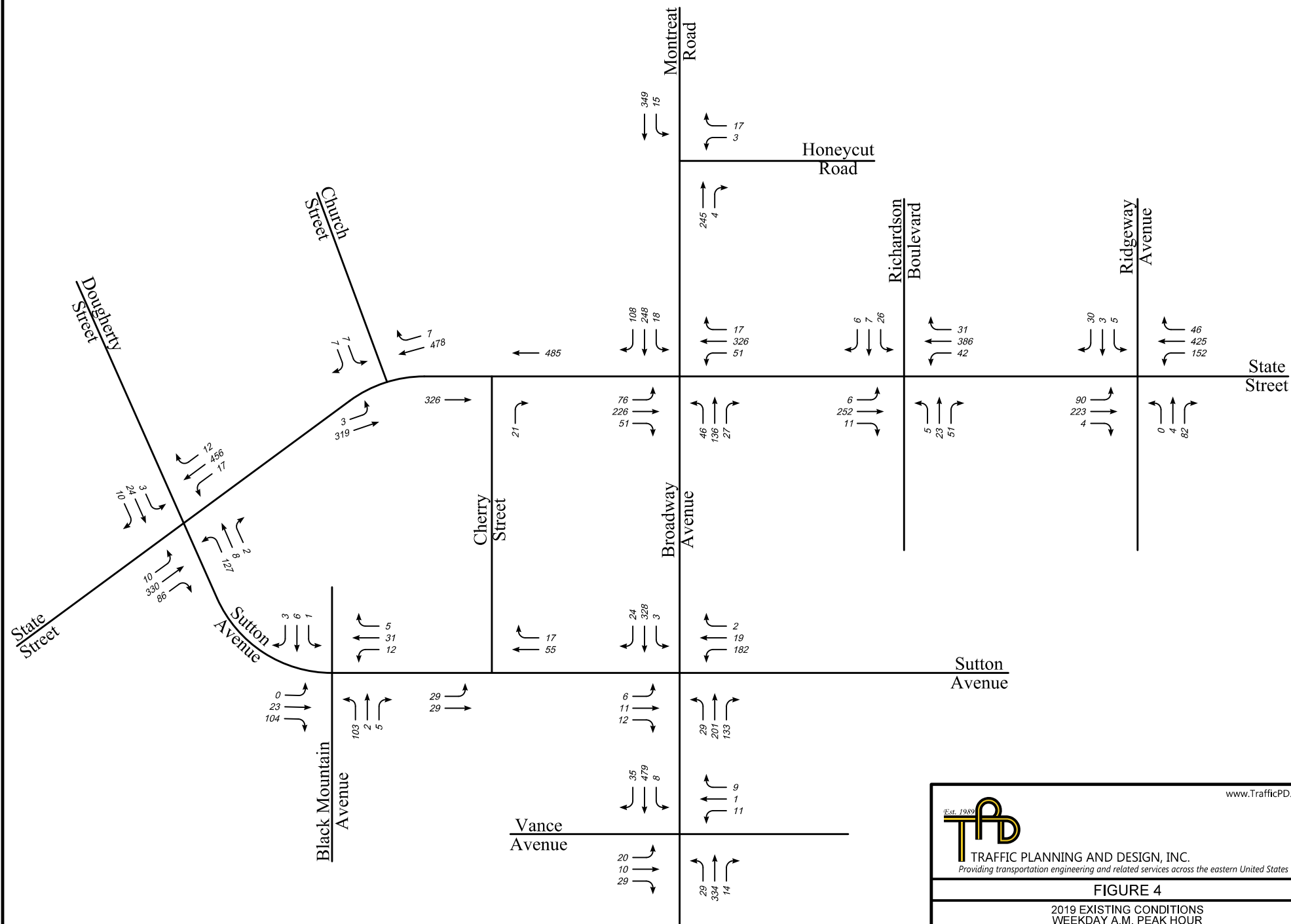


TRAFFIC PLANNING AND DESIGN, INC.
Providing transportation engineering and related services across the eastern United States

www.TrafficPD.com

FIGURE 3

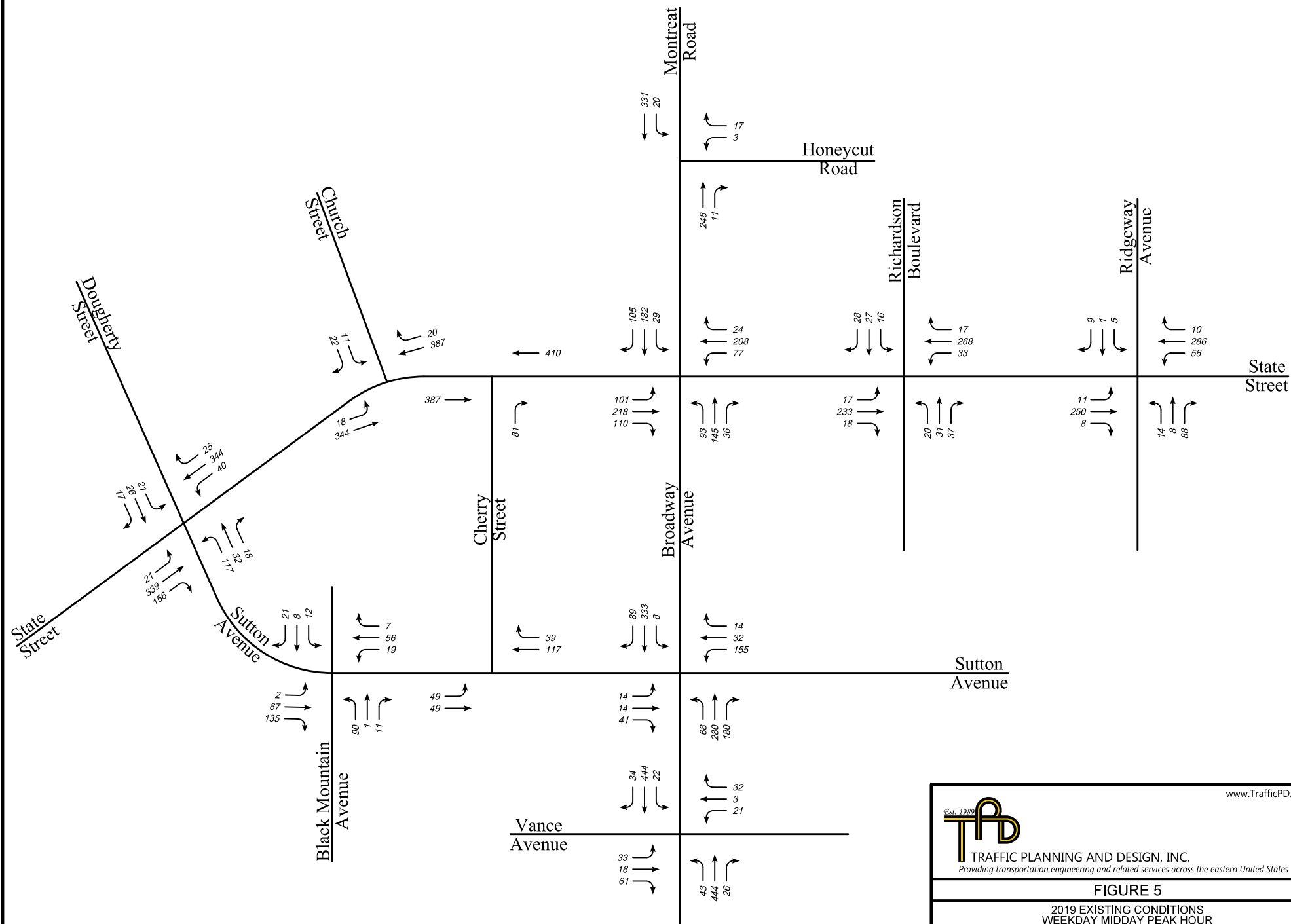
2019 EXISTING CONDITIONS
WEEKDAY P.M. PEAK HOUR
TRAFFIC VOLUMES



TRAFFIC PLANNING AND DESIGN, INC.
 Providing transportation engineering and related services across the eastern United States

FIGURE 4

2019 EXISTING CONDITIONS
 WEEKDAY A.M. PEAK HOUR
 TRAFFIC VOLUMES
 WITH ONE-WAY CHERRY STREET



TRAFFIC PLANNING AND DESIGN, INC.
Providing transportation engineering and related services across the eastern United States

www.TrafficPD.com

FIGURE 5

2019 EXISTING CONDITIONS
WEEKDAY MIDDAY PEAK HOUR
TRAFFIC VOLUMES
WITH ONE-WAY CHERRY STREET

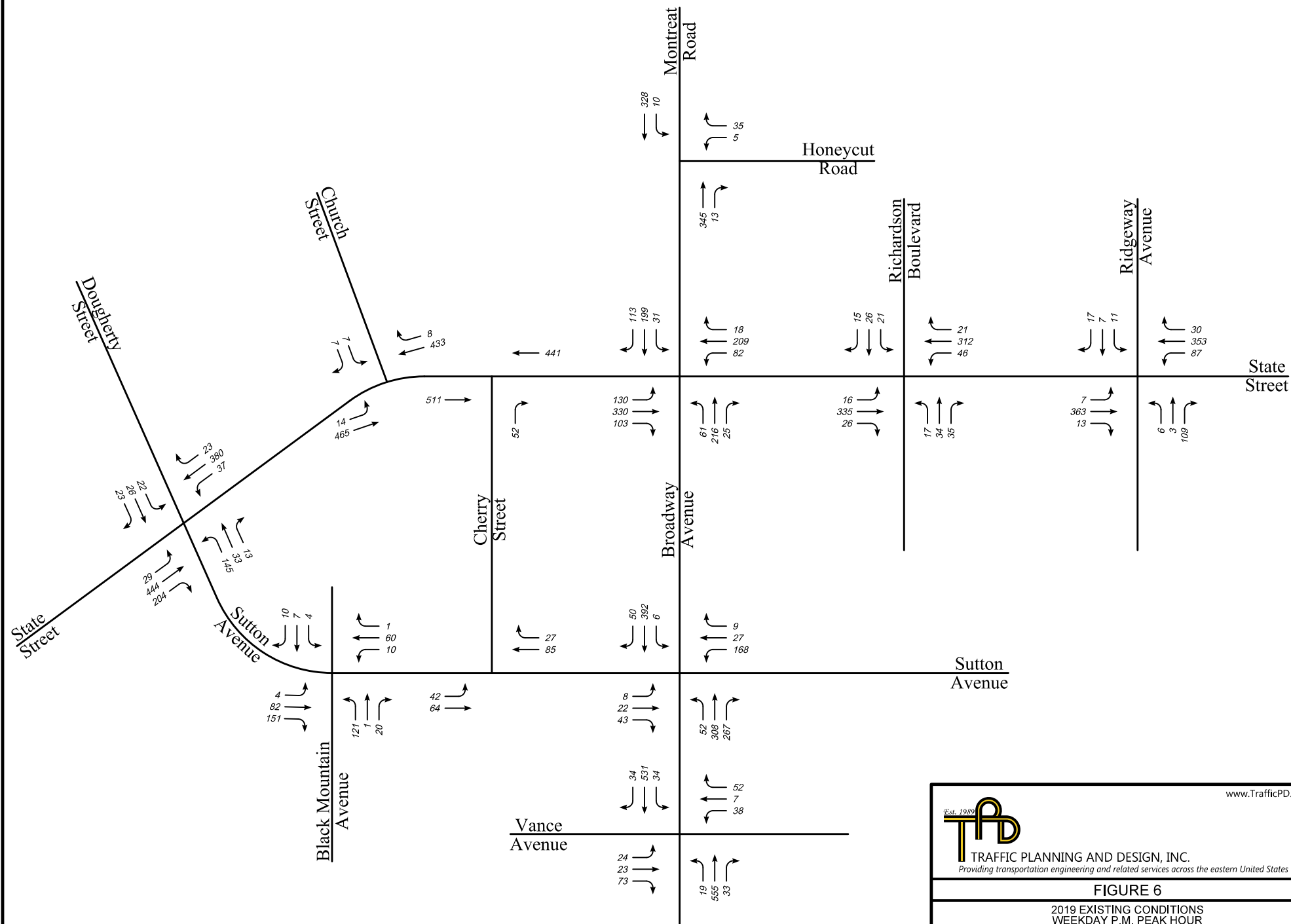


TABLE 1
LEVEL OF SERVICE DELAY (SECONDS) SUMMARY

Intersection	Movement	Weekday A.M. Peak Hour		Weekday Midday Peak Hour		Weekday P.M. Peak Hour	
		Existing	One-Way Cherry St	Existing	One-Way Cherry St	Existing	One-Way Cherry St
State Street & Sutton Avenue/Dougherty Street	EB LT	A	A	A	A	A	A
	EB TR	A	A	A	A	A	A
	WB LT	A	A	A	A	A	A
	WB TR	A	A	A	A	A	A
	NB LTR	C	C	C	C	C	C
	SB LTR	B	B	B	B	B	B
	ILOS	B (10.7)	B (10.7)	B (10.3)	B (10.3)	B (10.8)	B (10.6)
State Street & Church Street	EB LT	A	A	A	A	A	A
	SB LR	B	B	B	B	B	B
State Street & Cherry Street	WB L	A	--	A	--	A	--
	NB R	A	A	B	B	B	B
State Street & Montreat Road/Broadway Avenue	EB L	B	B	B	B	B	B
	EB TR	C	C	C	C	C	C
	WB L	B	B	B	B	B	B
	WB TR	C	C	C	C	C	C
	NB LT	C	C	C	C	D	C
	NB R	C	C	B	B	B	B
	SB LT	C	C	C	C	C	C
	SB R	B	B	B	B	C	C
	ILOS	C (25.4)	C (25.5)	C (24.8)	C (25.8)	C (27.8)	C (25.7)
Broadway Avenue & Sutton Avenue	EB LTR	A	A	A	A	A	A
	WB LTR	A	A	A	A	A	A
	NB LT	A	A	A	A	A	A
	NB R	A	A	A	A	A	A
	SB LT	A	A	A	A	A	A
	SB TR	A	A	A	A	A	A
	ILOS	A (5.8)	A (5.7)	A (6.0)	A (6.0)	A (6.0)	A (5.8)
Cherry Street & Sutton Avenue	EB LT	A	A	A	A	A	A
	WB TR	A	A	A	A	A	A
	SB LR	A	--	A	--	A	--
Sutton Avenue & Black Mountain Avenue ¹	EB LT	A	A	A	A	A	A
	EB R	A	A	A	A	A	A
	WB L	A	A	A	A	A	A
	NB L	A	A	A	A	A	A
	SB LTR	A	A	A	A	A	A

¹Analyzed utilizing SimTraffic due to unconventional stop control

TABLE 2
MAXIMUM QUEUE (FEET) SUMMARY*

Intersection	Movement	Available Storage	Weekday A.M. Peak Hour		Weekday Midday Peak Hour		Weekday P.M. Peak Hour	
			Existing	One-Way Cherry St	Existing	One-Way Cherry St	Existing	One-Way Cherry St
State Street & Sutton Avenue/Dougherty Street	EB LT	500+	144	90	261	128	203	172
	EB TR	500+	180	135	254	187	266	248
	WB LT	400 ³	158	151	112	158	136	115
	WB TR	170	136	140	86	172	122	125
	NB LTR	360 ³	172	170	173	130	135 ²	130 ²
	SB LTR	400+	66	69	68	66	66	68
State Street & Church Street	EB LT	400 ³	31	54	55	55	96	94
	SB LR	300+	22	22	45	22	22	44
State Street & Cherry Street	WB L	100 ³	74	N/A	154	N/A	158	N/A
	NB R	200+	12	12	34	72	31	99
State Street & Montreat Road/Broadway Avenue	EB L	230 ³	92	73	148	114	135	95
	EB TR	230 ³	200 ²	215 ²	198 ²	248²	303²	323²
	WB L	195 ⁴	219	219	114	143	219	219
	WB TR	375 ³	289	398	239	259	285	264
	NB LT	500+	286	187	261	331	325	307
	NB R	135	117	125	125	125	125	125
	SB LT	240	225 ²	228 ²	219	219	220	199
	SB R	400+	245	272	229	231	235	228
Broadway Avenue & Sutton Avenue	EB LTR	200+	52	52	74	74	74	74
	WB LTR	350+	115	147	154	136	181	198
	NB LT	325 ³	157	117	163	202	176	196
	NB R	325 ³	74	99	171	124	140	120
	SB LT	500+	93	88	72	74	94	127
	SB TR	195	93	94	141	137	98	129
Cherry Street & Sutton Avenue	EB LT	130 ³	31	58	51	55	32	31
	WB TR	245 ³	67	77	55	56	56	55
	SB LR	200+	48	0	66	0	51	0
Sutton Avenue & Black Mountain Avenue ¹	EB LT	200+	35	66	51	53	30	53
	EB R	75	44	56	55	56	54	20
	WB L	130 ³	30	30	30	0	30	0
	NB L	100+	21	0	0	21	21	20
	SB LTR	50+	65	65	29	55	30	29

*Queue analysis developed using SimTraffic methodology except where noted to indicate greatest distance

¹Analyzed utilizing SimTraffic due to unconventional stop control

²95TH percentile Synchro queue

³Distance to adjacent intersection

⁴Continues as a TWCLTL for approximately 95 feet additional



RESOLUTION #R-19-16

RESOLUTION OF THE BOARD OF ALDERMEN CHANGING CHERRY STREET TO ONE-WAY TRAVEL

WHEREAS, the Town of Black Mountain seeks to protect public safety; and

WHEREAS, the Town of Black Mountain has completed a traffic pattern analysis from Traffic Planning and Design, Inc, dated August 2, 2019, which has received support from The Black Mountain Fire Department and the Black Mountain Police Department; and

WHEREAS, the described traffic pattern analysis recommended one-way travel north from Sutton Avenue to State Street and parallel parking on both sides of the street: and

WHEREAS, it is in the public interest for Cherry Street to have one-way travel from Sutton Avenue to State Street; and

WHEREAS allowing parallel parking on both sides of the street will minimize the loss of parking spaces

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

Section 1: The Board of Aldermen authorize changing Cherry Street to a one-way street with parallel parking on both sides of the street as recommend in the traffic pattern analysis from Traffic Planning and Design, Inc, dated August 2, 2019,

Section 2: This **Resolution #R-19-16** shall be effective upon its adoption.

