PUBLIC NOTICE

In order to maintain the safety of Town residents, staff, and the Board of Aldermen, the Board of Aldermen **Agenda Work Session scheduled for Thursday, April 10, 2020 at 5:00 p.m. has been CANCELED**.

The Board of Aldermen Regular Session scheduled for **Monday, April 13, 2020 at 6:00 p.m.** **will be conducted electronically using Zoom software**. In order to comply with the State, County, and Town State of Emergency Declarations and social distancing requirements the only individuals that will be located at Town Hall will be the Mayor, Board of Aldermen, Town Manager, Town Clerk and one videographer. Other staff may participate remotely.

The meeting will be televised as normal on Charter Cable's Buncombe County Channel 192 at 8:00 p.m. on Sundays and posted on the website: https://www.townofblackmountain.org. To comply with **NC § 143-318.13**. Electronic meetings; written ballots; acting by reference, the meeting will also allow live audio and video feed via Zoom.

What does this mean for those looking to participate in the meeting?

There are three ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device. * Citizens will be able to comment at the appropriate time using the chat feature to enter their comments.**

   Join URL: https://zoom.us/j/286912434

   Meeting ID: 286 912 434

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at Zoom.us/download and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

   Simply call US **Toll-free 1-877 853 5247** or US **Toll-free 1-888 788 0099**. When prompted, enter **Meeting ID: 286 912 434** followed by the Pound sign (#).

3. **Email or call in your citizen comments or questions prior to the meeting.**

   Call in comments: Town Clerk at 828-419-9310

   Email comments to: Comments@townofblackmountain.org.

The Town is making every effort to ensure that the public is able to not only listen to the meeting, but also to participate in the public comment portion of the Board meeting, while still maintaining all of the Town's statutory requirements and keeping the public safe. **During the meeting, if at any time inappropriate content is detected the electronic meeting will be ended by the host.** This will be a first for all of us and we thank you for both your interest in the Town's affairs and your patience and understanding while we navigate these uncharted waters together.

Angela L. Reece

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

Please visit www.townofblackmountain.org to obtain agenda packets and other meeting information.

Posted to the Town Bulletin Board 04/06/20

TOWN OF BLACK MOUNTAIN

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

Date: April 13, 2020 Time: 6:00 p.m. 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 at 419-9310, or by email at townclerk@townofblackmountain.org

(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Public Address & 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****.*

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile them and present them to the Mayor for consideration and entry into the minutes.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

A. Recreation & Parks Annual Report – *Joshua Henderson, 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 March 26, 2020 (Special Call - Sanitation), March 05, 2020(Agenda Workshop & Closed Session), and March 9, 2020 (Regular Session).*

B. Budget Amendment for Tennis Court & Automated Water Meters Capital Projects **#FY20-15**

> ***Motion:*** *To approve Budget Amendment #FY20-15 as submitted increasing expense account 3091-8100-543 (Transfer to Capital Project Fund) by $125,000 and decreasing 3091-8100-730 (Capital Outlay) by $125,000, and increasing 1000-5000-580 (Transfer to Capital Reserve Fund) by $60,000 and decreasing 1080-6190-730 (Capital Outlay) by $60,000.*

C. Establishment of the System Development Fee Capital Reserve Fund, to be used for funding of capital projects related to increasing capacity in the water system. **#R-20-04**

> ***Motion:*** *To approve* resolution *#R-20-04, authorizing the establishment of the System Development Fee Capital Reserve Fund. Establishing a System Development Fee Capital Reserve fund was required by the General Assembly by Session Law 2018-34, House bill 826.*

D. Establishment of a Capital Project Fund for Water Capacity Improvements **#O-20-04**

> ***Motion:*** *To approve* resolution *#O-20-04, authorizing the establishment of the Capital Project Fund for Water Capacity Improvements.*

E. Establishment of a Capital Project Fund for Automated Meter Reading **#O-20-05**

> ***Motion:*** *To approve* resolution *#O-20-05, authorizing the establishment of the Capital Project Fund for Automated Meter Reading.*

F. Annual approval of audit accounts of the Town of Black Mountain for the July 1, 2019 – June 30, 2020 time period.

> ***Motion:*** *To approve terms of the contract for FY19-20 auditing and financial reporting with Mauldin Jenkins CPA Group, PLLC of Atlanta, GA in the amount of $21,500 as presented, and to authorize the mayor and manager (or designee) to execute the agreement on behalf of the Town.*

G. Resolution to Provide Matching Funds for Riverwalk PARTF Application **#R-20-05**

> ***Motion:*** *To approve Resolution #R-20-05 Committing Matching Funds for Riverwalk Greenway PARFT application.*

H. Designation of Additional Official Depositories **#R-20-06**

***Motion**: To adopt Resolution #R-20-06 to approve designation of all banks having a banking relationship with the North Carolina Department of the Treasurer as official depositories of the Town of Black Mountain.*

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

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile them and present them to the Mayor for consideration and entry into the minutes.