READ, APPROVED AND ADOPTED by a vote of ___ to ___ this 12th day of August 2019.

Don Collins, Mayor

ATTEST:

Angela Reece, Town Clerk

Josh Harrold, Town Manager



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

July 22, 2019

Mr. Josh Harrold, Town Manager
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

Subject: Utility Repair Reimbursement Agreement-8828
Town of Black Mountain
Reimbursement to the Municipality for damages caused to an existing water line by NCDOT forces.
Buncombe County

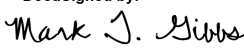
Dear Mr. Harrold,

Enclosed please find two original copies of the subject agreement. Please secure the necessary signatures on the last page of both copies of this agreement and return to me for further handling.

Upon full execution of this agreement, payment to the Town in the amount of \$28,900 will be made. Should you have any questions concerning this agreement please contact Mr. McCray Coates, Division Project Manager at the number below.

Thank you for your assistance in this matter.

Sincerely,

DocuSigned by:

1F6B6E0378B64C2...

Mark T. Gibbs, P.E.
Division Engineer

MTG/hmc
Enclosure

cc: Mr. Tim Anderson, P.E., Division Maintenance Engineer
Mr. Justin Rice, Division Bridge Maintenance Engineer
Ms. W.K. Carver, Division Business Officer

NORTH CAROLINA
BUNCOMBE COUNTY

UTILITY REPAIR REIMBURSEMENT AGREEMENT

DATE: 7/17/2019

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 13B.201111

TOWN OF BLACK MOUNTAIN

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Black Mountain, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements under Project 13B.201111, in Buncombe County; and,

WHEREAS, the Department and the Municipality are authorized by the following legislation, as applicable: G.S. 136-66.1 and 136.66.3 to participate in the planning and construction of a project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

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

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the Department and the Municipality as the result of the construction of the Project it is agreed as follows:

SCOPE OF THE AGREEMENT

1. This Agreement is for reimbursement to the Municipality for damage caused to an existing water line by NCDOT forces. The cost includes all material, labor and equipment necessary to make the repair to the damaged water line.

FUNDING

2. Subject to compliance by the Municipality with the provisions set forth in this Agreement, the Department shall participate in the costs of the project in an amount not to exceed \$28,900. Costs, which exceed this amount, shall be borne by the Municipality.
 - A. The Municipality may bill the Department for actual costs as herein stated. Reimbursement to the Municipality shall be made Upon Completion upon approval of said invoice by the Division Engineer and the Department's Financial Division.
 - B. The Municipality shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of final payment under this Agreement, for inspection and audit by the Department's Financial Division.
 - C. The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs.
 - D. Failure on the part of the Municipality to comply with any of these provisions will be grounds for the Department to terminate participation in the costs of the project.
 - E. All invoices must be submitted within one (1) year of completion and acceptance of the project by the Department.

MAINTENANCE

3. Upon completion of the work, the Municipality shall be responsible for the improvements to the utility lines.

ADDITIONAL PROVISIONS

4. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.

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

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement.

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

ATTEST:

TOWN OF BLACK MOUNTAIN

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

Approved by _____ of the local governing body of the Town of Black Mountain as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:

Town of Black Mountain

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

RESOLUTION #R-19-15

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN PRESCRIBING PROCEDURES FOR DISPOSAL OF SURPLUS PERSONAL PROPERTY VALUED AT LESS THAN \$30,000.00

WHEREAS, the Town of Black Mountain, from time to time has personal property which is no longer needed or required;; and

WHEREAS, North Carolina General Statute 160A-266 authorizes cities to adopt procedures for the disposal or exchange of personal property valued at less than \$30,000 for any one item or group of items; and,

WHEREAS, North Carolina General Statute 160A-270 provides that the governing board may conduct electronic auctions of the government's personal property by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services (such as GovDeals); and

WHEREAS, the Board of Aldermen desires to adopt procedures for the disposal and exchange of surplus personal property valued at less than \$30,000 for any one item or group of items, including but not limited to disposal and exchange by electronic means;

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

Section 1. Property That Can be Disposed of Under this Resolution. The Finance Officer is hereby authorized to declare surplus and dispose of any personal property owned by the Town of Black Mountain when, in his or her judgment, each of the following three criteria are met:

- a) the item or group of items to be disposed of has a fair market value of less than thirty thousand dollars (\$30,000.00);
- b) the property is no longer necessary for the conduct of Town business; and,
- c) sound property management principles and financial considerations indicate that the interests of the Town of Black Mountain would be best served by disposing of the property.

Personal property that, in the judgment of the Finance Officer, meets these three criteria is referred to in this Resolution as "Surplus Property."

Section 2. Methods of Disposition. The Finance Officer may dispose of Surplus Property by any means which he or she judges reasonably calculated to secure for the Town the fair market value in money or other consideration and to accomplish the disposal efficiently and economically, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes, Chapter 160A-266 and 160A-270. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. Sale by Electronic Auction. As one of several means of disposing of Surplus Property, the Finance Officer is specifically authorized to dispose of Surplus Property by

electronic means. The Finance Officer is authorized to establish procedures for disposing of Surplus Property by electronic means, and is further authorized to use existing public or private electronic auction services to dispose of Surplus Property. Notwithstanding the requirements of North Carolina General Statute 160A-270, the Town shall not be required to provide advance notice of such Surplus Property disposal.

Section 4. **Terms of Disposition.** The Surplus Property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of Black Mountain if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Finance Officer may retain the property for the Town, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No Surplus Property may be donated except by resolution of the Board of Aldermen.

Section 5. **Records and Reports.** The Town's Finance Department shall keep a record of all property sold under the authority of this Resolution and that record shall describe the property sold or exchanged, to whom it was sold, or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange. This record shall be reported to the Board of Aldermen on a semiannual basis. One report will be due each February 1, summarizing sales from the preceding July 1 through December 31, and the other report will be due each August 1, summarizing sales from the preceding January 1 through June 30.

Section 6: **Delegation.** The Finance Officer is authorized to delegate any or all of the authority granted or responsibilities assigned under this Resolution to other Town employees.

Section 7. This Resolution is adopted pursuant to the provisions of North Carolina General Statutes 160A-266 and 160A-270.

Section 8. This Resolution shall become effective upon adoption.

I move the adoption of the foregoing Resolution:

Alderman

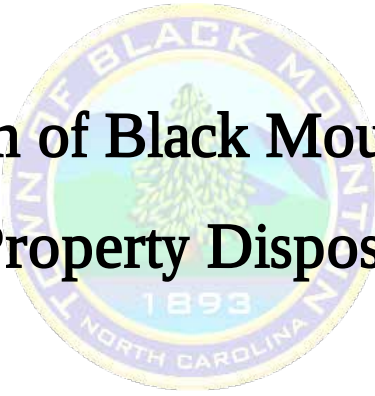
READ, APPROVED AND ADOPTED by a vote of ____ to ____ this the ____ day of June, 2019.

Don Collins, Mayor

Angela Reece, Town Clerk

Town of Black Mountain

Personal Property Disposition Form



Personal Property to be disposed of (Model Number, Vin Number, Serial Number, Description):

Department: _____

Original purchase price (if known): \$ _____

Date of purchase (if known): _____

Proposed method of disposition for items valued at less than \$30,000 (NC GS 160A-266)

____ Private sale/negotiation

____ Public Auction

____ Advertisement for sealed bids

____ Exchange/Donation

____ Negotiated offer, advertisement, upset bid

____ Disposal (no value)

____ Small Surplus Item Disposal with Board Approval by Resolution # R-19-??

If sold, sale price: \$ _____

Date of sale: _____

Sold/Exchange to (individual or business) name, address and phone:

Employee conducting sale/disposition: _____

Department: _____

Town Manager approval: _____ Date: _____

*Please complete this form and return to the Finance Department.
See reverse for state statutes governing sale of public property.*

§ 160A-266. Methods of sale; limitation.

(a) Subject to the limitations prescribed in subsection (b) of this section, and according to the procedures prescribed in this Article, a city may dispose of real or personal property belonging to the city by:

- (1) Private negotiation and sale;
- (2) Advertisement for sealed bids;
- (3) Negotiated offer, advertisement, and upset bid;
- (4) Public auction; or
- (5) Exchange.

(b) Private negotiation and sale may be used only with respect to personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of similar items. Real property, of any value, and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted in this Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279.

Provided, however, a city may dispose of real property of any value and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(d) A city may discard any personal property that: (i) is determined to have no value; (ii) remains unsold or unclaimed after the city has exhausted efforts to sell the property using any applicable procedure under this Article; or (iii) poses a potential threat to the public health or safety. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1; 1983, c. 130, s. 1; c. 456; 1987, c. 692, s. 2; 1987 (Reg. Sess., 1988), c. 1108, s. 9; 1997-174, s. 6; 2001-328, s. 4; 2005-227, s. 3.)

§ 160A-270. Public auction.

(a) Real Property. - When it is proposed to sell real property at public auction, the council shall first adopt a resolution authorizing the sale, describing the property to be sold, specifying the date, time, place, and terms of sale, and stating that any offer or bid must be accepted and confirmed by the council before the sale will be effective. The resolution may, but need not, require the highest bidder at the sale to make a bid deposit in a specified amount. The council shall then publish a notice of the sale at least once and not less than 30 days before the sale. The notice shall contain a general description of the land sufficient to identify it, the terms of the sale, and a reference to the authorizing resolution. After bids have been received, the highest bid shall be reported to the council, and the council shall accept or reject it within 30 days thereafter. If the bid is rejected, the council may re-advertise the property for sale.

(b) Personal Property. - When it is proposed to sell personal property at public auction, the council shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property at public auction. The resolution or order shall identify the property to be sold and set out the date, time, place, and terms of the sale. The resolution or order (or a notice summarizing its contents) shall be published at least once and not less than 10 days before the date of the auction.

(c) The council may conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services. Notice of an electronic auction of property shall identify, in addition to the information required in subsections (a) and (b) of this section, the electronic address where information about the property to be sold can be found and the electronic address where electronic bids may be posted. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular auction or for all auctions under this subsection shall be approved by the governing board of the political subdivision. Except as provided in this subsection, all requirements of subsections (a) and (b) of this section apply to electronic auctions. (1971, c. 698, s. 1; 1973, c. 426, s. 43; 2001-328, s. 5; 2005-227, s. 4; 2006-264, s. 74.)

LEASE AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

**Prepared by & return to: Ronald E. Sneed
P.O. Box 995, Black Mountain, NC 28711**

THIS LEASE AGREEMENT (the "Lease") is made and entered into this _____ day of _____, 2019, by and between **THE TOWN OF BLACK MOUNTAIN**, a North Carolina Municipal Corporation, the "Landlord" or "Town"), and **STEPHANIE SULTZMAN**, (the "Tenant").

WITNESSETH:

WHEREAS, Landlord desires to let and lease to Tenant, and Tenant desires to let and lease from Landlord, upon the terms and conditions hereinafter set forth, that certain real property being that portion of the Carver Center located at 101 Carver Avenue in Black Mountain, Buncombe County, North Carolina, commonly referred to as the "Annex".

NOW, THEREFORE, FOR AND IN CONSIDERATION of the rents, covenants, agreements and stipulations hereinafter mentioned, reserved and contained, to be paid, kept and performed by the Tenant, Landlord has leased and rented, and by these presents does lease and rent, unto the Tenant who hereby agrees to lease from the Landlord, upon the terms and conditions which are hereinafter contained, the Property:

1. Description. Landlord does hereby lease to Tenant the Property, together with any and all rights, easements and appurtenances pertaining thereto running in favor of Landlord with respect to the Property, and all improvements, including, without limitation, that portion of the building at 101 Carver Avenue commonly referred to as the Annex, being approximately 2,577 square feet.

2. Term. The initial term of this Lease shall commence September 1, 2019 (the "Commencement Date"), and shall expire August 31, 2020.

3. Rent. The Rent shall be \$1,000.00 per month, paid in advance at the beginning of each month beginning September 1, 2019.

4. Tenant's Insurance. Beginning on the Lease Commencement Date, Tenant, at her own expense, shall provide and maintain a general liability insurance policy naming the Landlord, its agents and its managers as additional insureds, in the amount of \$100,000.00 per occurrence and \$500,000.00 in aggregate.

5. Damage or Destruction. In the event the buildings or improvements located on the Property shall be damaged or destroyed by fire or other disaster, Landlord may in its sole discretion determine whether such damage shall be repaired. If the Landlord decides to repair, the Tenant's duty to pay rent shall abate until such time as the repairs are completed and Tenant can resume use of the premises.

In order to insure the Landlord's ability to repair or rebuild the damaged or destroyed buildings or improvements located on the Property, Landlord shall maintain fire and extended insurance coverage or so-called "all-risk" insurance for the full replacement value of the buildings and other improvements located on the Property.

Tenant understands and agrees that the insurance which is to be obtained and maintained by the Landlord will not cover any items of personal property owned by the Tenant and kept on the property, including merchandise, inventory, furniture, equipment or trade fixtures. If Tenant desires to have such property protected by insurance, he will be responsible for obtaining hazard insurance for that purpose.

6. Maintenance and Repairs. Landlord, at its sole cost and expense, shall maintain and repair the load bearing structural walls, roof structural, foundation, and plumbing and electrical up to the metering devices serving the Premises. Landlord shall also maintain and repair all interior items including but not limited to walls, plumbing, electrical, doors, windows and HVAC. Tenant shall maintain and repair all property and improvements it brings into the classroom, including cabinets, furniture, chalkboards, etc. All supplies needed by the Tenant will be provided by the Tenant, including bathroom supplies and cleaning materials. Tenant shall be responsible for all cleaning.

7. Right of Entry. Landlord reserves the right during the term of this Lease to enter and inspect the Property at reasonable hours and in such a manner as to not interfere with the business activity conducted thereon. No inspections shall be conducted unless an authorized representative of Tenant is present.

8. Assignment and Subletting. Tenant may not assign any interest in this Lease, or sublet any portion of the leased premises, without the written consent of the Landlord.

9. Remedies upon Default. If Tenant should fail to promptly pay the Rent herein stipulated or any other sum for which Tenant is liable under the terms of this Lease within fifteen (15) days after Tenant's receipt of notice from Landlord of such delinquency, Tenant shall owe a late payment penalty of five percent (5%) of the past due rental amount. If Tenant shall fail to pay the monthly amount due within thirty days of the due date, or should the Tenant breach any of its covenants under this Lease

and not cure the same within thirty (30) days after the receipt of notice from Landlord designating such breach, the Landlord may, at his option, terminate this Lease and take possession of the Property. The foregoing rights of the Landlord shall be in addition to any rights which the Landlord may have under law or in equity.

Notwithstanding any other provision of this Lease, where the curing of an alleged default requires more than the payment of money and the work of curing said default cannot be reasonably accomplished within the time otherwise permitted herein, and where Tenant has commenced upon curing said default and is diligently pursuing same, then Tenant shall be entitled to reasonable time extensions to permit the completion of curing said default as a condition precedent to any reentry by Landlord or termination of this Lease by Landlord, and any default that is cured shall not thereafter be grounds for reentry or termination.

10. Use of the Property. The Premises shall be continuously used, throughout the term of the Lease, solely for the purposes of providing an art program for school age children and an arts based summer camp program.

11. Removal of Equipment, Fixtures and Merchandise. Landlord acknowledges that Landlord has no interest in any personal property or equipment or furniture or any trade fixtures which may be installed by Tenant upon the Property, and Landlord agrees in the future to furnish Tenant, upon request, with such waiver or similar documents as may be reasonably required by any lender or equipment lessor in connection with Tenant's acquisition or financing respecting such personal property, equipment, furniture and fixtures. All personal property, furniture, equipment, and trade fixtures, including, but not limited to, specialty equipment, shelves, cabinets, counters and signs, which are installed or placed on the Property by or at the expense of Tenant shall remain the property of the Tenant, and Tenant shall have the right at all times to remove such personal property, furniture, equipment, and trade fixtures from the Property. Landlord shall not be responsible for the condition or safety of the furniture, fixtures, equipment, trade fixtures, inventory or other personal property used or stored on the Property, and Tenant shall indemnify and hold the Landlord harmless from any claims others might make on damage to any personal property used or stored on the Property.

12. Covenant of Quiet Enjoyment. Landlord covenants and warrants to Tenant that: (i) Landlord has full right and lawful authority to enter into and perform Landlord's obligations under this Lease for the entire lease term including any extensions thereof, and has good and marketable title to the Property in fee simple, free and clear of all contracts, leases, tenancies, agreements, restrictions, violations, encumbrances or defects in title of any nature whatsoever, (ii) this Lease is not and shall not be subject or subordinate to any mortgage of Landlord; (iii) upon Tenant's compliance with the terms of this Lease, Tenant shall quietly and peaceably hold, possess and enjoy the Property for the full term of this Lease without any hindrance or molestation by any party, and Landlord will defend the title to the Property and the use and occupancy of the same by the Tenant against the claims of all persons, whomsoever, except those claiming by or through the Tenant.

13. Waiver of Breach. It is hereby covenanted and agreed that no waiver of a breach of any of the covenants of this Lease shall be construed to be a waiver of any succeeding breach of the same

or any other covenant.

14. Holding Over. In the event of Tenant's continued occupancy of the Property after the expiration of the term of this Lease or any renewal or extension thereof, or any earlier termination provided or permitted in this Lease, Tenant shall be deemed to be a tenant from month-to-month. All other covenants, provisions, obligations and conditions of this Lease shall remain in full force and effect during such month-to-month tenancy.

15. Notices. All notices to be given to either party by the other shall be in writing, and shall be deemed to have been given when the same is either (i) personally delivered (including delivery by any "overnight mail service"), or (ii) deposited in the United States mail, postage prepaid by certified or registered mail, return receipt requested and properly addressed to the respective party; it being specifically agreed and understood that all cure or grace periods for compliance established under the terms and provisions of this Lease shall not be deemed to have commenced until such time as notice shall have been received by the party to whom it shall have been directed, or until such time as delivery of such notice shall have been refused. All notices to be given shall be sent as follows, unless the party to receive notice has notified the other in writing of a change:

To Landlord:
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

To Tenant:
Stephanie Sultzman

16. Miscellaneous.

A. The captions in this Lease are for convenience only and shall not in any way limit or be deemed to construe or interpret the terms and provisions hereof.

B. Time is of the essence of the Lease and of all provisions hereof.

C. This Lease shall be construed and enforced in accordance with the laws of the State of North Carolina.

D. This Lease may be executed in several counterparts, each of which shall be an original and all collectively shall constitute one lease.

IN WITNESS WHEREOF, Landlord has executed this Lease and Tenant has caused this Lease

to be executed on its behalf and through its duly authorized officers, all as of the day and year first above written.

TOWN OF BLACK MOUNTAIN, Landlord

By: _____
Josh Harrold, Town Manager

Stephanie Sultzman, Tenant

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION**

Meeting Date: August 12, 2019

SUBJECT: An Ordinance to Amend Chapter 47, Article 6, Section 47-183 Schedule II (Speed Limits) of the Code of Ordinances of the Town of Black Mountain

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8D
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The residents on 4th Street have requested that the speed limit be reduced in their neighborhood. The residents feel the limit of 20 M.P.H. is too fast for safety due to the design and traffic volume of the road. They are requesting the speed limit be lowered to **15 M.P.H.** and appropriate signs posted.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the adoption of an ordinance **#O-19-16** to amend Chapter 47, Article 6 Section 47-183 Schedule II (Speed Limits) of the Code of Ordinances for the Town of Black Mountain to reduce the speed limit on **4th Street** to **15** miles per hour.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Ordinance **#O-19-16**

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt as presented.

ORDINANCE #O-19-16

AN ORDINANCE TO AMEND CHAPTER 47 ARTICLE 6, SECTION 47-183, SCHEDULE II (SPEED LIMITS) OF THE CODE OF ORDINANCES OF THE TOWN OF BLACK MOUNTAIN

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

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Black Mountain that modifications be made to the Code of Ordinances under Chapter 47, Article 6, Section 47-183, Schedule II: Speed Limits, to declare the following speed limit:

Speed Limit	Description
15	4 th Street

I move the adoption of the foregoing ordinance:

Alderman

READ, APPROVED AND ADOPTED by a vote of ____ to ____ this the 10th day of August, 2019.

Don Collins, Mayor

ATTEST:

Angela Reece, Town Clerk

Edward Medlock 332-4448



MEDLOCK & ASSOCIATES ENGINEERING, PA

March 5, 2012

Mr. Al Richardson
Interim Town Manager
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

Subject: Structural Engineering Report – Downtown Fire Department – Town of Black Mountain, Black Mountain, NC
Project Number: 226711

Dear Mr. Richardson:

As requested, Medlock & Associates Engineering, PA (MAE) representatives conducted site observations at downtown location of the fire department in Black Mountain, North Carolina to observe and evaluate movement in the concrete floor below the dorm room and bathrooms in the structure.

Based on our site observations, discussions with town officials, and prior experience with similar situations, we recommended performance of geotechnical testing to assist in our assessment. ECS Carolinas, LLP was contracted to perform testing of material below the slab of the existing structure and adjacent to the perimeter of the structure. We have developed the following observations, findings and recommendations:

Observations:

1. Cracks were observed in the floor of dorm rooms of the fire department through the tile in the bathrooms of the structure. It was apparent that patching had been previously attempted along the cracks.
2. Vertical movement in the slab along this observed crack indicating settlement below the slab in these areas.
3. A continuous horizontal crack was noted in the exterior brick veneer of the structure along the north wall. The crack was noted near the interior concrete slab elevation.
4. Horizontal movement was observed along this crack with the bottom veneer noted outwards relative to the brick veneer above.
5. A continuous horizontal crack was also observed along the interior CMU wall in the basement of the structure (opposite the north exterior wall noted in bullet 3).
6. The retaining wall around the exterior patio near the northwest corner of the structure was observed to have rotated outwards.
7. Several individuals on site indicated to us that the original structure was constructed in a low lying drainage area and that the structure was built on wood pilings. This information has been corroborated by others. The fact that ground water was encountered by ECS 24" below the existing basement slab and that we observed a continuously running culvert pipe below the building confirm this situation.
8. Please see geotechnical reports provided by ECS Carolinas, LLP dated July 18, 2011 and September 9, 2011 for additional geotechnical observations.

Findings:

1. See geotechnical reports provided by ECS Carolinas, LLP dated July 18, 2011 and September 9, 2011 for geotechnical findings.
2. It is our opinion that the horizontal cracks in the walls noted in bullets 3, 4, and 5 in observations have been caused by lateral pressure created by the existing fill material beneath the slab.
3. It is our opinion that the cracking noted in the floor slab in the dorm room and bathrooms has been caused by settlement of uncontrolled (un-compacted) fill material beneath the slab.
4. It is also our opinion that the settlement and consolidation of soil beneath the bathroom areas has been exacerbated by the presence of running water in these areas. Water either entering through the showers, drains, or pipes beneath the slab would definitely effect fill material beneath the slab and could increase lateral pressure on the walls.
5. It is our opinion that the settlement of the fill material and cracking (movement) in the slab do not create a direct life safety issue with the occupancy of the structure.
6. However, we do recommend that consideration should be given for implementing repairs if long term occupancy of the building is desired.

Recommendations:

1. We recommend bracing the exterior (north) wall of the structure against the existing lateral soil pressure. Our recommendation would be to installed vertical steel channels at a spacing between six and eight feet. Channels would extend two feet below finished grade and extend 12" - 24" above the existing interior slab.
2. We recommend bracing the opposite interior CMU wall against the existing lateral soil pressure. Our recommendation would be to installed carbon fiber strips vertically at approximately five feet on center.
3. The existing concrete slab structure may be maintained, but there will be a continuing maintenance issue with associated maintenance costs (such as repairing cracked tile, patching continuing cracking, and dealing with the inconvenience).
4. An option could be considered involving installation of grade beams approximately six to eight feet on center which could be utilized to support the existing slab and to tie the opposite walls together. This would involve removal of existing floor finishes and interior walls in these locations. This would be intrusive, but provide a continuing life span for the structure. This work would be performed in addition to the wall bracing recommended in bullets 1 and 2 in recommendations. This approach would likely extend the usable life of the structure and additional 20 years.
5. Of the two options offered in the geotechnical report dated September 9, 2011, we would recommend the Polyurethane Injection approach as it would be less intrusive and would require less time for implementation. The Polyurethane inject repair would require the bracing of the walls and tie system run through the slab prior to implementation. In essence, the wall bracing and grade beam ties from wall to wall would be required in addition to the Polyurethane Injection.
6. The approach of only bracing the two wall systems would likely extend the useful life of the structure for another five years, whereas the grade beam approach and the Polyurethane approach would likely extend the usable life for twenty years or more.

Engineering estimates for costs of construction:

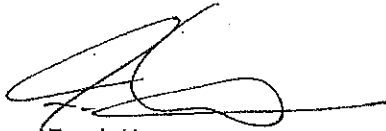
The following engineering estimates are based on our experience with similar projects in the past and reflect magnitudes of pricing, more than actual values. Direct quotes from contractors would be required to set budgets and allowances.

1. Bracing of walls only: \$25,000.00
2. Bracing of walls and grade beam option: over \$100,000
3. Bracing of walls and Polyurethane: over \$150,000 and would require a quote from specialty contractor.

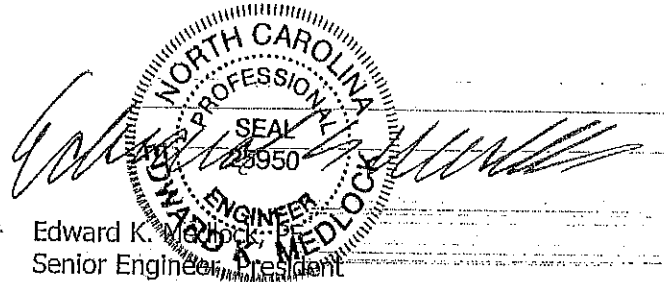
The scope of this report is limited to our assessment of the issues regarding the slab in the old portion of the existing structure. No opinion is offered, and none should be inferred, regarding other aspects of this structure or the structure taken as a whole.

We are pleased to be of service. If you have any questions regarding this report or require further assistance, please call.

Sincerely,



Frank Ungert
Project Manager



Edward K. Medlock
Senior Engineer, President

03-05-12

REPORT OF LIMITED GEOTECHNICAL EVALUATION

**BLACK MOUNTAIN FIRE STATION
BLACK MOUNTAIN, NORTH CAROLINA
ECS PROJECT No. 31-1830**

Prepared For

MEDLOCK & ASSOCIATES ENGINEERING, INC.

Prepared By



SEPTEMBER 9, 2011



ECS CAROLINAS, LLP

Geotechnical • Construction Materials • Environmental • Facilities

"Setting the Standard for Service"

NC Registered Engineering Firm F-1076

September 9, 2011

Mr. Ed Medlock, P.E.
Medlock & Associates Engineering, Inc.
53 Asheland Avenue, Suite 101
Asheville, North Carolina 28801

Reference: Report of Limited Geotechnical Evaluation
Black Mountain Fire Station
Black Mountain, North Carolina
ECS Project No. 31-1830

Dear Mr. Medlock:

ECS Carolinas, LLP (ECS) has completed a subsurface exploration for the subject site as authorized by acceptance of our Proposal Number 31-1884-P, dated July 1, 2011. The purpose of this exploration were to explore the subsurface conditions at the site to help evaluate the likely contributing factors for the observed distress and to provide geotechnical considerations for repair. This report presents our understanding of the project information, outlines our scope of work, summarizes the results of our exploration, and provides our evaluations and recommendations.

This report is provided for the use of Medlock & Associates Engineering, Inc. This report is not intended to be used or relied upon in connection with other projects or by other unidentified third parties without the written permission of ECS. The unauthorized use of this report by any undesignated third party or parties will be at such party's sole risk, and ECS disclaims liability for any such unauthorized third party use or reliance.

We appreciate the opportunity to provide our geotechnical services to Medlock & Associates Engineering, Inc. during this phase of your project. Please contact us if you have questions concerning this report.

Respectfully,

ECS CAROLINAS, LLP

Richard G. Adams, P.E.
Geotechnical Services Manager

Matthew S. Fogleman, P.E.
Vice President/Branch Manager
NC Registration No. 31049

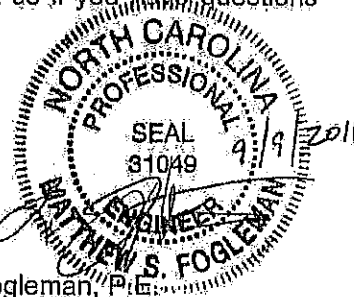


TABLE OF CONTENTS

	<u>PAGE</u>
1.0 PROJECT INFORMATION	1
2.0 EXPLORATION PROCEDURES	2
2.1 Mechanized Soil Test Borings	2
2.2 Hand Auger Borings	2
2.3 Laboratory Testing	3
3.0 SITE AND SUBSURFACE CONDITIONS	4
3.1 Site Observations	4
3.2 Area Geology	4
3.3 Subsurface Conditions	5
4.0 CONCLUSIONS AND RECOMMENDATIONS	7
4.1 Concrete Slab Subgrade Repair	7
4.2 Northern Perimeter Foundation Wall and Interior Basement Walls	8
4.3 Micropile Design Considerations	9
5.0 CLOSING	11
APPENDIX	

1.0 PROJECT INFORMATION

Our understanding of this project is based upon discussions between Edward Medlock, P.E. with Medlock Engineering and Associates, Inc. (MAE) and our Mr. Richard Adams, P.E., as well as from a site meeting with MAE, the Black Mountain Fire Chief, and Mr. Deon Lytle, representative of the Town of Black Mountain. We understand that for at least 10 years there have been noticeable cracks within the tiled floors of the sleeping quarters, hallways, and showers inside the fire station and that these cracks have been re-tiled several times previously, and continue to crack. During our site visit, we also noted horizontal and stair step cracks on the exterior northern walls, as well as in the interior basement walls that appear to retain soil backfill materials.

The interior and exterior walls generally appear to be constructed of masonry block with an exterior brick veneer. A culvert was observed to pipe storm water under the building, entering on the northern side of the building. It was not clear where the pipe daylighted on the other side of the building. We also understand from Mr. Lytle that prior to construction of the fire station, a natural drainage traversed the approximate location of the pipe that was observed entering the building footprint. We understand from the Fire Chief and Mr. Lytle that at least portions of the existing building were constructed on timber piles due to the presence of soft bearing soils underlying the building footprint. Foundation plans and/or construction documents could not be located at the time of this evaluation, therefore it is not clear which portions of the building, if any, are constructed on timber piles or another foundation system.

2.0 EXPLORATION PROCEDURES

2.1 Mechanized Soil Test Borings

Three mechanized soil test borings, denoted B-1 through B-3, were drilled at the approximate locations shown on the Exploration Location Diagram in the Appendix. The boring locations were selected by ECS and MAE, in conjunction with the Town of Black Mountain and Fire Station personnel and were staked in the field by ECS. The boring locations indicated on the Exploration Location Diagram should be considered approximate.

Drilling was performed by a CME 45C trailer-mounted drill rig using continuous-flight hollow stem augers. Soil samples were obtained by means of the split-barrel sampling procedures in general accordance with ASTM D1586. In the split-barrel sampling procedure, a 2-inch O.D., split-barrel sampler is driven into the soil a distance of 18 inches by means of a 140-pound hammer falling 30 inches. The number of blows required to drive the sampler through a 12-inch interval is termed the Standard Penetration Test (SPT) value and is indicated for each sample on the boring logs. This value can be used to provide a qualitative indication of the in-place relative density of cohesionless soils. In a less reliable way, it also indicates the consistency of cohesive soils. This indication is qualitative, since many factors can significantly affect the SPT value and prevent a direct correlation between drill crews, drill rigs, drilling procedures, and hammer-rod-sampler assemblies.

Representative portions of each SPT sample were sealed in airtight containers and returned to our laboratory for classification, testing, and storage. The soil samples were visually classified in general accordance with the Unified Soil Classification System (USCS). The basic elements of the USCS are described on a legend sheet attached in the Appendix and in ASTM D2487. Additional information from each soil boring is provided on the individual soil test boring logs in the Appendix.

2.2 Hand Auger Borings

Four hand auger borings were performed at the approximate locations indicated on the attached Exploration Location Diagram within the interior of the building to evaluate the slab subgrade conditions. Hand auger boring HA-1 was performed within the basement, near an interior foundation wall to evaluate the foundation subgrade conditions for the wall and basement slab support. Three hand auger borings, HA-2 through HA-4 were performed on the first floor to evaluate the subgrade soils beneath the distressed slab-on-grade. The slab was cored at each boring location to provide access to the underlying soils. The cores were cut using standard concrete wet-coring equipment with a diamond tipped core barrel with a nominal diameter of 6 inches. The hand auger borings were extended to depths of up to about 9 feet beneath the existing subgrade surface, unless auger refusal terminated the boring.

The hand auger borings were supplemented with Dynamic Cone Penetrometer (DCP) tests in general accordance with ASTM STP-399. The DCP tests were performed to provide relative density/stiffness of the soils encountered. Because hand auger boring HA-4 terminated with refusal on an apparent cobble or boulder at a depth of around 1 foot, this boring was supplemented with Wildcat Dynamic Cone Penetrometer (wDCP) testing, which can be extended continuously, rather than requiring hand auger boring. The wDCP was extended to the side of the auger refusal material so that an offset slab core was not necessary.

The Wildcat Dynamic Cone Penetrometer utilizes a 35 pound hammer with a 15 inch drop and drives one meter long 1 inch diameter rods into the ground. The end of the rod which is driven into the ground is outfitted with a sacrificial cone point. The rods are marked off in 10 cm increments and the number of blows of the hammer required to drive each 10 cm increment into the ground is recorded. The cone is 1.4 inches in outside diameter. A 3-gallon tank with hand operated pump injects polymer slurry through the rods to fill the annulus between rods and soil, preventing loss of energy of the hammer blows to friction between rods and surrounding soil.

At each test completion, the rods are extracted by a leveraged post-popper, with the sacrificial cone point remaining in the bottom of the test hole.