7. UNFINISHED BUSINESS - NONE

8. NEW BUSINESS

A. Emergency Telework Policy

***Motion:** To approve the Emergency Telework Policy as presented.*

B. Montessori Lease Amendment

***Motion:** To approve the Montessori School Lease amendment as presented [or as amended].*

C. Art in the Afternoon Lease Amendment & Renewal

***Motion:** To approve the Art in the Afternoon Lease amendment and renewal as presented [or as amended].*

9. PUBLIC HEARING - NONE

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

10. COMMUNICATION FROM STAFF

A. Town Attorney – Ron Sneed

B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. ADJOURNMENT

Josh Harrold
Town Manager

2019 Annual Report

Recreation & Parks

***NOTE: All revenues listed in this report are GROSS REVENUES*

Points of Interest

- Updated Rental Policies
- Fire Code Renovations at Grey Eagle Arena
- Painted Exterior of Lakeview Center
- Painted Exterior of Grey Eagle (Montreat College Volunteer Group)
- Added Murals to Pool House
- Hosted 4/8 Park Rhythms Concerts in Downtown

New for 2020

- Spring Hikes at Ridgecrest
- Disc Golf Clinic
- Clean Streams Day
- National Coffee Day Event
- PARTF Grant Construction Projects Beginning in Spring 2020

Pool

2019 Total Attendance: 20,308

- Programs
  - Lap swim: 515 participants
  - Aqua Exercise: 64 participants
  - Swim Team: 161 participants
  - Swim Lessons: 40 participants
  - Pool Rentals: 23 rentals
- Revenues
  - Lap Swim: $180
  - Aqua Exercise: $618
  - Daily Entry: $44,042
  - Pool Passes: $2,260
  - Pool Rentals: $4,640

Gardens

- 80 total plots
- Partnership with Bounty & Soul
- 95 registered community gardeners; 10 more gardeners than in 2018
- Plot revenue: $2,010
- 10% of each plot is grown for donation
- 19 plots in the garden are grown exclusively for donation
- 1826 volunteer hours logged

- Produced 4,449lbs of food
- Raised $3,400 through Empty Bowls Fundraiser
- Christmas Tree Recycling
- Internship program; (1) intern in 2019
- Added a Pollinator Garden Coordinator in 2019 (200 hr position)

Senior Programming

- Council on Aging Meal Site: 150 registered participants; Avg 32 participants per day
- Activities (exercise classes, card games, dance groups, etc.)
  - 17 activities per week, taking place multiple times per week
  - 1,235 participants
- Programs (Medicare seminars, pot lucks, wellness presentations, etc.)
  - 14 events
  - 263 participants
- Van Clan Trips
  - Monthly Trips (April – Dec)
  - 14 Participants per trip

Youth Sports

- Start Smart Soccer Spring & Fall: 32 participants
- Indoor Soccer: 30 teams, 295 participants
- Basketball: 13teams, 121 participants (in conjunction w/ Asheville Parks & Recreation)
- Start Smart Basketball: 14 participants
- Swim League: 161 participants
- Tennis: 50-70 participants annually
- Revenues: $27,201

Adult Sports

- Tennis: 125-150 participants annually
  - Host 6 USTA matches in Black Mountain annually
- Pickleball: 30 players on average per day, playing on 3 courts at Cragmont Assembly 5 days per week during the fall, winter, and spring; playing at Owen Middle School in the summer
- Basketball: 9 teams
- Revenues: $3,148

Special Events

- Valentines 5k February 9th
  - 225 runners, 40 spectators
  - Revenue: $3,970
- Spring Walk to School May 8th
  - 73 participants
- Summer Movie Nights (2nd Fridays May, June, July, August, Sept)
  - 45 Participants
- July 4th Fireworks & Street Dance
  - 1,100 Participants (Heavy Rain Storm)

- PARK RHYTHMS
    - JUNE 20TH (LAKE TOMAHAWK): 220 PARTICIPANTS
    - JUNE 27TH (LAKE TOMAHAWK): 180 PARTICIPANTS
    - JULY 18TH (DOWNTOWN):425 PARTICIPANTS
    - JULY 25TH (DOWNTOWN): 450 PARTICIPANTS
    - AUGUST 1ST (DOWNTOWN): 325 PARTICIPANTS
    - AUGUST 8TH (LAKE TOMAHAWK): 150 PARTICIPANTS
    - AUGUST 15TH (LAKE TOMAHAWK): 175 PARTICIPANTS
- Walk to School October 2nd
    - 300 participants
- Mini Monster October 26th
    - 400 participants
- Circle of Lights December 7th
    - 1,200 Participants

Camps

- Black Mountain Summer Camp 6 weeks at Lakeview Center (Downstairs)
    - 66 kids
    - Revenue: $11,880
- Half Day Soccer Camp
    - 23 Participants
    - Revenue: $1,470
- Half Day Basketball Camp
    - Did not hold half day basketball camp due to lack of instructors

Rentals

504 total rentals, $53,204 in revenue

- Lakeview Clubhouse (upstairs & wedding packages)
    - 108 scheduled rentals
    - $27,108 revenue
- Lakeview Center (downstairs)
    - 65 scheduled rentals
    - $4,560 revenue
- Alcohol Permits
    - 20 permits purchased
    - $1,000 revenue
- Pavilion
    - 67 Rentals
    - $3,720 Revenue
- Grey Eagle Arena
    - 241 scheduled building and indoor soccer rentals
    - $11,405 revenue
    - 79 scheduled bounce house/nerf party rentals
    - $8,239 revenue

- Pool Rentals
    - 23 rentals
    - $4,640 Revenue

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: Budget Amendment #FY20-15 for Tennis Court & Automated Water Meters Capital Projects

AGENDA INFORMATION

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

BRIEF SUMMARY: The adopted FY20 budget included $60,000 for tennis court improvement and $125,000 for automated water meters. These projects will extend over multiple fiscal years, meaning they need to be transferred to capital project and capital reserve funds.

MOTION FOR CONSIDERATION: To approve Budget Amendment #FY20-15 as submitted increasing expense account 3091-8100-543 (Transfer to Capital Project Fund) by $125,000 and decreasing 3091-8100-730 (Capital Outlay) by $125,000, and increasing 1000-5000-580 (Transfer to Capital Reserve Fund) by $60,000 and decreasing 1080-6190-730 (Capital Outlay) by $60,000.

FUNDING SOURCE: N/A

ATTACHMENTS: N/A.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

Budget Amendment # 2020-15
Fiscal Year 2019-2020

Dept.	Account #	Account Name	Debit	Credit	Comments
	3091-8100-543	Trans to Water CPF	125,000		Transferring
	3091-8100-730	Capital Outlay		125,000	monies to Capital
					Reserve and Capital
	1000-5000-580	Trans to CRF	60,000		Project Funds
	1080-6190-730	Capital Outlay		60,000	

Totals:	185,000	185,000

BD # ____________________ Entered By: ____________________

Journal # ____________________

Fiscal Yr ____________________ Approved By: ____________________

Date ____________________ Date ____________________

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: Establishment of the System Development Fee Capital Reserve Fund, to be used for funding of capital projects related to increasing capacity in the water system. #R-20-04

AGENDA INFORMATION

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

BRIEF SUMMARY: Upon adoption of Ordinance # O-19-15 authorizing System Development Fee collection as authorized in NC G.S. 16A-205. The Town will need to establish a Capital Reserve Fund as required by the General Assembly through Session Law 2018-34, House bill 826. North Carolina General Statute 159-18 allows any local government the ability to establish capital reserve funds.

MOTION FOR CONSIDERATION: To approve resolution #R-20-04, authorizing the establishment of the System Development Fee Capital Reserve Fund. Establishing a System Development Fee Capital Reserve fund was required by the General Assembly by Session Law 2018-34, House bill 826.

FUNDING SOURCE: N/A.

ATTACHMENTS: Session Law 2018-34, House Bill 826

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-34
HOUSE BILL 826

AN ACT TO REVISE SYSTEM DEVELOPMENT FEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 162A-205(7) reads as rewritten:

"(7) Covers a planning horizon of not less than ~~10~~five years nor more than 20 years."

SECTION 1.(b) This section becomes effective October 1, 2018, and applies to system development fees established or updated on or after that date.

SECTION 2.(a) G.S. 162A-211 reads as rewritten:

"§ 162A-211. Use and administration of revenue.

(a) Revenue from system development fees calculated using the incremental cost method or marginal cost method, exclusively or as part of the combined cost method, shall be expended only to pay:

(1) Costs of constructing capital improvements including, and limited to, any of the following:
  a. Construction contract prices.
  b. Surveying and engineering fees.
  c. Land acquisition cost.
  d. Principal and interest on bonds, notes, or other obligations issued by or on behalf of the local governmental unit to finance any costs for an item listed in sub-subdivisions a. through c. of this subdivision.

(2) Professional fees incurred by the local governmental unit for preparation of the system development fee analysis.

(3) If no capital improvements are planned for construction within five years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of a local governmental unit to finance the construction or acquisition of existing capital improvements.

(b) Revenue from system development fees calculated using the buy-in method may be expended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. The basis for the buy-in calculation for previously completed capital improvements shall be determined by using a generally accepted method of valuing the actual or replacement costs of the capital improvement for which the buy-in fee is being collected less depreciation, debt credits, grants, and other generally accepted valuation adjustments.

(c) A local governmental unit may pledge a system development fee as security for the payment of debt service on a bond, note, or other obligation subject to compliance with ~~the foregoing limitations.~~this section.

(d) ~~System~~ Except as otherwise provided in subsection (e) of this section, system development fee revenues shall be accounted for by means of a capital reserve fund established pursuant to Part 2 of Article 3 of Chapter 159 of the General Statutes and limited as to expenditure of funds in accordance with this section.

H826-V-5

(e) If and to the extent that revenues derived from system development fees are pledged to secure revenue bonds or notes issued by a local government unit under the provisions of Article 5 of Chapter 159 of the General Statutes, such revenues may be deposited in such funds, accounts or subaccounts, and applied in such manner, as set forth in the bond order, resolution, trust agreement or similar instrument authorizing and securing such bonds or notes until all such revenue bonds or notes are no longer outstanding."

SECTION 2.(b) This section becomes effective July 1, 2018, and applies to system development fees pledged on or after that date.

SECTION 3.(a) G.S. 162A-213 reads as rewritten:

"**§ 162A-213. Time for collection of system development fees.**

(a) Land Subdivision. – For new development involving the subdivision of land, the system development fee shall be collected by a local governmental unit ~~either~~ at the later of either of the following:

a. The time of plat ~~recordation or~~recordation.

b. ~~when~~ When water or sewer service ~~for the subdivision or other development~~ is committed by the local governmental unit.

(b) Other New Development. – For all other new development, the local governmental unit shall collect the system development fee at the earlier of either of the following:

a. The time of application for connection of the individual unit of development to the service or facilities.

b. When water or sewer service is committed by the local governmental unit."