The test locations are shown on the Exploration Location Diagram in the Appendix and should be considered approximate. The individual Hand Auger Records and Wildcat Dynamic Cone Log are included in the Appendix for your reference.

2.3 Laboratory Testing

Representative split-barrel samples and bulk samples obtained during our field exploration were selected and tested in our laboratory to check field classifications and to help determine pertinent index and engineering properties of the site soils. The geotechnical laboratory testing included:

- Visual classification of soil samples (ASTM D 2487),
- Index property testing of select soils samples including natural moisture content determinations (ASTM D 2216), and percent passing the No. 200 sieve (ASTM D 1140),

The laboratory test results are included on the Laboratory Testing Summary.

3.0 SITE AND SUBSURFACE CONDITIONS

3.1 Site Observations

The site surrounding the fire station is primarily surfaced in asphaltic and concrete pavements with small landscaped areas. Cracks in the interior first floor slab-on-grade and a horizontal crack in the northern exterior subgrade wall were noted to us by fire station personnel and the Structural Engineer, Edward Medlock, P.E. (Medlock Engineering and Associates, Inc). We also noted a displacement outward of the northern exterior wall, near its proximity to the slab on grade. The displacement was on the order of $\frac{1}{4}$ to $\frac{1}{2}$ inch.

We observed a French drain in the basement that apparently was constructed to help address previous groundwater issues in the basement. The drain traversed the basement floor generally from the eastern wall toward the northern wall and visually appeared to consist of $\frac{3}{4}$ inch stone or similar that was placed through a sawcut in the basement slab. The sawcut appeared to be approximately 18 inches in width. The depth of the drain is unknown.

3.2 Area Geology

The site is located in the Blue Ridge Physiographic Province of North Carolina. Located in the western portion of the state, this province is a deeply dissected mountainous area of numerous steep mountain ridges, intermountain basins, and trench valleys that intersect at all angles and give the area its rugged mountain character. The Blue Ridge is primarily composed of complexly folded and faulted igneous and metamorphic rocks. These rocks date to the PreCambrian and Paleozoic and represent parts of the basement rock of the North American continent. Streams and river channels are generally incised and trend along valleys.

Above the bedrock, the soil mantle in this area is typically composed of a thin layer of unconsolidated material consisting of residuum, alluvium, and colluvium. Residual soils (saprolite) are the product of in-place chemical weathering of the parent bedrock. Weathering is facilitated by the presence of fractures, joints, and less resistant minerals in the rock. In natural areas, the typical residual soil profile consists of clay-rich unconsolidated materials near the surface, transitioning to sandy silts and silty sands that generally become more granular and increasingly dense with depth to the transition to rock. Due to the variation of weathering rates within the residual soil strata, rock fragments, lenses, pinnacles, and boulders can remain within the residual soil matrix. Alluvial soils have been transported by stream action and are typically encountered along stream terraces and within floodplains. Colluvial soils have been deposited by gravitational action or slides and are typically encountered on and at the base of slopes, at the heads of drainage ways, and in coves. Rock fragments and boulders can also be present within alluvial and colluvial soils due to the depositional nature of these soil masses.

The boundary between soil and rock may not be sharply defined in some areas. A transitional zone termed "partially weathered rock" (PWR) often is present at the interface between residual soils and the underlying bedrock. For engineering purposes, PWR is defined as material which can be penetrated by a power auger, but which exhibits Standard Penetration Test resistances (N-values) of greater than 100 blows per foot.

In general, the unconfined shallow water table is contained within the near-surface soil mantle and is controlled primarily by topographic gradients. Recharge occurs primarily by infiltration along higher elevations and typically discharges into streams or other surface water bodies. The elevation of the shallow water table is transient and can vary with seasonal fluctuations in precipitation. As the groundwater percolates downward into the bedrock, it becomes controlled by the orientation of the rock fracture systems and can follow complex pathways through the rock. Thus, the direction of deeper groundwater movement may not be consistent with the topography. Actual site groundwater depths and flow direction cannot be determined without long-term monitoring through the installation of groundwater monitoring wells.

It is important to note that the natural geology within portions of the site has been modified in the past by the placement of fill materials. The quality of man-made fills can vary significantly, and it is often difficult to assess the engineering properties of existing fills. Furthermore, there is no specific correlation between N-values from the standard penetration test and the degree of compaction of existing fill soils; however, a qualitative assessment of existing fills can sometimes be made based on the N-values obtained and observations of the materials sampled in the test borings.

3.3 Subsurface Conditions

Mechanized Borings:

The borings initially encountered approximately 2 inches of asphaltic concrete. Underlying the pavement, fill materials were encountered to depths of about 9 feet in Boring B-1 and about 4 feet in Boring B-3. The fill material typically consisted of silty fine to medium sand (SM) with trace gravel. Standard Penetration Test (SPT) N-values obtained in the fill ranged from 4 to 15 bpf. Fill was not encountered in Boring B-2.

Underlying the fill and surficial materials, alluvial soils were encountered to depths ranging between about 7 and 19 feet below the surface. The alluvium typically consisted of silty fine sand (SM). N-Values in the alluvial deposits typically ranged from 3 to 28 bpf. The higher N-values are likely artificially inflated due to the presence of gravel within the alluvium. The alluvium was underlain by residual soils. The residuum typically classified as silty fine to medium sand (SM) with N-values ranging between 5 to 41 bpf with typical values ranging between approximately 15 and 30 bpf.

Partially weathered rock (PWR) was encountered in Boring B-3 at a depth of about 48 feet and extended to the termination depth of 50 feet. The PWR was sampled as silty fine to medium sand (SM).

Groundwater was encountered at a depth of about 9 to 10 feet in all three borings. Fluctuations of the groundwater table will occur due to seasonal variations in the amount of rainfall, surface runoff, and other factors not evident at the time the borings were performed. In addition, perched water may develop within sandy seams that overlie lower permeability layers following periods of heavy or prolonged rainfall. Therefore, groundwater levels during construction or at other times in the life of the project may be higher or lower than the levels indicated on the boring logs. The possibility of groundwater level fluctuations should be considered when developing the design and repair plans for the project.

The above paragraphs provide a general summary of the subsurface conditions encountered at the site at the time of our exploration. The Boring Logs included in the Appendix contain detailed information regarding the subsurface conditions encountered at each boring location. These Boring Logs represent our visual interpretation of the subsurface profile based on the samples retrieved during the field exploration. The stratification lines on the Boring Logs indicate approximate boundaries between various strata. The actual in-situ transitions between soil types are usually more gradual.

Hand Auger Borings:

The core removed from the basement slab (HA-1) and the cores removed from the main floor slab on grade (HA-2 through HA-4) had a typical thickness of about 6 to 8 inches with the exception of the core from location HA-4. The concrete at this location was 12 inches thick and consisted of apparently 3 separate concrete slabs, each approximately 4 inches thick. Obvious voids were not observed beneath the concrete slab at the coring locations.

Underlying the concrete slab on grade on the main floor, fill materials were encountered to the termination depth of each boring. The fill typically consisted of silty fine to medium sand and had DCP values ranging between 1 and 9 blows per increment. Underlying the slab in the basement, soft/loose alluvial soils were encountered to a depth of approximately 5½ feet. The alluvium typically consisted of silty fine sand and had DCP values typically ranging between 3 and 7 blows per increment with occasionally higher values which were artificially inflated due to the presence of gravel, cobble and apparent wood debris near the termination depth of the boring. Groundwater was encountered at a depth of approximately 2 feet below the ground surface at the time of exploration, and was observed to have stabilized at a depth of about 4 inches after approximately 5 hours. Water was not encountered in the other hand auger borings.

4.0 CONCLUSIONS AND RECOMMENDATIONS

Based upon the exploration results, and observations onsite, the displacement of the exterior foundation wall (around $\frac{1}{4}$ to $\frac{1}{2}$ inch off vertical in 4 feet) on the north side of the building, to the outside, appears to be indicative of a rotational movement attributed to lateral earth pressures behind the wall, particularly if the wall was not designed to retain the backfill. Because of the coarse-grained nature of the majority of the soils encountered below footing elevation, we would expect settlement or rotation due to soil bearing capacity issues to have occurred relatively soon after construction (within a week or two of final loading of the structure) rather than slowly, like with consolidation settlement of saturated fine-grained soils.

The distress observed within the main floor slabs generally appears to be caused by poor subgrade support of the underlying fill soils. The borings performed through the concrete slab on grade encountered soft/loose fill materials to depths of 8 to 9 feet below the surface. DCP values obtained in the fill soil do not indicate that the fill was placed with sufficient compactive effort. Slabs constructed over poorly compacted fill can be expected to crack and settle because of compression of the underlying soils.

Our considerations for repair regarding the above described exploration results are presented below.

4.1 Concrete Slab Subgrade Repair

Because of apparent insufficient slab support conditions indicated by our subsurface exploration, there are a couple of options for remedial repair of the slabs. One option is to modify the subgrade soils with polyurethane foam to improve the subgrade support for the slabs. An alternative repair is to install underpins through the slab to transfer the floor loads through the loose fill soils into more competent residual soils. We would expect that the option with polyurethane foam may be a more cost effective and less invasive approach than underpinning the slab, and would recommend that be considered the preferred alternative.

Option 1.

The subgrade soils may be modified by using polyurethane foam, to densify the underlying fill soils to depths of at least 4 to 9 feet below the slabs. Polyurethane foam can be injected through small conduits installed through the slab (approximately $\frac{1}{2}$ inch in diameter). The process is generally not as intrusive and disruptive as the installation of underpins through the slab. Because of the potentially compressible nature of the underlying soils, we recommend the polyurethane foam be considered the preferred method of repair, rather than grout or cement injection. Polyurethane will not significantly add weight to the underlying soils. Additional weight could induce further compression of underlying soils, resulting in additional slab settlement.

The polyurethane used for modifying the subgrade soils beneath the slab should consist of a high density, hydro insensitive (meaning it reacts the same in wet environments as it does in dry environments), expandable polyurethane material. Given the potential for shallow groundwater beneath the slab, a polyurethane-forming mixture, having water insoluble dilutants, that permit the formation of polyurethanes in excess water would be preferred. The actual depth and design of treatment should be determined by the geotechnical contractor, using our subsurface data as a guide for development of the subgrade repair.

Option 2.

Alternatively, slab underpins may be installed to transfer the floor loads to deeper more competent soils. They should be installed in a grid pattern below the slab at all locations where cracking or other distress has been observed. Typical spacing of underpin elements is usually on the order of 4 to 5 feet spacing under the slab. However, the specific design of the underpin system, such as spacing, structural connections and load carrying capacity, should be developed specific to the floor loading and subsurface conditions encountered at this site. Underpins should be extended into competent residual soils below the fill and alluvial soils. Based upon the subsurface information obtained during this exploration, we recommend that underpins extend to depths on the order of 20 to 25 feet to reach competent residual soils to develop the capacity needed to support the estimated floor loads.

Various types of elements may be considered for use as underpins. Typically helical piers, resistance piers or micropiles are used to for this application. If large rock fragments, cobble or boulders are present within the alluvial layer, helical piers or resistance piers may refuse on this material and may not reach the depths necessary to achieve proper support. In such cases, drilled micropiles may need to be used instead. Because our borings did not encounter materials causing auger refusal, helical piers or resistance piers may be considered. However debris or rocks could be present between the boring locations, which may have gone undetected in our exploration program. Drilled micropiles should be considered the preferred underpin alternative to reach competent support materials. Additional considerations for micropile design are provided in Section 4.3.

ECS should be retained to review the foundation contractor's proposed design and to monitor and document the installation of the repair selection to check that they are extending to appropriate depths, to check that they're being installed in accordance with the contractor's specifications, and they meet the general intent of our recommendations.

4.2 Northern Perimeter Foundation Wall and Interior Basement Walls

As discussed above, the conditions observed while onsite and those encountered during the subsurface exploration, appear to indicate that the distress observed in the basement walls is mostly likely associated with excessive lateral earth pressure beyond what they were designed for.

The walls should be secured or tied back in some manner to prevent additional outward movement. Soil tiebacks, such as Platipus anchors or similar products installed through the face of the walls and anchored into the fill soils behind the wall may be considered, however, careful consideration of the subgrade soils behind the walls is imperative. It is likely that it will be difficult to develop the passive resistance required to anchor the walls due to the very loose compaction of the backfill.

The walls will likely require additional reinforcement by installing structural elements such as steel C-channels or carbon-fiber reinforcement so that tiebacks or other forms of restraint do not shear through the wall face. ECS can provide non-destructive testing and/or invasive testing of the wall to help characterize the existing wall construction and reinforcement, if requested.

4.3 Micropile Design Considerations

A micropile is a small-diameter, drilled and grouted, non-displacement pile that is typically reinforced with an interior steel rod and/or an exterior steel casing. A micropile is constructed by drilling a borehole, placing steel reinforcement, and grouting the hole as illustrated in Figure 1-1 below. Micropiles can withstand relatively significant axial load and moderate lateral loads, and may be considered a substitute for conventional driven piles or drilled shafts. Micropiles are installed by methods that cause minimal disturbance to adjacent structures, soils, and the environment. They can be installed where access is restrictive and in all soil types and ground conditions. Micropiles can be installed at any angle below the horizontal using the same type of equipment used for the installation of ground anchors and for grouting projects.

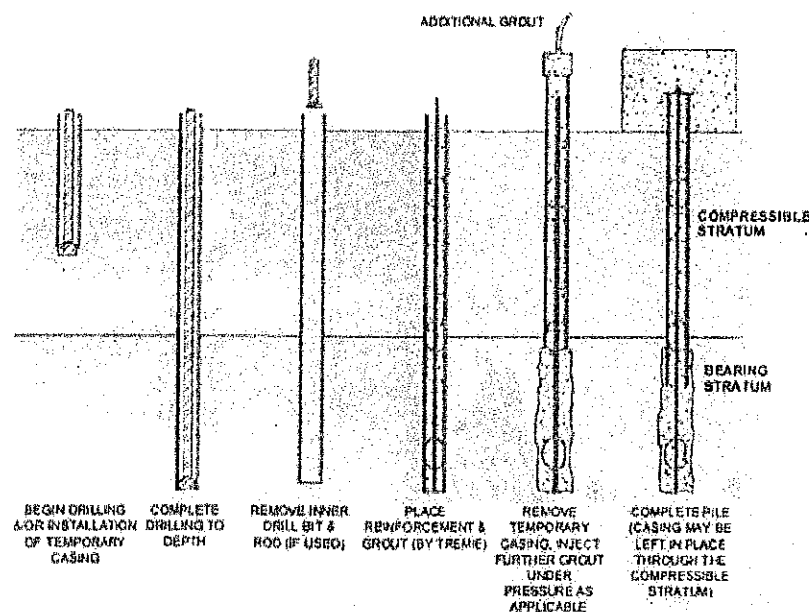


Figure 1-1. Micropile Construction Sequence.

Micropiles constructed for support of the existing slabs should bear in the medium dense to very dense silty sand residual soils or partially weathered rock at depths of at least 25 feet or greater below the existing grade. Soil parameters listed below for each soil stratum in this area may be used for micropile design.

Typical Depth (ft)	Generalized Soil Type	USCS Classification	Average N-values (bpf)	Friction Angle, phi (deg)	Cohesion (psf)	Unit Weight, γ (pcf)
0 - 5	FILL/ALLUV	SM	5	neglect	neglect	105
5 - 10	SAND	SM	6	28	0	105
10 - 20	SAND	SM	20	30	0	115
20 - 45	SAND	SM	30+	32	0	120
PWR	SAND	SM	100+	36	0	125

5.0 CLOSING

Our evaluation of foundation support conditions has been based on our understanding of the site and project information and the data obtained in our exploration. The general subsurface conditions utilized in our foundation evaluation have been based on interpolation of subsurface data between the borings. In evaluating the boring data, we have examined previous correlations between penetration resistance values and foundation bearing pressures observed in soil conditions similar to those at your site. The discovery of any site or subsurface conditions during construction which deviate from the data outlined in this exploration should be reported to us for our evaluation. The assessment of site environmental conditions for the presence of pollutants in the soil and groundwater of the site was beyond the scope of this geotechnical exploration.