SECTION 3.(b) This section becomes effective July 1, 2018, and applies to system development fees collected on or after that date.

SECTION 4. The Environmental Management Commission shall update the gallons per day usage under Administrative Rules 15A NCAC 02T .0114 and 15A NCAC 18C .0409 to reflect how new construction uses less water and sewer than under the current rule. The amended rules shall take effect on or before January 1, 2020.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 9:19 a.m. this 22nd day of June, 2018

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION R-20-04

RESOLUTION TO ESTABLISH AND MAINTAIN A CAPITAL RESERVE FUND FOR THE TOWN OF BLACK MOUNTAIN

WHEREAS, under North Carolina General Statute 159-18 the Town is authorized to establish and maintain a capital reserve for any purposes for which bonds may be issued; and

WHEREAS, the Board of Aldermen deems it is in the best interest of the citizens of the Town of Black Mountain to establish a capital reserve to fund future capital improvements; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT:

Section 1: The Board of Aldermen hereby creates a Capital Reserve Fund as allowed under N.C.G.S. 159-18.

Section 2: The Capital Reserve Fund shall be established to provide funds for future capital improvements as identified by the Board of Aldermen and Town Manager.

Section 3: The Town shall develop a five-year capital improvement program related to water capacity to be reviewed annually during the budget process to determine capital needs.

Section 4: No funds shall be expended from the Capital Reserve unless approved by the Board of Aldermen.

Section 5: This resolution shall become effective immediately upon its adoption.

I move the adoption of the foregoing resolution:

____
Alderman

READ, APPROVED AND ADOPTED, by a vote of ___ to ___this the 13th day of April, 2020.

ATTEST:

____
Don Collins, Mayor

____
Angela Reece, Town Clerk/Assistant to Manager

____
Josh Harrold, Town Manager

CAPITAL PROJECT ORDINANCE #O-20-04
WATER CAPACITY IMPROVEMENTS CAPITAL PROJECTS FUND

BE IT ORDAINED by the Governing Board of the Town of Black Mountain, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project will provide increases in capacity to the Town's water system.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the agreement documents, and the budget contained herein.

Section 3. The Town has a number of water capacity related projects that are needed at this time. As specific projects are being considered. Board approval will be requested prior to the project being undertaken. To provide an initial budget in the fund, the Finance Director recommends the following expenditures be budgeted.

Professional Services	$50,000
Capital Outlay	$190,000
TOTAL	**$240,000**

Section 4. As of March 25, 2020, the Town has received $205,000 in system development fees. The following revenues are anticipated to be available by the end of FY20:

System Development Fee Revenue	$240,000
TOTAL	**$240,000**

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund (Fund 6800, Water Capacity Improvements Capital Projects Fund) sufficient specific detailed accounting records to satisfy the requirements of the funding agencies and their agreements. The term of the agreement also shall be met.

Section 6. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

READ, APPROVED AND ADOPTED, by a vote of ___ to ___this the 13th day of April, 2020.

ATTEST:

____
Don Collins, Mayor

____
Angela Reece, Town Clerk/Assistant to Manager

____
Josh Harrold, Town Manager

____
Dean Luebbe, Assistant Town Manager/Finance Director

CAPITAL PROJECT ORDINANCE #O-20-05
AUTOMATED METER READING CAPITAL PROJECTS FUND

BE IT ORDAINED by the Governing Board of the Town of Black Mountain, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project involves replacing all Town water meters, and installing four towers and approximately twenty repeater sites. The project is expected to be completed by FY24.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the agreement documents, and the budget contained herein.

Section 3. The following expenditures are expected to complete this project.

Capital Outlay	$840,000
TOTAL	**$840,000**

Section 4. The following revenues are anticipated to be available.:

Transfer from Water Fund	$505,000
Transfer from Water Capital Reserve Fund	$325,000
TOTAL	**$840,000**

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund (Fund 6900, Automated Meter Reading Capital Projects Fund) sufficient specific detailed accounting records to satisfy the requirements of the funding agencies and their agreements. The term of the agreement also shall be met.

Section 6. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 8. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and Finance Officer for direction in carrying out this project.

READ, APPROVED AND ADOPTED, by a vote of ___ to ___this the 13th day of April, 2020.

ATTEST:

Don Collins, Mayor

Angela Reece, Town Clerk/Assistant to Manager

Josh Harrold, Town Manager

Dean Luebbe, Assistant Town Manager/Finance Director

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: FY20 Audit contract approval

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: The Local Government Commission (LGC) requires that the Governing Board annually approve the audit contract. The FY20 will be performed by Mauldin and Jenkins, PLLC at an anticipated cost of $21,500.

MOTION FOR CONSIDERATION: To approve terms of the contract for FY19-20 auditing and financial reporting with Mauldin Jenkins CPA Group, PLLC of Atlanta, GA in the amount of $21,500 as presented, and to authorize the mayor and manager (or designee) to execute the agreement on behalf of the Town.

FUNDING SOURCE: N/A.

ATTACHMENTS: FY20 Mauldin Jenkins Audit contract.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

CONTRACT TO AUDIT ACCOUNTS

The	Governing Board Board of Aldermen
of	Primary Government Unit (or charter holder) Town of Black Mountain
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Mauldin & Jenkins, PLLC
	Auditor Address 200 Galleria Parkway, Suite 1700 Atlanta, GA 30339

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/20	Audit Report Due Date 10/31/20

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit- related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved 'with approval date shall be returnedto

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board uponcompletion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment. See attached engagement letter

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

Number 26 above, because the Auditor does not have 25 or more employees in the State of North Carolina.

30. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx.

31. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

32. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards,2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☑ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	*Title and Unit / Company:*	*Email Address:*
Dean Luebbe	Finance Director of the Town	dean.luebbe@townofblackmountain.org

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Black Mountain
Audit Fee	$ 18,000
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$
Writing Financial Statements	$ 3,500
All Other Non-Attest Services	$
75% Cap for Interim Invoice Approval *(not applicable to hospital contracts)*	$ 16,125.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$
Writing Financial Statements	$
All Other Non-Attest Services	$
75% Cap for Interim Invoice Approval *(not applicable to hospital contracts)*	$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Mauldin & Jenkins, PLLC	
Authorized Firm Representative (typed or printed)* Adam M. Fraley	Signature*
Date* 03/25/20	Email Address* afraley@mjcpa.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Black Mountain	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

PBMares

Report on the Firm's System of Quality Control

To the Shareholders of Mauldin & Jenkins, LLC
and the National Peer Review Committee:

We have reviewed the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC (the firm), applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended May 31, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; audits of employee benefit plans, an audit performed under FDICIA, and examinations of service organization's SOC 1 and SOC 2 engagements.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass, pass with deficiency(ies)* or *fail.* Mauldin & Jenkins, LLC has received a peer review rating of pass.

PBMares, LLP

PBMares, LLP
October 30, 2017

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: Resolution #R-20-05 to Provide Matching Funds for Riverwalk PARFT Application

AGENDA INFORMATION

Agenda Location:	**Consent Agenda**
Item Number:	5G
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Josh Harrold, Town Manager

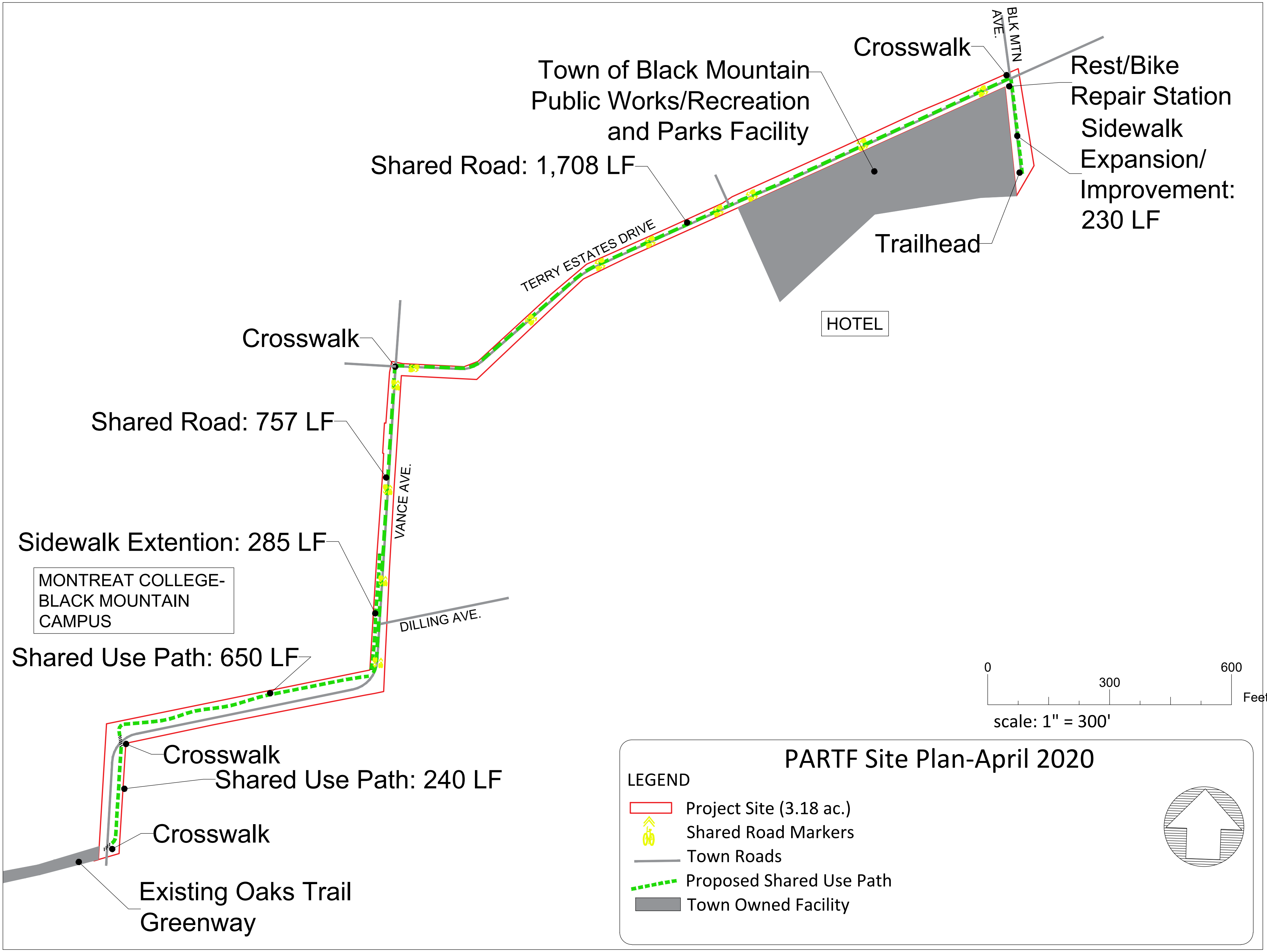
BRIEF SUMMARY: The Town is applying for additional funding through the current PARTF grant cycle. The application is for the western most segment of the greenway from Public Works to In The Oaks Trail. The total cost for this section is $341,000. The PARTF application requests $68,200 which represents the Town's 20% match for this segment. The existing funding provided for Riverwalk through STBG serves as the match for this grant. No match from the general fund is required.