APPENDIX

Boring Location Diagram

Unified Soil Classification System

Reference Notes for Boring Logs

Boring Logs B-1 through B-3

Hand Auger Records

Wildcat Dynamic Cone Log

Laboratory Summary Sheet

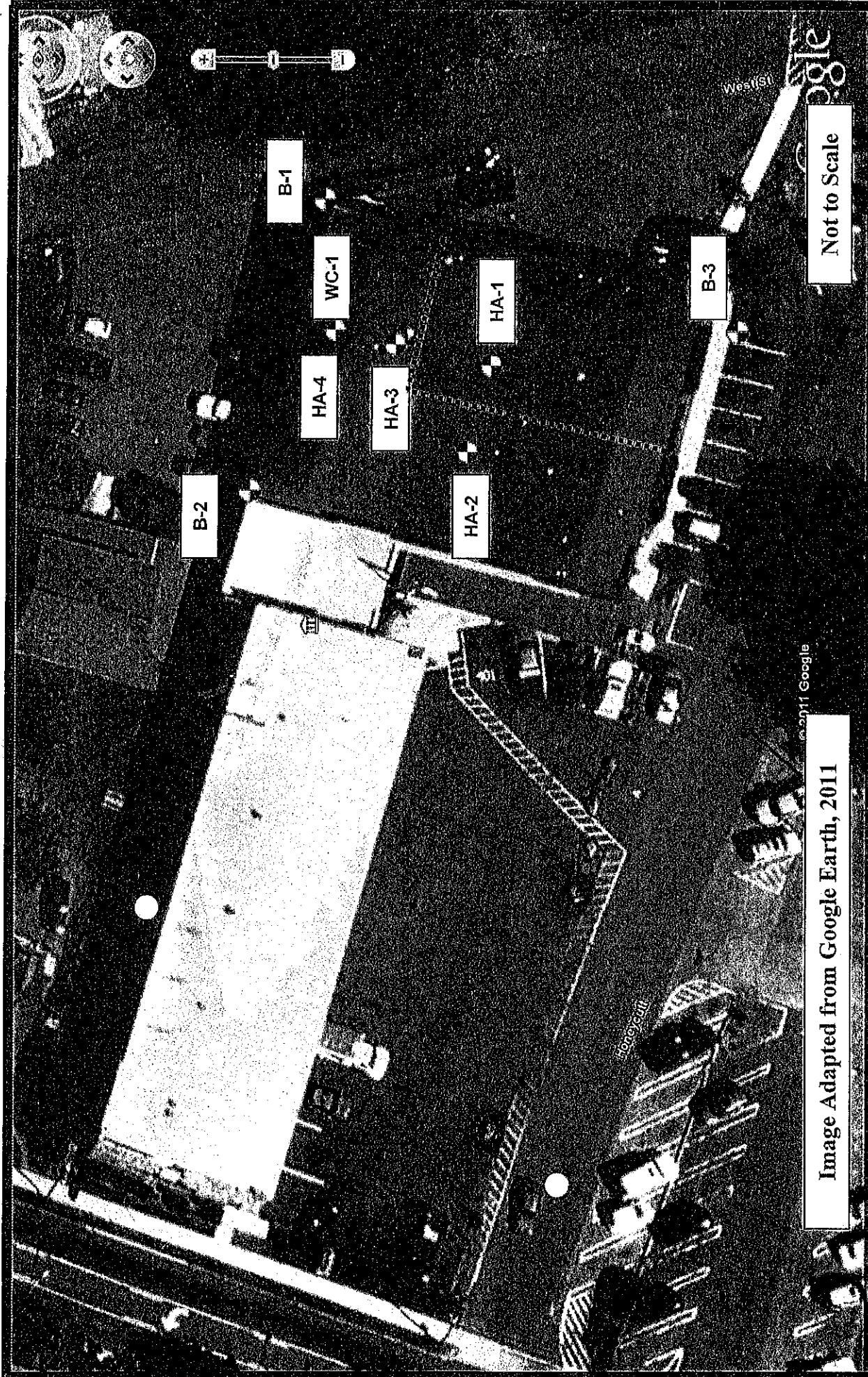
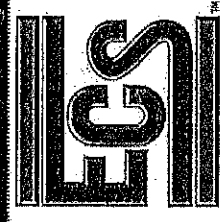


Image Adapted from Google Earth, 2011

Not to Scale

LEGEND

-  HA-1
-  B-1
- 



EXPLORATION LOCATION DIAGRAM
 Black Mountain Fire Station
 106 Montreat Road
 Black Mountain, North Carolina
 ECS Project Number 31-1830

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D 2487)

Major Divisions				Group Symbols		Typical Names		Laboratory Classification Criteria				
Coarse-grained soils (More than half of material is larger than No. 200 Sieve size)				Gravels (More than half of coarse fraction is larger than No. 4 sieve size)		GW		Well-graded gravels, gravel-sand mixtures, little or no fines		$C_u = D_{60}/D_{10}$ greater than 4 $C_c = (D_{30})^2/(D_{10} \times D_{60})$ between 1 and 3		
						GP		Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting all gradation requirements for GW		
						GM ^a		d	Silty gravels, gravel-sand mixtures	Atterberg limits below "A" line or P.I. less than 4		Above "A" line with P.I. between 4 and 7 are borderline cases requiring use of dual symbols
								u		Atterberg limits below "A" line or P.I. less than 7		
				Gravels with fines (Appreciable amount of fines)		GC		Clayey gravels, gravel-sand-clay mixtures				
						Sands (More than half of coarse fraction is smaller than No. 4 sieve size)		SW		Well-graded sands, gravelly sands, little or no fines		$C_u = D_{60}/D_{10}$ greater than 6 $C_c = (D_{30})^2/(D_{10} \times D_{60})$ between 1 and 3
				SP				Poorly graded sands, gravelly sands, little or no fines		Not meeting all gradation requirements for SW		
				SM ^a				d	Silty sands, sand-silt mixtures	Atterberg limits above "A" line or P.I. less than 4		Limits plotting in CL-ML zone with P.I. between 4 and 7 are borderline cases requiring use of dual symbols
								u		Atterberg limits above "A" line with P.I. greater than 7		
				Sands with fines (Appreciable amount of fines)		SC		Clayey sands, sand-clay mixtures				

Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows:

Less than 5 percent GW, GP, SW, SP
More than 12 percent GM, GC, SM, SC
5 to 12 percent Borderline cases requiring dual symbols ^b

Fine-grained soils (More than half material is smaller than No. 200 Sieve)		Silt and clays (Liquid limit less than 50)		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands, or clayey silts with slight plasticity
				CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
				OL	Organic silts and organic silty clays of low plasticity
		Silt and clays (Liquid limit greater than 50)		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
CH	Inorganic clays of high plasticity, fat clays				
OH	Organic clays of medium to high plasticity, organic silts				
Highly Organic soils		Pt	Peat and other highly organic soils		

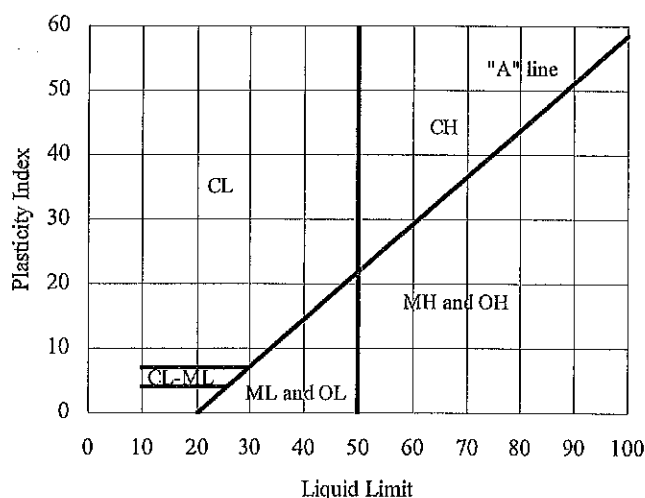
Plasticity Chart

The Plasticity Chart is a graph with Plasticity Index (PI) on the y-axis (0 to 60) and Liquid Limit (LL) on the x-axis (0 to 100). A diagonal line labeled "A" line starts at (20, 0) and goes to (100, 60). A vertical line is at LL = 50. A horizontal line is at PI = 4. The region below the "A" line and above PI = 4 is labeled "CL". The region above the "A" line and to the right of LL = 50 is labeled "CH". The region below the "A" line and to the right of LL = 50 is labeled "MH and OH". The region below the "A" line and to the left of LL = 20 is labeled "ML and OL".

Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows:

GW, GP, SW, SP
Less than 5 percent
More than 12 percent
5 to 12 percent
GM, GC, SM, SC
Borderline cases requiring dual symbols^b

Plasticity Chart



^a Division of GM and SM groups into subdivisions of d and u are for roads and airfields only. Subdivision is based on Atterberg limits; suffix d used when L.L. is 28 or less and the P.I. is 6 or less; the suffix u used when L.L. is greater than 28.

^b Borderline classifications, used for soils possessing characteristics of two groups, are designated by combinations of group symbols. For example: GW-GC, well-graded gravel-sand mixture with clay binder. (From Table 2.16 - Winterkorn and Fang, 1975)

REFERENCE NOTES FOR BORING LOGS

I. Drilling Sampling Symbols

SS	Split Spoon Sampler	ST	Shelby Tube Sampler
RC	Rock Core, NX, BX, AX	PM	Pressuremeter
DC	Dutch Cone Penetrometer	RD	Rock Bit Drilling
BS	Bulk Sample of Cuttings	PA	Power Auger (no sample)
HSA	Hollow Stem Auger	WS	Wash sample
REC	Rock Sample Recovery %	RQD	Rock Quality Designation %

II. Correlation of Penetration Resistances to Soil Properties

Standard Penetration (blows/ft) refers to the blows per foot of a 140 lb. hammer falling 30 inches on a 2-inch OD split-spoon sampler, as specified in ASTM D 1586. The blow count is commonly referred to as the N-value.

A. Non-Cohesive Soils (Silt, Sand, Gravel and Combinations)

<i>Density</i>		<i>Relative Properties</i>	
Under 4 blows/ft	Very Loose	Adjective Form	12% to 49%
5 to 10 blows/ft	Loose	With	5% to 12%
11 to 30 blows/ft	Medium Dense		
31 to 50 blows/ft	Dense		
Over 51 blows/ft	Very Dense		

<i>Particle Size Identification</i>		
Boulders		8 inches or larger
Cobbles		3 to 8 inches
Gravel	Coarse	1 to 3 inches
	Medium	½ to 1 inch
	Fine	¼ to ½ inch
Sand	Coarse	2.00 mm to ¼ inch (dia. of lead pencil)
	Medium	0.42 to 2.00 mm (dia. of broom straw)
	Fine	0.074 to 0.42 mm (dia. of human hair)
Silt and Clay		0.0 to 0.074 mm (particles cannot be seen)

B. Cohesive Soils (Clay, Silt, and Combinations)

<i>Blows/ft</i>	<i>Consistency</i>	<i>Unconfined Comp. Strength Q_p (tsf)</i>	<i>Degree of Plasticity</i>	<i>Plasticity Index</i>
Under 2	Very Soft	Under 0.25	None to slight	0 – 4
3 to 4	Soft	0.25-0.49	Slight	5 – 7
5 to 8	Medium Stiff	0.50-0.99	Medium	8 – 22
9 to 15	Stiff	1.00-1.99	High to Very High	Over 22
16 to 30	Very Stiff	2.00-3.00		
31 to 50	Hard	4.00-8.00		
Over 51	Very Hard	Over 8.00		

III. Water Level Measurement Symbols

WL	Water Level	BCR	Before Casing Removal	DCI	Dry Cave-In
WS	While Sampling	ACR	After Casing Removal	WCI	Wet Cave-In
WD	While Drilling	▽	Est. Groundwater Level	▽	Est. Seasonal High GWT

The water levels are those levels actually measured in the borehole at the times indicated by the symbol. The measurements are relatively reliable when augering, without adding fluids, in a granular soil. In clay and plastic silts, the accurate determination of water levels may require several days for the water level to stabilize. In such cases, additional methods of measurement are generally applied.

CLIENT Medlock & Associates Engineering, Inc.				JOB # 1830	BORING # B-1	SHEET 1 OF 1	
PROJECT NAME Black Mountain Fire Station				ARCHITECT-ENGINEER			
SITE LOCATION 106 Montreat Road, Black Mountain, NC 28711							

DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DIST. (IN)	RECOVERY (IN)	DESCRIPTION OF MATERIAL	ENGLISH UNITS	WATER LEVELS ELEVATION (FT)	CALIBRATED PENETROMETER TONS/FT. ² 1 2 3 4 5+ PLASTIC LIMIT % WATER CONTENT % LIQUID LIMIT % X ————— ● ————— Δ ROCK QUALITY DESIGNATION & RECOVERY RQD% ——— REC.% ——— 20% — 40% — 60% — 80% — 100% ⊗ STANDARD PENETRATION BLOWS/FT. 10 20 30 40 50+
					BOTTOM OF CASING LOSS OF CIRCULATION 100%			
					SURFACE ELEVATION			

0	1	SS	18	8	Asphalt Depth 2"			⊗ 4: (4-2-2)
	2	SS	18	12	FILL: Clayey Fine to Medium SAND, With Trace Gravel, Brown and Dark Brown, Moist, (FILL)			⊗ 15 (4-4-11)
	3	SS	18	7				⊗ 9 (8-5-4)
5	4	SS	18	12				⊗ 4: (2-2-2)
	5	SS	18	15	ALLUVIUM: Silty Fine SAND, Light Gray to White, Moist, Loose, (SM)			⊗ 5 (4-2-3)
10								
	6	SS	18	5				⊗ 5 (4-3-3)
					ALLUVIUM: Silty Fine SAND, Brown, Moist, Loose to Medium Dense, (SM)			
15								
	7	SS	18	18				⊗ 15 (6-6-10)
					RESIDUUM: Silty Fine to Medium SAND, Brown, Moist, Medium Dense, (SM)			
20								
	8	SS	18	17				⊗ 28 (6-11-17)
25					END OF BORING @ 25.0'			
30								

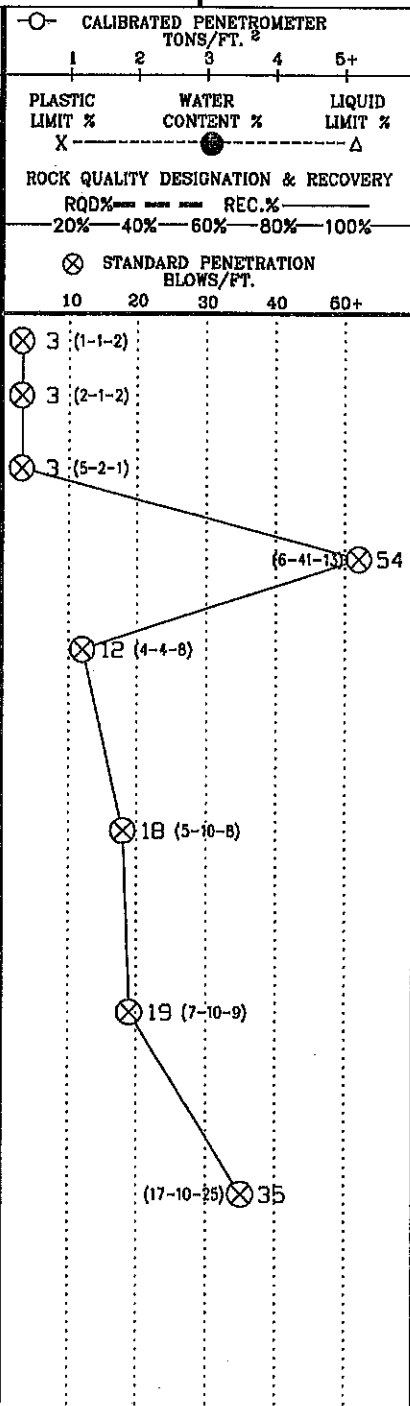
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES IN-SITU THE TRANSITION MAY BE GRADUAL			
▽ WL	⊗ OR WD	BORING STARTED 07/07/11	DRILLER: Jordan Environmental
▽ WL(BCR) 9.00	▽ WL(ACR)	BORING COMPLETED 07/07/11	CAVE IN DEPTH @ 16.0'
▽ WL		RIG 45C Tk. FOREMAN BJ	DRILLING METHOD HSA

SSANWER (07-13-11) SSANWER (07-13-11) SSANWER (09-07-11) SSANWER (09-07-11) SSANWER (09-07-11) SSANWER (09-07-11)

SSANWER

CLIENT Medlock & Associates Engineering, Inc.		JOB # 1830	BORING # B-2	SHEET 1 OF 1	
PROJECT NAME Black Mountain Fire Station		ARCHITECT-ENGINEER			
SITE LOCATION 106 Montreat Road, Black Mountain, NC 28711					

DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DIST. (IN)	RECOVERY (IN)	DESCRIPTION OF MATERIAL	ENGLISH UNITS	WATER LEVELS	ELEVATION (FT)
					BOTTOM OF CASING  LOSS OF CIRCULATION 100%			
					SURFACE ELEVATION			
0	1	SS	18	12	Asphalt Depth 2"			
	2	SS	18	8	ALLUVIUM: Silty Fine SAND, Gray and Black, Moist, Very Loose, (SM)			
	3	SS	18	2				
5	4	SS	18	12				
	5	SS	18	2	ALLUVIUM: Silty Fine SAND With Quartz Fragments, Gray and Black, Moist, Very Dense, (SM)			
10					ALLUVIUM: Silty Fine to Medium SAND, Gray and Black to Brown, Moist, Medium Dense, (SM)			
15	6	SS	18	18	RESIDUUM: Silty Fine to Medium SAND, Reddish Brown, Moist, Medium Dense to Dense, (SM)			
	7	SS	18	17				
20								
	8	SS	18	18				
25					END OF BORING @ 25.0'			
30								



CALIBRATED PENETROMETER TONS/FT.²
 1 2 3 4 5+
 PLASTIC LIMIT % WATER CONTENT % LIQUID LIMIT %
 X ————— Δ
 ROCK QUALITY DESIGNATION & RECOVERY
 RQD% ——— REC.% ———
 20% — 40% — 60% — 80% — 100%
 STANDARD PENETRATION BLOWS/FT.
 10 20 30 40 60+

(1-1-2) 3
 (2-1-2) 3
 (5-2-1) 3
 (6-41-13) 54
 (4-4-8) 12
 (5-10-8) 18
 (7-10-9) 19
 (17-10-25) 35

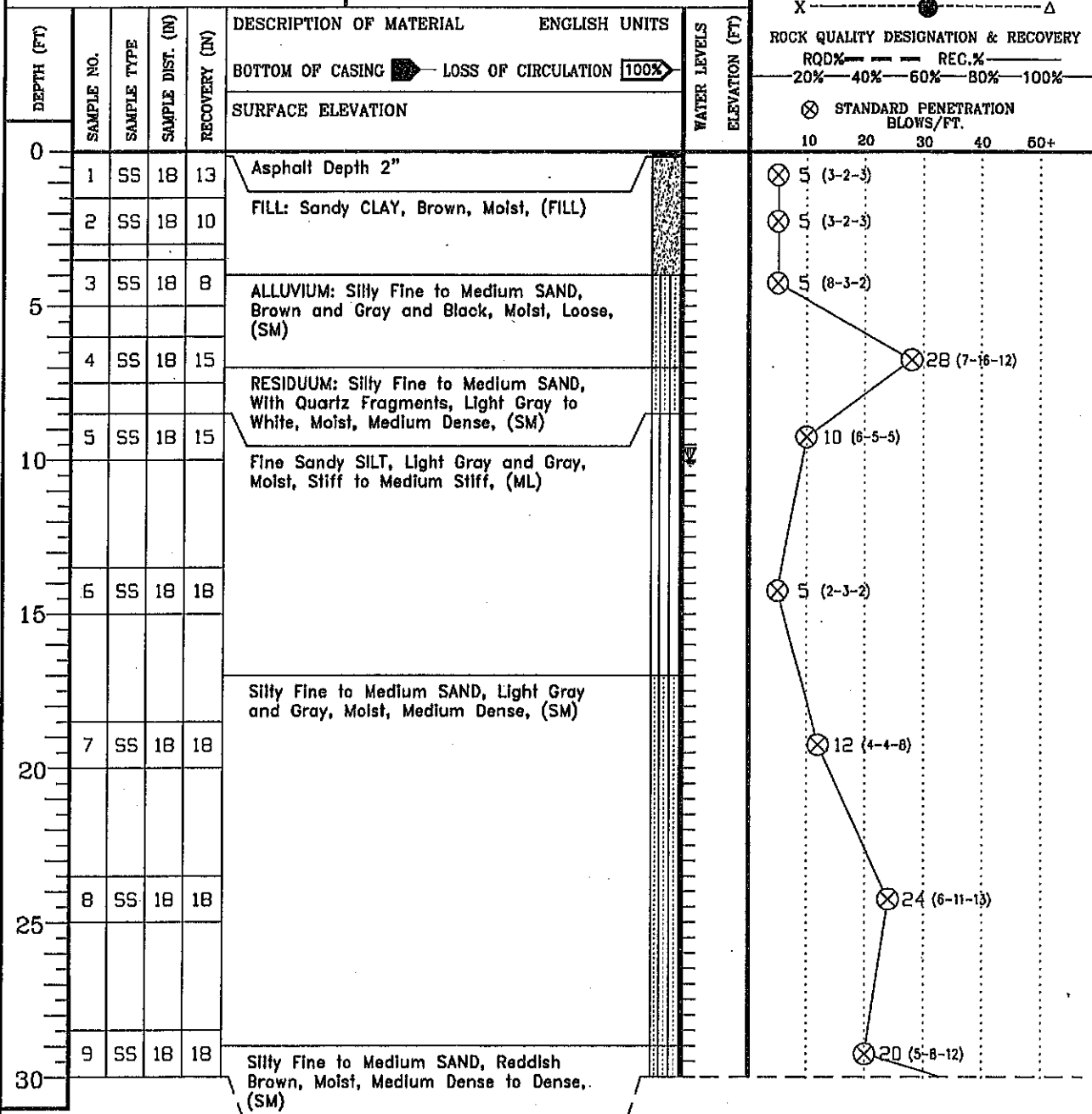
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES IN-SITU THE TRANSITION MAY BE GRAUVAL			
 WL  WL(BCR) 10.00  WL(ACR)	 OR WD BORING STARTED 07/07/11 BORING COMPLETED 07/07/11 RIG 45C Tk. FOREMAN BJ	DRILLER: Jordan Environmental CAVE IN DEPTH @ 16.5' DRILLING METHOD HSA	

SS-10 (07-13-11) SS-11 (07-13-11) SS-12 (07-13-11) SS-13 (07-13-11) SS-14 (07-13-11) SS-15 (07-13-11) SS-16 (07-13-11) SS-17 (07-13-11) SS-18 (07-13-11) SS-19 (07-13-11) SS-20 (07-13-11) SS-21 (07-13-11) SS-22 (07-13-11) SS-23 (07-13-11) SS-24 (07-13-11) SS-25 (07-13-11) SS-26 (07-13-11) SS-27 (07-13-11) SS-28 (07-13-11) SS-29 (07-13-11) SS-30 (07-13-11)

(07/11/2011)

CLIENT Medlock & Associates Engineering, Inc.	JOB # 1830	BORING # B-3	SHEET 1 OF 2	
PROJECT NAME Black Mountain Fire Station	ARCHITECT-ENGINEER			

SITE LOCATION
106 Montreat Road, Black Mountain, NC 28711



CONTINUED ON NEXT PAGE.

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES IN-SITU THE TRANSITION MAY BE GRADUAL

WL	OR WD	BORING STARTED	07/07/11	DRILLER: Jordan Environmental
WL(BCR) 10.00	WL(ACR)	BORING COMPLETED	07/07/11	CAVE IN DEPTH @ 20.0'
WL		RIG 45C Tk. FOREMAN BJ		DRILLING METHOD HSA

SEAWATER (07-13-11) SEAWATER (07-13-11) SEAWATER (09-07-11) SEAWATER (09-07-11) SEAWATER (09-07-11)

07/11/2011

CLIENT Medlock & Associates Engineering, Inc.		JOB # 1830	BORING # B-3	SHEET 2 OF 2		
PROJECT NAME Black Mountain Fire Station		ARCHITECT-ENGINEER				
SITE LOCATION 106 Montreat Road, Black Mountain, NC 28711					CALIBRATED PENETROMETER TONS/FT.² 1 2 3 4 5+ PLASTIC LIMIT % X WATER CONTENT % ● LIQUID LIMIT % Δ ROCK QUALITY DESIGNATION & RECOVERY RQD% — — — REC.% — — — 20% — 40% — 60% — 80% — 100% STANDARD PENETRATION BLOWS/FT. 10 20 30 40 50+	
DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DIST. (IN)	RECOVERY (IN)		DESCRIPTION OF MATERIAL ENGLISH UNITS
BOTTOM OF CASING LOSS OF CIRCULATION 100%						
SURFACE ELEVATION						
30					Silty Fine to Medium SAND, Reddish Brown, Moist, Medium Dense to Dense, (SM)	
35	10	SS	18	15		
40	11	SS	18	18		
45	12	SS	18	17		
50	13	SS	12	12	PARTIALLY WEATHERED ROCK - Sampled As Silty Fine to Medium SAND, Reddish Brown, Moist, (PWR)	
END OF BORING @ 50.0'						
55						
60						

Graph showing Standard Penetration Test (SPT) results plotted against depth. The graph includes data points for SPT blow counts at various depths: (10-15-18) at 33', (7-19-22) at 41', (8-12-13) at 25', and (21-50/6) at 50.6'. The graph also shows a line representing the penetration resistance.

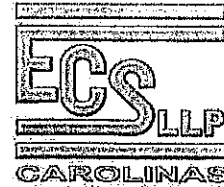
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES IN-SITU THE TRANSITION MAY BE GRADUAL

WL OR WD	BORING STARTED 07/07/11	DRILLER: Jordan Environmental
WL(BCR) 10.00 WL(ACR)	BORING COMPLETED 07/07/11	CAVE IN DEPTH @ 20.0'
WL	RIG 45C Tk. FOREMAN BJ	DRILLING METHOD HSA

SSAWER (07-13-11) SAWER (07-13-11) SAWER (09-07-11) SAWER (09-07-11) SAWER (09-07-11) SAWER (09-07-11) SAWER (09-07-11)

(07/11/2011)

ECS Carolinas, LLP
 200 Ridgefield Court
 Asheville, NC 28806
 (828) 665-2307 - Phone
 (828) 665-8128 - Fax



HAND AUGER RECORD

ECS Project Name: Black Mountain Fire Station ECS Project No.: 1830
 Date: _____ Technician: Dillon Kestner, Justin Blondi

Penetrometer Blow Counts

LOCATION/REMARKS	DEPTH (ft)	1-3/4"	1-3/4"	1-3/4"	SOIL DESCRIPTION
HA-1; 6" CONCRETE	SURFACE	4	3	3	
GW 4" BELOW GRADE AFTER 5 HRS.	-1	5	5	6	BROWN SILTY SAND, MOIST
	-2	7	7	6	
	-3	3	4	5	BROWN SILTY SAND, WET
	-4	3	7	16	GREY SILTY SAND W/ COBBLE
AR -5.5 (WOOD DEBRIS)	-5	17	10	8	
HA-2; 8" CONCRETE	SURFACE	3	2	2	
	-1	2	2	2	FILL, RED SILTY SAND, MOIST
	-2	2	1	2	
SAMPLE 1	-3	2	1	1	
	-4	2	2	3	RED SILTY SAND W/ CLAY, MOIST
	-5	2	2	2	
	-6	3	5	5	
	-7	/	/	/	NO DATA
SAMPLE 2	-8	7	5	3	RESIDUUM -7.5'
EOB, NO GW ENCOUNTERED	-9	-	-	-	GRAY CLAYEY FINE SAND
HA-3; 6" CONCRETE	SURFACE	1	1	2	RED SILTY SAND, ROCK FRAG
	-1	7	8	4	RED SILTY SAND, MOIST
	-2	3	3	3	
	-3	3	3	3	
	-4	7	6	7	
	-5	6	5	5	DK BRN SILTY MED SAND, MOIST
	-6	4	4	5	
	-7	6	9	6	
NO GW ENCOUNTERED	-8	5	5	5	-7.5' GREY CLAYEY FINE SAND
HA-4; 12" CONCRETE	SURFACE	3	6	7	#57 STONE ~8"
AR -1.1'	-1	6	2	2	RED SILTY SAND

WILDCAT DYNAMIC CONE LOG

Page 1 of 1

ECS Carolinas, LLP
8702-A Red Oak Blvd.
Charlotte, NC 28217

PROJECT NUMBER: 31-1830

DATE STARTED: _____

DATE COMPLETED: _____

HOLE #: WC #1

CREW: JB/DK

PROJECT: Black Mountain Fire Station

ADDRESS: 106 Montreat Road

LOCATION: Black Mountain, North Carolina

SURFACE ELEVATION: _____

WATER ON COMPLETION: NA

HAMMER WEIGHT: 35 lbs.

CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm ²	GRAPH OF CONE RESISTANCE				N'	TESTED CONSISTENCY	
			0	50	100	150		NON-COHESIVE	COHESIVE
	4	17.8					5	LOOSE	MEDIUM STIFF
	3	13.3	...				3	VERY LOOSE	SOFT
1 ft	4	17.8					5	LOOSE	MEDIUM STIFF
	3	13.3	...				3	VERY LOOSE	SOFT
	2	8.9	..				2	VERY LOOSE	SOFT
2 ft	2	8.9	..				2	VERY LOOSE	SOFT
	2	8.9	..				2	VERY LOOSE	SOFT
	2	8.9	..				2	VERY LOOSE	SOFT
3 ft	2	8.9	..				2	VERY LOOSE	SOFT
1 m	2	8.9	..				2	VERY LOOSE	SOFT
	1	3.9	.				1	VERY LOOSE	VERY SOFT
4 ft	3	11.6	...				3	VERY LOOSE	SOFT
	1	3.9	.				1	VERY LOOSE	VERY SOFT
	2	7.7	..				2	VERY LOOSE	SOFT
5 ft	2	7.7	..				2	VERY LOOSE	SOFT
	2	7.7	..				2	VERY LOOSE	SOFT
	3	11.6	...				3	VERY LOOSE	SOFT
6 ft	3	11.6	...				3	VERY LOOSE	SOFT
	2	7.7	..				2	VERY LOOSE	SOFT
2 m	1	3.9	.				1	VERY LOOSE	VERY SOFT
7 ft	1	3.4					0	VERY LOOSE	VERY SOFT
	1	3.4					0	VERY LOOSE	VERY SOFT
	1	3.4					0	VERY LOOSE	VERY SOFT
8 ft	3	10.3	..				2	VERY LOOSE	SOFT
	12	41.0					11	MEDIUM DENSE	STIFF
	10	34.2					9	LOOSE	STIFF
9 ft	10	34.2					9	LOOSE	STIFF
	9	30.8					8	LOOSE	MEDIUM STIFF
3 m 10 ft	30	102.6					25+	MEDIUM DENSE	VERY STIFF
11 ft									
12 ft									
4 m 13 ft									

Laboratory Testing Summary

[illegible]

MC: Moisture Content, Soil Type: USCS (Unified Soil Classification System), LL: Liquid Limit, PL: Plastic Limit, PI: Plasticity Index, CBR: California Bearing Ratio, OC: Organic Content (ASTM D 2974)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

LITTLE FREE LIBRARY AGREEMENT

THIS AGREEMENT, made and entered into by and between the TOWN OF BLACK MOUNTAIN ("Town") and CARLA RIFFEL ("Riffel").

WITNESSETH:

THAT WHEREAS, Riffel desires to place a small free standing enclosed structure on Town property near the entrance to the Flat Creek Greenway at its southern end near or in the right of way of Charlotte Street, which structure is to be used to contain books which people can take books from to read and place books in for others to read, such structure being commonly called a Little Free Library; and

WHEREAS, the area in the Flat Creek Greenway and the right of way of Charlotte Street are areas under the control of the Town and placement of a Little Free Library in that area requires the consent and permission of the Town; and

WHEREAS, the existence and placement of Little Free Libraries is in the public interest as they provide greater and more convenient access to books which may be both entertaining and educational while promoting greater literacy if the structure is maintained and is placed such that it does not obstruct vehicular or pedestrian traffic.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter set out, the parties agree as follows:

1. Riffel may place or cause to be placed a Little Free Library at the southern end of the Flat Creek Greenway approximately at the northern edge of the right of way of Charlotte Street, with the exact location to be such that it does not obstruct vehicular traffic or pedestrian traffic and so that users of the Little Free Library are not in danger of being hit by vehicles and do not obstruct pedestrian traffic along Charlotte Street or on the greenway. The exact placement shall be determined by Town staff working with Riffel.
2. The Little Free Library shall at all times be maintained in good condition and the contents maintained in an orderly fashion by Riffel. If the structure falls into disrepair, the Town may remove it if Riffel does not make any needed repairs after receiving notice from the Town that repairs are necessary.
3. If the Little Free Library is used for any purpose other than the exchange of books, or is habitually used for unauthorized exchanges or illegal or unsafe activities, the Town may remove the Little Free Library or require its removal.
4. If it become necessary to move the Little Library, or to temporarily remove the Little

Library, to allow work on the street or greenway, the Town shall notify Riffel and Riffel will move or temporarily remove the Little Library until the work is completed.

5. If Riffel ceases to be the person responsible for the maintenance of the Little Free Library, another individual must be made responsible and that person's name and contact information shall be provided to the Town Clerk.

6. The Town may require the removal of the Little Free Library if it becomes a nuisance, or if it is not being used by the public.

7. If the Town adopts a comprehensive policy concerning the placement and maintenance of Little Free Libraries, this Agreement shall be amended to conform to that policy if it is different from any provisions contained in this Agreement.

8. This Agreement shall remain in full force and effect, together with any amendments resulting from the adoption of a more comprehensive policy, until the Little Free Library is no longer maintained at the described location.

This the _____ day of _____, 2019.

THE TOWN OF BLACK MOUNTAIN

By: _____
Josh Harrold, Town Manager

Carla Riffel

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: August 12, 2019

SUBJECT: Public Hearing to Rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential)

AGENDA INFORMATION

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

BRIEF SUMMARY: The owners of 300 Flat Creek Road have requested that their property located at 300 Flat Creek Road be zoned from SR-2 (suburban residential) to TR-4 (town residential). The Planning Board heard this request at their June 24, 2019 meeting and voted 3 to 3 (three members recommending the rezoning request and three members not recommending the rezoning request).

The property is as follows:
300 Flat Creek Road – PIN #0710-51-3233.00000

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential).
2. To close the public hearing.
3. To adopt the Statement of Consistency as presented [or as amended].
4. To rezone 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential) as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Zoning Map, Statement of Consistency, Staff Report

MANAGER'S COMMENTS AND RECOMMENDATIONS: To rezone the property as presented and to adopt the Statement of Consistency as presented [or as amended].



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, August 12, 2019 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, August 12, 2019 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 rezone 300 Flat Creek Road, further know as PIN #0710-51-3233.00000, from SR-2 (suburban residential) to TR-4 (town residential).

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 townclerk@townofblackmountain.org

*Posted to the Town Bulletin Board 07/09/19
Published in the Black Mountain News 07/18/19 and 07/25/19*

www.townofblackmountain.org

Black Mountain News

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

Customer: TOWN OF BLACK MOUNTAIN

Address: 160 MIDLAND AVE
BLACK MOUNTAIN NC 28711
USA

Ad No.: 0003674378

Pymt Method Invoice

Net Amt: \$107.20

Run Times: 2

No. of Affidavits: 1

Run Dates: 07/18/19, 07/25/19

Text of Ad:



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, August 12, 2019 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on Monday, August 12, 2019 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 rezone 300 Flat Creek Road, further known as PIN #0710-51-3233.00000, from SR-2 (suburban residential) to TR-4 (town residential).