MOTION FOR CONSIDERATION: To approve Resolution R-20-05 Committing Matching Funds for Riverwalk Greenway PARFT application.

FUNDING SOURCE: STBG awarded funding

ATTACHMENTS: Draft Resolution to Provide Matching Funds

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


Crosswalk
BLK MTN AVE.
Town of Black Mountain Public Works/Recreation and Parks Facility
Rest/Bike Repair Station
Sidewalk Expansion/ Improvement: 230 LF
Shared Road: 1,708 LF
Trailhead
TERRY ESTATES DRIVE
HOTEL
Crosswalk
Shared Road: 757 LF
VANCE AVE.
Sidewalk Extention: 285 LF
MONTREAT COLLEGE-BLACK MOUNTAIN CAMPUS
DILLING AVE.
Shared Use Path: 650 LF
Crosswalk
Shared Use Path: 240 LF
Crosswalk
Existing Oaks Trail Greenway
0
300
600
Feet
scale: 1" = 300'
PARTF Site Plan-April 2020
LEGEND
Project Site (3.18 ac.)
Shared Road Markers
Town Roads
Proposed Shared Use Path
Town Owned Facility

RESOLUTION #R-20-05

RESOLUTION TO PROVIDE MATCHING FUNDS FOR RIVEREALK GREENWAY PARTF APPLICATION

WHEREAS, the Board of Alderman for the Town of Black Mountain intends to apply for 2020 PARTF grant in the amount of $68,200 which is twenty-percent of the construction costs for a segment beginning at Black Mountain Avenue to In The Oaks Trail of the Riverwalk Greenway Phase II; and,

WHEREAS, as a condition of such grant is that the local jurisdiction provide matching fund of $68,200 which is a dollar for dollar match provide through the previously awarded funding by the Surface Transportation Block Grant program of the Federal Highways Administration;

WHEREAS, the Board of Alderman wishes to assure the availability of such matching funds in needed for the success of the project;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF ALDERMAN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT the Board of Alderman will appropriate from contributed funds received from supporting agencies and organizations, or in any combination thereof, the amount required to satisfy the matching funds requirement condition of the grant.

I move the adoption of the foregoing resolution:

____
Alderman

READ, APPROVED AND ADOPTED, by a vote of ___ to ___this 13th day of April, 2020.

____
Don Collins, Mayor

ATTEST:

____
Angela Reece, Town Clerk | Assistant to Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: Designation of Additional Official Depositories

AGENDA INFORMATION

Agenda Location:	**CONSENT AGENDA**
Item Number:	5H
Department:	Town Attorney
Contact:	Town Attorney, Ron Sneed
Presenter:	Town Attorney, Ron Sneed

BRIEF SUMMARY: The current banking environment has been adversely affected by the health crisis and the part commercial banks will be expected to play under the CARES Act adopted by Congress to support the economy during the crisis, making it difficult for many banks, including the current official depository bank for the Town, to respond quickly to other needs such as establishment of escrows for cash subdivision performance bonds. It is recommended by the Town Attorney that the Town adopt a resolution to enable it to work with other banks as official depository banks as allowed by N.C.G.S. Section 159-31, by designating all banks having a banking relationship with the North Carolina Department of the Treasurer as official depository banks for the Town.

MOTION FOR CONSIDERATION: To adopt Resolution #R-20-06 to approve designation of all banks having a banking relationship with the North Carolina Department of the Treasurer as official depositories of the Town of Black Mountain.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed resolution.

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION R-20-06

RESOLUTION TO DESIGNATE ADDITIONAL OFFICIAL DEPOSITORY BANKS FOR THE TOWN OF BLACK MOUNTAIN

WHEREAS, under North Carolina General Statute 159-31 the Town is authorized to designate commercial banks and other institutions as official depositories for the Town; and

WHEREAS, the Board of Aldermen deems it is in the best interest of the citizens of the Town of Black Mountain to designate more than one official depositories to better enable the Town to manage the financial needs of the Town and to provide greater flexibility in times of crisis or other disruptions.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT:

Section 1: The Board of Aldermen hereby designates all banks having a banking relationship with the North Carolina Department of the Treasurer as official depositories of the Town of Black Mountain

Section 2: This resolution shall become effective immediately upon its adoption.

I move the adoption of the foregoing resolution:

____
Alderman

READ, APPROVED AND ADOPTED, by a vote of ___ to ___this the 13th day of April, 2020.