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 townderk@townofblackmountain.org

Posted to the Town Bulletin Board
07/09/19

Published in the Black Mountain News
07/18/19 and 07/25/19

www.townofblackmountain.org

July 18, 25, 2019
0003674378

**A STATEMENT OF CONSISTENCY TO REZONE 300 FLAT CREEK ROAD FROM
SUBURBAN RESIDENTIAL TO TOWN RESIDENTIAL**

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that they adopt the following STATEMENT OF CONSISTENCY;

WHEREAS, when the Board of Aldermen adopted the Town of Black Mountain Code of Ordinances, the Planning Board committed to reviewing these regulations in order to improve their application to our community and context; and

WHEREAS, in accordance with the provisions of North Carolina General Statute §160A-383, it is determined that the adoption of the recommended rezoning is consistent with vision statement seven of the adopted 2014 Comprehensive Plan and the 2008 adopted Comprehensive Pedestrian Plan; and

WHEREAS, the Board of Aldermen find, that the proposed rezoning is consistent with current state regulations and find that this recommendation promotes the general welfare and is in keeping with good zoning practice; and

WHEREAS, the Board of Aldermen find that the proposed rezoning is reasonable as the changes in zoning will not be incongruous with the surrounding character of the neighborhood and that there are minor differences in the two zoning districts

BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the rezoning for 300 Flat Creek Road from suburban residential to town residential is consistent with the Town's 2014 Comprehensive Plan and 2008 Comprehensive Pedestrian Plan.

READ, APPROVED AND ADOPTED this 12th day of August, 2019, by a vote of _____ to _____.

Donald Collins, Mayor

Josh Harrold, Town Manager

ATTEST:

Angela Reece, Town Clerk

300 Flat Creek Road



Town of Black Mountain Planning and Development



STAFF REPORT

Planning Board Meeting Date: June 24, 2019

GENERAL INFORMATION

APPLICANT: Ann Best

HEARING TYPE: Rezoning Request

REQUEST: SR-2 (Suburban Residential) to TR-4 (Town Residential)

CONDITIONS: N/A

LOCATION: 300 Flat Creek Road

PARCEL ID NUMBER(S): 0710-51-3233.00000

PUBLIC NOTIFICATION: The notification area for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). **28** notices were mailed to those property owners in the mailing area.

TRACT SIZE: .85 acres

TOPOGRAPHY: 17.25 % slope

VEGETATION: Residential

SITE DATA

EXISTING USE: Single-Family Residential

ADJACENT PROPERTY	ADJACENT ZONING	ADJACENT LAND USE
302 Flat Creek Road	SR-2	Single-Family Residential
298 Flat Creek Road	SR-2	Single-Family Residential
722 Padgettown Road	SR-2	Vacant
284 Flat Creek Road	TR-4	Single-Family Residential
280 Flat Creek Road	TR-4	Single-Family Residential
295 Flat Creek Road	TR-4	Single-Family Residential
99999 East Street	TR-4	Government/Vacant
99999 Flat Creek Road	SR-2	Vacant
125 East Street	UR-8	Government/Vacant

Town of Black Mountain Planning and Development

123A East Street	UR-8	Single-Family Residential
299 Flat Creek Road	SR-2	Government/Vacant
99999 Flat Creek Road	SR-2	Vacant
303 Flat Creek Road	SR-2	Single-Family Residential
4 Carefree Lane	SR-2	Single-Family Residential
12 Carefree Lane	SR-2	Single-Family Residential
11 Carefree Lane	SR-2	Single-Family Residential
7 Carefree Lane	SR-2	Single-Family Residential
309 Flat Creek Road	SR-2	Single-Family Residential
308 Flat Creek Road	SR-2	Multiple Residences
304 Flat Creek Road	SR-2	Single-Family Residential
99999 Flat Creek Road	SR-2	Vacant
99999 Padgettown Road	SR-2	Vacant
706 Padgettown Road	SR-2	Vacant
99999 Flat Creek Road	SR-2	Vacant
702 Padgettown Road	SR-2	Single-Family Residential
692 Padgettown Road	SR-2	Single-Family Residential
10 Painted Trillium Trail	SR-2	Single-Family Residential
682 Padgettown Road	SR-2	Single-Family Residential
680 Padgettown Road	SR-2	Single-Family Residential
687 Padgettown Road	TR-4	Single-Family Residential
701 Padgettown Road	TR-4	Single-Family Residential
725 Padgettown Road	TR-4	Single-Family Residential
721 Padgettown Road	TR-4	Single-Family Residential
14 Painted Trillium Trail	TR-4	Single-Family Residential
119 East Street	UR-8	Multiple Residences

Summary of District Purposes

Suburban Residential (SR-2)	Protect areas in which the principal use of the land is single-family residential and where less dense development is preferred for the protection of slopes or environmentally sensitive areas, traditional single-family neighborhoods and preservation of open space.
Town Residential (TR-4)	Allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.

ZONING DISTRICT STANDARDS

Town of Black Mountain Planning and Development

District Summary

	Existing	Requested
Zoning District Designation:	SR-2	TR-4
Max. Density:	2 units/aces	4 units/acre
Front Setback:	30'	20'
Side Setback:	10'	10'
Rear Setback:	30'	15'
Min. Lot Size:	½ acre (21,785 sf)	¼ acre (10,890 sf)
Max. Height:	35'	35'
Min. Width:	60' (15' at street)	40' (15' at street)
Min. Depth:	100'	80'
Permitted Use:	● Governmental Facilities ● Public Utilities ● Single-Family Residences ● Two-Family Residences (Duplex)	● Government Facilities ● Public Utilities ● Single-Family Residences ● Two-Family Residences (Duplex) ● Places of Worship
Additional Requirements:	● Accessory Structures ● Agribusiness ● Camps, Summer ● Conference Centers ● Family Care Homes ● Home Occupations ● Manufactured Homes (on individual lots) ● Market Gardens ● Secondary Dwellings	● Accessory Structures ● Agriculture ● Camps, Summer ● Conference Centers ● Family Care Homes ● Home Occupations ● Manufactured Homes (on individual lots) ● Market Gardens ● Secondary Dwellings ● Bed & Breakfast Homes
Conditional Uses:	● Bed & Breakfast Homes ● Cultural Community Facilities ● Educational Facilities ● Multi-Family Residential ● Boarding House ● Places of Worship	● Bed & Breakfast Inns ● Cultural Community Facilities ● Educational Facilities ● Multi-Family Residential
Special Uses:	● Conservation Subdivision ● Cottage Housing Development ● Residential Planned Unit Development	● Conservation Subdivision ● Cottage Housing Development ● Residential Planned Unit Development ● Manufactured Home Parks

Town of Black Mountain Planning and Development

Exclusions:

- Correctional Institutions
- Manufactured Home Parks
- All uses not specifically enumerated
- Correctional Institutions
- All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	Property is shown in the area of a paved multi-use path trail
Wellhead Protection Overlay	N/A

Environmental

Floodplain	Not shown in any identified floodplain
Floodway	Not shown in any identified floodway
Stream	No streams are located on the property

Utilities

Water	A 6" water line is available all along Flat Creek Road
Sewer	An 8" sewer line is available along Flat Creek Road and Padgettown Road

Landscaping

There are no landscaping requirements for residential property

Transportation

Street Classification	NCDOT Road – SR2515
Site Access	Access is available from Flat Creek Road
Traffic Counts	N of US 70 = 2400 N of E Cotton = 860 Counts are from NCDOT Traffic Counts Map
Sidewalks	There are no sidewalks on either side of Flat Creek Road
Transit in Vicinity	None
Traffic Impact Analysis (TIA)	Not required by Land Use Code
Street Connectivity	N/A
Other	N/A

IMPACT/POLICY ANALYSIS

Town of Black Mountain Planning and Development

Land Use Compatibility

The TR-4 (Town Residential) zoning district would allow land uses that are compatible with the general character of the area.

Connections to 2014 Comprehensive Plan Update

CONFORMITY WITH OTHER PLANS

The Comprehensive Plan includes the following elements:

Housing and Neighborhoods

We see safe, secure, quiet neighborhoods in every part of our community, with well-tended yards and gardens, and small parks close at hand. Our town has chosen to focus on bringing the town together with an open network of pedestrian and bicycle friendly streets. Our neighborhoods display a variety of housing types and values, including attractive, affordable housing in many forms. Neighborhood parks are included in the design and development of new neighborhoods from the outset.

MISC COMMENTS

- Rezoning request must not be arbitrary or capricious
- Rezoning request must be reasonable
- Four factors to consider for reasonableness
 - tract size
 - compatibility with comprehensive plan
 - balancing benefits and detriments
 - relationship of uses

RECOMMENDATION

The .85 acre subject property currently contains a single family dwelling. North, east, south and west of the request are single family dwellings zoned TR-4, SR-2 and UR-8.

The request for zoning of TR-4 (town residential) will allow for development of a similar size and scale to nearby properties and is the closest equivalent to the subject site's current SR-2 zoning. The request is consistent with the housing and neighborhoods element of the Comprehensive Plan that will offer a variety of housing types and values, including attractive affordable housing in many forms.

This request is consistent with the intent and purpose of the zoning code, the Comprehensive Plan and is generally compatible with the existing development and trend in the surrounding area.

Staff would recommend the request for 300 Flat Creek Road to be rezoned from SR-2 (suburban residential) to TR-4 (town residential).

**Minutes Follow
This Section**



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
July 8, 2019

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Monday, July 8, 2019 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, July 8, 2019 at 6:00 p.m.

1. CALL TO ORDER

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

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

The following staff members were present:

Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager
Angela L. Reece, Town Clerk
Ron Sneed, Town Attorney

Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Joshua Henderson, Recreation Director
Jamey Matthews, Public Works Director

The Board reviewed the items that were proposed for the July 8, 2019 regular session meeting and made no changes.

Mayor Don Collins opened the meeting. Town Manager, Josh Harrold presented the proposed agenda to the Board of Aldermen. Reverend Steve Walton of Friendship Presbyterian Church, Black Mountain will give the invocation. Board members briefly discussed agenda items.

There was no further discussion.

There being no further discussion, on a motion by Alderman Larry B. Harris with a vote of 5-0 Mayor Don Collins adjourned the meeting at 5:14 p.m.

ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor



TOWN OF BLACK MOUNTAIN

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

Date: July 8, 2019 Time: 6:00 p.m. Regular Session Minutes

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

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

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

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

1. CALL TO ORDER

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

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

The following staff members were present:

Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance. Minister Jack Taylor of Mountain View Church, Black Mountain gave the invocation.

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

Mayor Collins addressed citizens regarding even year elections and stated Senator's Edwards, Hise, and VanDuyn as well as Representative's Ager, Fisher, and Turner were each mailed correspondence from the Office of the Mayor regarding even year elections. Mayor Collins read

Black Mountain Board of Aldermen
Regular Session Minutes – July 8, 2019

aloud from email exchanges with Representative Ager, Turner, and Edwards regarding the bills movement through the NC General Assembly. Mayor Collins thanked the 2019 Fireworks Sponsors for their donations.

2. PROCLAMATION AND AWARD RECOGNITION

A. Outgoing Boards & Commissions Members- Thank you for your service!

The Mayor and Board of Aldermen extend their thanks and appreciation to each advisory board and commission member for their service to the Town. Town Clerk Angela Reece presented certificates of appreciation to members who were present.

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.*

Julie White of Black Mountain addressed the Board of Aldermen regarding the possibility of the Children & Friends Daycare Center proposal moving forward. Ms. White reminded the Board she sat on the Greenways Commission and gave input on the Master Plan with Asheville Design Center for combined use of the space on White Pine Drive.

Elaine Loutzenheiser of Black Mountain addressed the Board of Aldermen regarding the possibility of the Children & Friends Daycare Center proposed lease. Ms. Loutzenheiser expressed her concern of transparency regarding this issue and referred to a memo from the Rotary Club soliciting funding and promising matching funding for the Daycare based on a promised lease with the Town of Black Mountain.

Mayor Collis referred to a Memorandum of Understanding regarding the proposed daycare facility approved by the Board of Aldermen on December 14, 2017 where a public presentation was given and citizen comments were taken.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

A. ABC Board Annual Report – Bill Christy, Chair

Bill Christy presented the unaudited financial statements to the Board of Aldermen. Mr. Christy praised the ABC store staff and commended store manager, Randy Reece on his professionalism. Mr. Christy stated the renovations have been completed and the debt has been paid off. Mr. Christy stated sales have increased and could top \$3M by the end of the year. Mr. Christy again praised friendly staff and atmosphere for supporting the customer base. Mr. Christy stated the ABC Board looks forward to increasing distributions to the Town in the future. Mr. Christy presented an additional distribution check for \$37,500.00 to the Town.

Black Mountain Board of Aldermen
Regular Session Minutes – July 8, 2019

B. Greenways Commission Annual Report

Julie White presented the Greenways Commission Annual Report to the Board of Aldermen. Ms. White stated the Commission continued their public awareness activities and promotions during the Valentine Run, Greenway Challenge, and tailgate market. Ms. White stated the Commission continued fundraising activities and were able to raise \$333 at the Holiday Market. Ms. White advised the Greenway Challenge had 300 runners and 30 volunteers and netted \$7,168 and thanked Amy Parker for coordinating the event. Ms. White extended thanks and appreciation on behalf of the Greenway Commissioners to the sponsors that make their events possible. Ms. White thanked Leslie Temple and Fred Grogan for spearheading the Black Mountain Greenway Master Plan. Ms. White stated the Bike/Walk to School Day was a success again this year and said Commissioners look forward to hosting the event again next year. Ms. White spoke about greenway challenges and stated the Flat Creek Greenway has been repaired from the flooding in 2018. Ms. White also thanked Planning Director Trotman for welcoming the Greenways Commission members. Ms. White spoke about upcoming activities and events. For more information please visit the Town's website at www.townofblackmountain.org

C. Swearing in of Boards & Commissions Members

Town Clerk Angela Reece swore in Boards & Commissions members who were present.

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.

Town Manager, Josh Harrold presented the consent agenda to the Board of Aldermen.

A. Adoption of Minutes

Motion: *To adopt the minutes of June 6, 2019 (Agenda Session), June 10, 2019 (Regular Session), and June 6, 2019 (Closed Sessions).*

B. Call for Public Hearing to REZONE 300 Flat Creek Road from SR-2 (suburban residential) to TR-4 (town residential). **REZONING**

Motion: *To call for the public hearing to rezone 300 Flat Creek Road PIN #0710-51-3233.00000 from SR-2 (suburban residential) to TR-4 (town residential) to be held on Monday, August 12, 2019 at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

Vice Mayor Maggie Tuttle moved to approve consent items A-B as presented.

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

Black Mountain Board of Aldermen
Regular Session Minutes – July 8, 2019

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.

There were no citizen comments.

7. UNFINISHED BUSINESS

A. Appointment to fill vacancies on Town Boards and Commissions

1. Greenways Commission – (1) unexpired term ending June 30, 2020

Alderman Larry B. Harris moved to appoint Brandon Moffitt to fill an unexpired term ending June 30, 2020 by a vote of 5-0.

**There will be one unexpired term vacancies left open pending new applications.*

2. Planning Board – (1) vacancy/ 3-yr term ending June 30, 2022

Alderman Carlos Showers moved to appoint Jesse Gardner to fill a 3 year term ending June 30, 2022 by a vote of 5-0.

3. Zoning Board of Adjustment – 3rd Alternate term

Alderman Larry B. Harris moved to appoint Gregory Feightner to fill the 3rd Alternate seat. The motion was approved by a vote of 5-0.

8. NEW BUSINESS

A. Greenways Master Plan & Presentation – Jessica Trotman, Planning Director

Planning Director Trotman introduced Leslie Temple for her work in preparing the Greenways Master Plan document. Director Trotman praised Ms. Temple and the Greenways Commission for their time and effort in producing the updated Master Plan document. Ms. Temple stated one of the goals of the Commission was to have a planning document that would allow the Commission and staff to seek out and apply for grants. A copy of the document is available on the Town's website at www.townofblackmountain.org

Vice Mayor Maggie Tuttle moved to adopt the Greenways Master Plan as presented.

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

B. River Walk Greenway Update- Josh Harrold, Town Manager

Manager Harrold stated the Greenway project is ready to move into the design phase and discussed the following options with the Board of Aldermen. Manager Harrold presented a map including various options and estimated costs for construction on Phase II of the River Walk Greenway. Option 1 is outlined in the color yellow (Black Mountain Ave. to Dillingham to Vance) and would utilize right of ways and multi-use paths. Option 2 (most expensive) utilizes the Hampton Inn Hotel property and would require construction of a pedestrian bridge to cross the Swannanoa River. Option 3 (least expensive) is outlined in the color green and purple and would utilize right of ways on Town owned property along 304 Black Mountain Ave. but would require relocation of a salt bin storage area and fence. Option 4 mainly utilizes Terry Estate Drive and would require modifications to the traffic pattern on that portion such as making the street a one-way street or installation of some type of buffers. Manager Harrold stated that option could be complicated. Alderman Larry B. Harris stated he would like to see a list of pro's and con's for each option presented to the Board with input from the Greenways Commission before a decision is made.

C. Fourth Street Traffic Study Update – Josh Harrold, Town Manager

Manager Harrold discussed the traffic study completed in 2014 as well as recent concerns regarding traffic on Fourth Street. Manager Harrold stated staff have placed speed signs and flags as well have striped Fourth Street to make it more visible as was recommended by the study. Manager Harrold stated other engineer recommendations in the study included installation of speed humps, rumble strips, curbing, and even a traffic island. Manager Harrold stated the data collected from the speed sign recorded 3,211 speeds and said that 70% of the speeds were below the posted speed of 20MPH between 3:00 p.m. and 5:00 p.m. and said 20% of the speeds were above the speed limit. Manager Harrold inquired as to the Board's preference in moving forward with additional traffic calming measures and suggested a special assessment as allowed by NC GS 160A-216. Manager Harrold stated this would be petition based on requests of the majority of the property owners as required by law. Attorney Sneed stated the Town may also finance the improvements and allow the property owners to pay over time. Alderman Larry B. Harris stated he feels the issue has been pursued in an appropriate manner. No additional action was taken.