ATTEST:

____
Don Collins, Mayor

____
Angela Reece, Town Clerk/Assistant to Manager

____
Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 13, 2020

SUBJECT: Emergency Telework Policy

AGENDA INFORMATION

Agenda Location:	**NEW BUSINESS**
Item Number:	**8A**
Department:	Administration
Contact:	Susan Russo-Klein, Attorney | Roberts & Stevens, P.A.
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: Due to the COVID-19 pandemic and other emergency situations that may arise in the future there is a need establish a general policy that will enable Town of Black Mountain Departments to include in their emergency operations plans, the ability for certain employees to work from home during a period of emergency, in order to allow the departments to continue to provide essential and critical services to the citizens of Black Mountain

MOTION FOR CONSIDERATION: To approve the Emergency Telework Policy as presented [or as amended].

FUNDING SOURCE: N/A.

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: Approve as presented.

<u>**Article VI. Work Conditions and Expectations Section 1. Work Period**</u> amendment

EMERGENCY TELEWORK POLICY

PURPOSE

To establish a general policy that will enable Town of Black Mountain Departments to include in their emergency operations plans, the ability for certain employees to work from home during a period of emergency, in order to allow the departments to continue to provide essential and critical services to the citizens of Black Mountain. This policy does not relate to periodic or routine Department Director approved telework.

SCOPE

This directive applies to employees in all departments under the Town's jurisdiction. This policy shall be applicable to all emergencies, as part of the three-scenario planning concept, including but not limited to natural and man-made disasters and pandemics. Because the response to an emergency will be event driven, this policy provides general guidance only, and departments can expect more specific guidance and direction through additional Management Directives and Executive Orders during actual periods of emergency.

OBJECTIVE

To define and establish general standards for determining the circumstances under which working from home will be incorporated into each department's Continuity of Operations Plan (COOP).

DEFINITIONS

a. **Critical business functions.** Those functions, stated or implied, that must be performed during or after a period of emergency either because they are required by statute, regulation or executive order or are otherwise necessary to provide vital services, exercise civil authority, maintain the safety and wellbeing of the general populace, and sustain critical support to the citizens of Black Mountain and other municipal departments.

b. <u>**Three-Scenario Planning Concept**</u>. Each Department's COOP must address each of the following scenarios:

(1) The single building scenario assumes that only one building is affected, for either a short (hours or days) or long term (weeks or longer) period. If a Department is housed in multiple buildings in one geographic area, e.g. Public Safety or Public Works/Recreation then the single building event would likely only affect a portion of all critical business functions. Displacement is relatively minor and there is minimal impact to interdependencies among departments;

(2) The catastrophic scenario assumes massive displacement of the Department as well as many others, e.g. the Town Hall, with substantial degradation to interdependent resources and systems;

(3) The pandemic scenario assumes that there is a wide-spread illness related disruption of the workforce that is indiscriminate as far as impact, and that infrastructure is affected only to the extent that systems require maintenance and/or operation by a severely depleted workforce. A pandemic event may last for months and may require on-going critical function evaluation. For example, a function that is not critical in the beginning of the pandemic may become critical later.

c. **Alternative Work Site.** An alternative worksite(s) selected by a Department to be used when the primary worksite is not available. The alternative worksite may not accommodate all employees from the regular work location. Depending on the event, a Department may have several alternative sites including public sites with internet connections such as libraries or computer enabled training facilities. An alternative work site may include the employee's home.

d. **Emergency or Period of Emergency.** Any natural or man-made disaster or pandemic illness event that causes an interruption in normal work practices.

e. **Social Distancing Management.** Taking measures to slow the spread of pandemic influenza or other illnesses by limiting the opportunities for exposure.

f. **Telework.** For the purpose of this directive, means working from home or an alternative work site when an employee's primary work location is inaccessible or the employee is not able to be located in the department's alternative work location due to an emergency. A pandemic scenario may require certain employees to work from an alternative site to achieve social distancing management, if able to do so. A catastrophic scenario may require certain employees to work from home or an alternative location if able to do so, in order to reduce the amount of space the Town needs to use as alternative work sites for multiple departments.

TECHNOLOGY

There are different levels of technology available to enable working from an alternative worksite. Technologies range from cell phones to wireless email and Virtual Private Networks (VPN). Each of these technologies has a cost associated with it both in dollars and system resources. Department owned "WiFi hot spots" or lap top computers may be issued to employees that are identified to work an alternative worksite, during an emergency situation. It is very important that each Department match the available technology with necessary requirements for an alternative work location or the functions an employee will be expected to perform at an alternative worksite.

a) Each Department, as part of its Continuity of Operations Plan (COOP), is to identify its critical business functions and the methods in which those critical business functions will be accomplished during periods of emergency. The Department COOP is to address how it will provide critical services under the three-scenario concept. This should include identifying which employees, essential to continuing critical operations and disaster recovery, will report to an alternative work location and which will work from home. Not all employees will be involved in initial emergency operations or initial recovery efforts and not all employees will be able to perform work from home.

b) The employee is required to follow standard procedures regarding reporting any accident or injury at their alternative work site.

c) Pursuant to this policy the Town will not establish home offices, nor provide permanent installation of computers or other technological equipment for a home office for employees who do not already have this as part of their employment structure.

d) This policy does not permit employees to work from alternative worksites during non-emergency periods, except for the purposes of training, testing and/or exercising the Department's COOP.