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.

Black Mountain Board of Aldermen
Regular Session Minutes – July 8, 2019

A. Public Hearing to implement System Development Fees

#O-19-15

Additional Information: <https://www.townofblackmountain.org/2424/System-Development-Fees-Study>

Vice Mayor Maggie Tuttle moved to open the public hearing on Ordinance #O-19-15, to implement System Development Fees consistent with Article 8, System Development Fees “Public Water and Sewer System Development Fee Act”. (2017-138, s.1.) , NC G.S. 162A-Article 8.

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

Manager Harrold recalled previous conversations regarding System Development Fees as required by the NC Legislature. Manager Harrold explained in order to comply with legislation, each municipality must follow a process in determining a calculation to charge development fees. Manager Harrold stated the maximum fee calculation, which was determined with the assistance of the engineer is \$14.78 per gallon of water, per day. Manager Harrold stated the fees are based on town water system assets, future assets, and capacity and clarified that the fee is essentially a buy in to the system for new users in order to pay for capital improvements to the system. Manager Harrold stated he recommends charging 60% or \$8.87 per gallon of water, per day of the maximum fee. Manager Harrold stated he researched other jurisdictions and advised they were charging anywhere from 40% to 60% of the maximum fee and clarified size of a municipality was not a factor but rather the overall condition of the water system and lines. Board members clarified the fee is based off of gallons per usage and not by type of use. Manager Harrold confirmed the fees are based off of NC Administrative Code. Manager Harrold also advised if there was a use not listed in the Code then this ordinance requires the developer to provide an engineering report to determine the appropriate calculation based on the Code. Alderman Larry B. Harris stated the Town has been fortunate in maintaining the water system which is valued at approximately \$13M and stated he feels this approach is rational and necessary to continue maintaining the system.

Attorney Sneed went ahead and discussed Item B (Resolution to Adopt Updates to the Water Rate and Fee Schedule for the Town of Black Mountain #R-19-14) as it amends the fee schedule once the ordinance is passed to establish the fee. Attorney Sneed clarified that going forward it will be necessary to revisit the resolution to set future fees without having to change the ordinance. The ordinance and resolution are included in, and made part of these minutes.

Mayor Collins asked what happens if the town chooses not to adopt this fee. Manager Harrold advised the only source of revenue for capital improvements to the water system would have to come from increasing water rates or property taxes. Mayor Collins clarified these methods affect everyone and not just new construction. Manager Harrold stated the rates would go into effect upon adoption.

There were no citizen comments.

Vice Mayor Maggie Tuttle moved to close the public hearing.
The motion was approved by a vote of 5-0

Black Mountain Board of Aldermen
Regular Session Minutes – July 8, 2019

*Alderman Larry B. Harris moved to approve Ordinance #O-19-15 as amended by Attorney Sneed allowing the Town of Black Mountain to implement System Development Fees to be charged consistent with the requirements of NC G. S. Ch. 162A, Article. 8, as such may be amended from time to time.
The motion was approved by a vote of 5-0*

- B.** Resolution to Adopt Fee Updates to the Water Rate and Fee Schedule for the Town of Black Mountain **#R-19-14**

*Alderman Larry B. Harris moved to adopt Resolution R-19-14 to amend the Town of Black Mountain Fee Schedule to include System Development Fees consistent with the requirements of NC G. S. Ch. 162A, Article. 8
The motion was approved by a vote of 5-0*

10. COMMUNICATION FROM STAFF

- A.** Town Attorney, Ron Sneed - None
B. Town Manager, Josh Harrold - None

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Carlos Showers introduced and congratulated Sharon Taylor, Executive Director of the Black Mountain Swannanoa Valley Chamber of Commerce.

12. ADJOURNMENT

There being no further business, on a motion made by Vice Mayor Maggie Tuttle and with a vote of 5-0, Mayor Don Collins adjourned the meeting at 7:05 p.m.

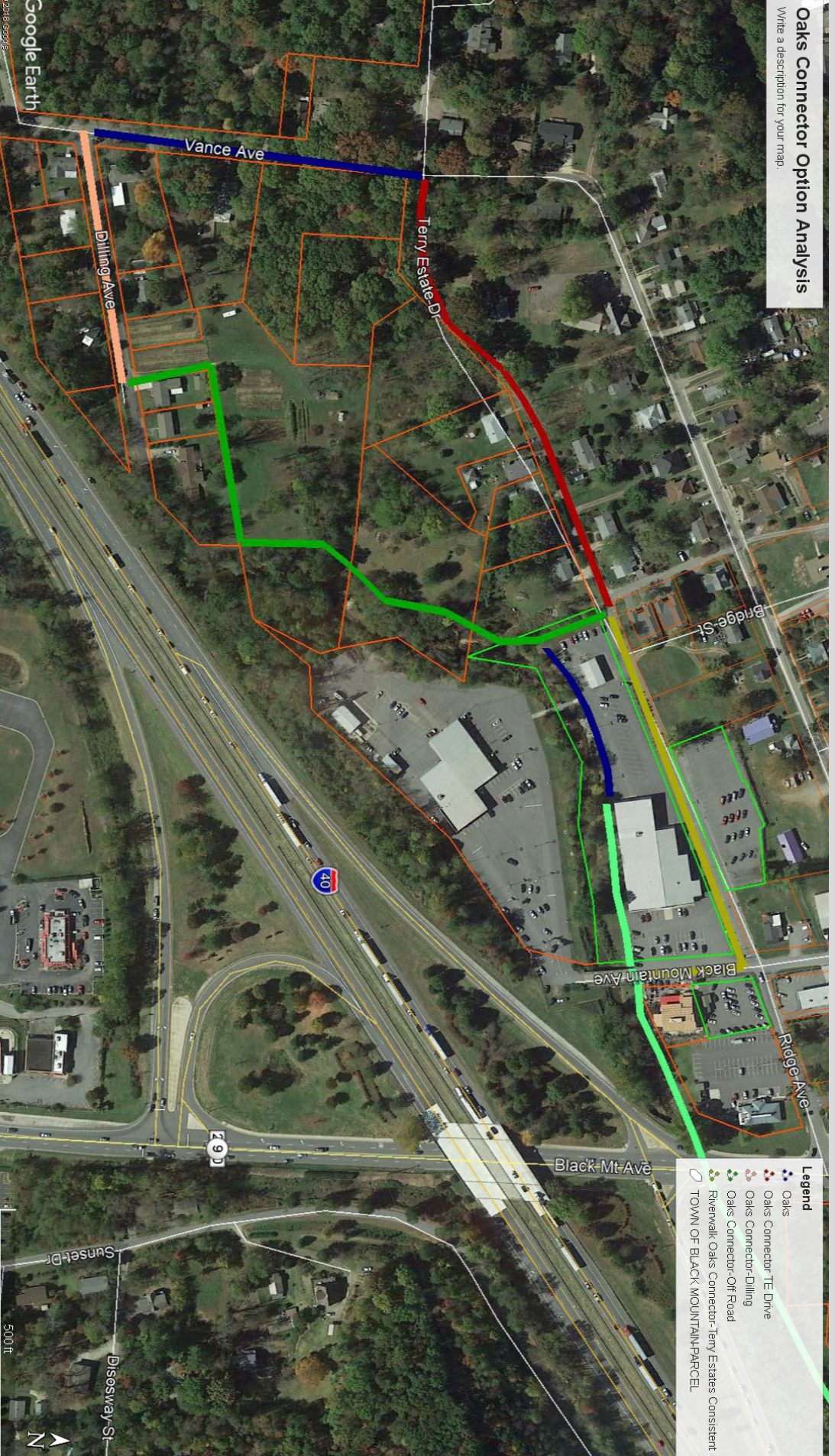
ATTEST:

Angela L. Reece, Town Clerk

Don Collins, Mayor

Oaks Connector Options

13



AN ORDINANCE TO ADOPT SYSTEM DEVELOPMENT FEES FOR THE WATER AND SEWER SYSTEM AS AUTHORIZED BY ARTICLE 8 OF CHAPTER 162A OF THE NORTH CAROLINA GENERAL STATUTES.

WHEREAS, the North Carolina General Assembly has enacted Session Law 2017-138 (HB 436), known as the "Public Water and Sewer System Development Fee Act" amending Chapter 162A of the Generals Statutes to add a new Article 8, titled System Development Fees; and

WHEREAS, said statutes authorize the procedures and methods for the calculation and authorization of system development fees to be charged by local governments; and

WHEREAS, the Town of Black Mountain contracted with professional consulting engineers McGill Associates, to perform the system development fee analysis per the requirements of Session Law 2017-138, having posted public notice and written analysis on its website beginning May 23, 2019 and also provided means to solicit comments both through the website and via written means through the U.S. Mail, and has held a properly advertised public hearing on July 8, 2019, to receive additional public comments; and

WHEREAS, said statutes define a System Development Fee as a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup the costs of existing facilities which serve such new development, or a combination of those cost; and

WHEREAS, said statutes provide that System Development Fees may be collected for new development which increases the capacity necessary to serve that development as further described below.

(A) (1) System development fees shall be charged with respect to new development to fund costs of capital improvements to recoup a combination of costs consisting of the cost of existing facilities which serve such new development and the incremental cost of capital assets required for preserving and/or providing additional system capacity. System development fees shall be charged consistent with the requirements of G.S. Ch. 162A, Article 8 as such may be amended from time to time. Terms used in this section shall have the same meanings as set forth in G.S. Ch. 162A, Article 8.

(2) For purposes of this section, **NEW DEVELOPMENT** includes any of the following occurring after April 8, 2019 (the date the town began the written analysis process required by G.S. § 162A-205) that increases the water and/or sewer capacity necessary to serve that development:

- (a) The subdivision of land;
- (b) The construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units; or
- (c) Any use or extension of the use of land which increases the number of service units.

ORDINANCE NO. O-19-15

(B) Beginning on the effective date of this section, system development fees shall apply to all new development except for fire line connections.

(C) System development fees shall not include and separate charges may be assessed for:

(1) A charge or fee to pay administrative, plan review, or inspection costs associated with permits required for development.

(2) Tap or hookup charges for the purpose of reimbursing the town for the actual costs of connecting the service unit to the system.

(3) Availability charges.

(4) Dedication of capital improvements onsite, adjacent, or ancillary to a development absent a written agreement providing credit or reimbursement to the developer pursuant to G.S. §§ 160A-320, 160A-499 or G.S. Ch. 160A, Art. 19, Part 3D as the same may be amended from time to time.

(5) Reimbursement to the town for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses; however, such reimbursement shall be credited to any system development fee charged as required per G.S. § 162-207(c).

(D) System development fees will not be charged on buildings or other improvements constructed to replace like buildings provided that the replacement will not result in any increased capacity requirements over that required to serve the replaced building. System development fees are transferable between locations on different parcels of property as long as the parcels are contiguous or separated only by a street or alley and part of a single or multi-phased project shown on an approved site plan at the time of issuance of a building permit.

(E) (1) For new development involving the subdivision of land, the system development fee shall be collected at the later of the time of plat recordation, or when water or sewer service is committed by the town.

(2) For all other new development, system development fees are due at the earlier of the time of application for connection of the individual unit of development to the service or facilities, or when water or sewer service is committed by the town.

(3) For purposes of this section, water service shall be deemed committed by the town at such time as the Public Works Department has approved the connection and building permit(s) for the development are issued. Fees shall be assessed based on the schedule of fees in effect at the time the fees are collected.

(F) Additions, alterations to or replacements or change in use of existing buildings shall be required to pay a system development fee based on the rates applicable at the time of connection or at the time such addition, alteration, replacement or change in use is placed into service. When a change in use occurs, the new use will pay the difference calculated between the existing use and the proposed use.

(G) Buildings that contain more than one use shall have the system development fee calculated from the sum of each use in the building.

(H) (1) The system development fee shall be paid for connections to the town municipal water system based on the customer's calculated anticipated daily flow rate in gallons per day (GPD), in an amount not to exceed the calculated charge based on the cost per gallon development costs as defined herein multiplied by the daily flow rate set out in the North Carolina Administrative Code sections referenced herein. The system development fee shall be the same regardless of the customer's location inside or outside the municipal limits of the town. At the time of adoption of this Ordinance, the calculated cost per gallon as determined by McGill Associates is \$14.78.

(2) System development fees shall be based on the calculated (GPD) flow rate of the anticipated use or increase in use of the proposed structure. Flow rates shall be determined in accordance with the flow rates established in the North Carolina Administrative Code, 15A NCAC 2T.0114 and 15A NCAC 18C.0409 as such may be amended from time to time. A licensed professional engineer is required to calculate flow rates for other uses not included within the North Carolina Administrative Code, 15A NCAC 2T.0114 and 15A NCAC 18C.0409. The Town of Black Mountain shall not incur any expense associated with this requirement.

(I) In calculating system development fees with respect to new development, the town will credit the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development. No credit shall be applied, however, for water or sewer capital improvements on-site or to connect new development to water or sewer facilities.

(J) All system development fees collected by the town shall be deposited to the town's water capital reserve funds and expended as provided by G.S. § 162A-211, as such may be amended from time to time.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN
OF THE TOWN OF BLACK MOUNTAIN THAT:**

The Water System Development Fee Study prepared by McGill Associates, and published May, 23 2019, is adopted to assist in establishing Black Mountain's Water System Development Fee Charges, which shall be established annually and published as part of the Town's fee schedule within the Annual Budget Ordinance.

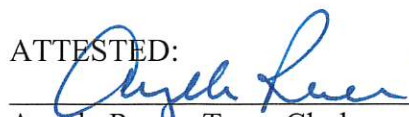
These System Development Fees shall be effective July 8, 2019, and shall be published annually in the Town's budget, or associated fee schedule. The system development fee calculation shall be updated at least every five (5) years or as required by G.S. Ch. 162A, Article 8.

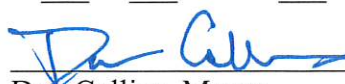
I move the adoption of the foregoing ordinance.


Alderman

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 this the 8th day of July, 2019.

ATTESTED:


Angela Reece, Town Clerk


Don Collins, Mayor

RESOLUTION #R-19-14

RESOLUTION TO ADOPT FEE UPDATES TO THE WATER RATE AND FEE SCHEDULE FOR THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA PURSUANT TO NC GS 162A

WHEREAS, the North Carolina General Assembly enacted House Bill 436 in July 2017, amending Chapter 162A of the North Carolina General Statutes by adding "Article 8 System Development Fees; and; and

WHEREAS, said statute authorizes the procedures and methods for the calculation and authorization of system development fees to be charged by local governments; and

WHEREAS, the statute authorizes a local government to adopt a system development fee calculated based upon a written analysis prepared by a financial professional or licensed professional engineer; and

WHEREAS, the Town of Black Mountain contracted with professional engineering firm McGill Associates, a qualified and licensed professional engineer and consulting firm to perform a system development fee analysis; and:

WHEREAS, McGill Associates prepared a computerized calculator which will determine System Development Fees for water and sewer based on the Cost per Gallon per Day Calculation table by using water and sewer demands as defined by NC Administrative Code 15A NCAC 18C .0409 and 15A NCAC 02T .0114.

WHEREAS, the Town of Black Mountain has taken all required steps pursuant to Article 8 of NCGS 162A, including posting of the fee analysis study on the Town's website for forty-five (45) days and solicited public comments regarding the same; conducted a public hearing on July 8, 2019 to receive additional public comment, which was properly noticed through advertisement; and adoption of this resolution to include the determination of the system development fees;

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

1. The System Development Fee Study, prepared by McGill Associates is hereby adopted as the basis for establishing Black Mountain's Water System Development Fee Rate and Schedule;
2. One method of calculating the amount of the System Development Fee is to apply the cost per gallon of system development costs to the number of gallons per day established by the North Carolina Administrative Code, such as the 400 gallons per day set out as the Equivalent Residential Unit.
3. The calculated cost per gallon per day established per the System Development Fee Study is \$14.78.
4. The percentage of the above values to be charged in calculating the total System Development Fee per unit by utilization of the System Development Fee Calculator program shall be 60% of the calculated cost, or \$8.87. These fees shall apply equally to applicants for properties both inside and outside the Town of Black Mountain City Limits.

5. Fees are based, for Residential applicants, on number of bedrooms, and for Business applicants based on type and occupancy, together with other uses as set out in the North Carolina Administrative Code Sections 15A NCAC 18C .0409 and 15A NCAC 02T .0114. All applicants must inquire with Water Administration (water department) for fee determination.

6. The Town Council shall review and/or update the System Development Fee rate schedule no earlier than five (5) years and no later than ten (10) years from the date of this resolution, unless otherwise required by North Carolina law.

These Water System Development Fees shall be effective as of the date of this Resolution and all Water fee and rate schedules shall be included and published in the annual budget for the Town of Black Mountain, North Carolina.

I move the adoption of the foregoing resolution:

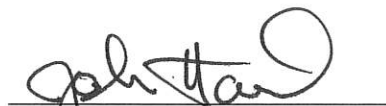

Alderman

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 this the 8th day of July, 2019.

ATTEST:


Don Collins, Mayor


Angela Reece, Town Clerk


Josh Harrold, Town Manager