RESPONSIBILITIES

a. Town Manager (or designee) shall:
   1. Establish specific Town-wide policies regarding workforce management during periods of teleworking, including communications, supervision and accountability as needed. (See Appendix A).
   2. Answer agency questions concerning the application of this management directive.

b. Departments shall:
   1. Develop a COOP using the three-scenario concept which may include certain employees performing work supporting critical business functions from the employees' alternative worksites.
   2. Regularly review its COOP, including the ability to perform those critical business functions at an alternative worksites.
   3. Provide aggregate information to the Contractor for Information Technology about the total number of employees who could be expected to work from home in an emergency, so that the Town is able to assess the total demand for remote network capability and address any shortfall.
   4. The Department Director or designee shall consult with the Town Manager's Office and Emergency Management to determine when an emergency exists that will activate the working from alternative worksite provisions of this policy.
   5. Regularly review its COOP, including the ability to perform those critical business functions at an alternative worksite.
   6. The Department Director or designee shall provide specific information regarding the activation of the working from alternative worksite provisions of this policy to the Town Manager's Office as soon as possible.
   7. Each Department shall establish a training plan and conduct periodic exercises to identify issues and assess effectiveness of working from alternative worksites including the homes of identified employee.

Employees Shall:

1. Adhere to the requirements of all applicable policies and procedures regarding the use of technology, including policy “Employee Computer, E-Mail, and Social Media Usage Policy”, regardless of where they are conducting Town business.
2. Adhere to all applicable Town policies and procedures, related to, safety, security, confidentiality, use of Town equipment, and standards of conduct, when conducting Town business.
3. Complete the “Employee Emergency Teleworking Agreement”, Appendix A, prior to working remotely

APPENDIX ~~H~~A:

EMPLOYEE EMERGENCY TELEWORK AGREEMENT

1. TELEWORKING

- Under this policy, teleworking is to be used only when the normal worksite is not available or accessible during emergencies or to achieve a social distancing management methodology.
- An employee must have the pre-approval of their Department Director or designee, prior to working from an alternative worksite.
- When working from home or an alternative worksite:
    - It is the responsibility of the employee to ensure that all the requirements to do official work are met in an environment that allows the tasks to be performed safely and efficiently.
    - The Townis not responsible for any costs that are associated with the maintenance, insurance, and utilities at the employee's alternative work site.

2. TIME AND ATTENDANCE, WORK PERFORMANCE AND OVERTIME

- Time spent working at an approved alternative worksite must be accounted for and reported in the same manner as if the employee reported for duty at their normal work location.
- The employee is required to satisfactorily complete all assigned work, according to established standards and guidelines.
- The employee is required to follow normal department procedures regarding the recording of hours worked, requesting and approval of overtime, compensatory time and leave.
- If an employee is unable to work due to illness, becomes ill while at work or has had close contact with a contagious person, he/she should notify their supervisor immediately. Any time away from work due to illness, will have to be covered by using sick time, vacation time or comp time.
- Medical documentation may be required when requesting time away from work for the employee's own illness or for caring for an immediately family member due to medical issues related to a pandemic. However, employees should be symptom free before returning to work or as Centers For Disease Control (CDC) recommends; the Town may require a "fitness for duty" certification from the employee's physician prior to permitting them to return to work. Also, medical leave requests due to issues related to a pandemic may require processing under FMLA or ADA. Please note that all previously approved FMLA/ADA designations or medical leave requests not related to a pandemic, will continue to follow the Town's standard procedure. An employee is only eligible for twelve weeks of FMLA leave per calendar year.
- If the coworker has exhausted their leave time, the time away from work can be made up within the same payroll period at the discretion of the Department Director. Please note that make up time worked will be paid at the employee's regular rate of pay; the employee will not be paid at the overtime rate unless s/he works more than 40 hours in a work week.

In cases when all paid leave has been exhausted and make up time is not feasible; the employee can request shared sick leave donation for additional sick time away from work.

3. SECURITY AND EQUIPMENT

- The employee is required to abide by all Town Personnel Policies, including the "Employee Computer, E-Mail, and Social Media Usage Policy", regardless of where they are conducting Town business.
- The employee is responsible for the security of all official data, and protection of any Town-furnished equipment and property, in carrying out duties at their alternative worksite.
- Town-furnished equipment must only be used for official duties, and may not be used by non-Town employees.
- The Department is responsible for the maintenance of all Town-furnished equipment. The employee may be required to bring such equipment into the office for periodic maintenance. The employee must return all Town-furnished equipment and material to the Department when employment terminates or at the Department's request.
- Employees may be required to reimburse the Town for any damages resulting from misuse or neglect of Town-furnished equipment.

4. PAY AND WORKERS' COMPENSATION

- An employee who engaged in performing the duties of their job will be paid their regular wages according to Town Policy and the Fair Labor Standards Act while working at home or their alternative work site.
- The employee is required to follow standard procedures regarding reporting of any accident or injury at their alternative work site.

5. STANDARDS OF CONDUCT

- The employee continues to be bound by all applicable Town standard policies, while working at their alternative worksite.

I have reviewed and understand the terms and conditions of this Emergency Teleworking Agreement.

____

Employee Signature **Date**

I have reviewed and discussed the terms and conditions of this Emergency Teleworking Agreement with the employee

____

Director Signature **Date**

Final Approval

____

Town Manager Signature **Date**

2020 Coronavirus Leave

Under the Families First Coronavirus Response Act of 2020, employees may be temporarily eligible for paid leave if they are unable to work because they are quarantined (pursuant to federal, state or local government order or advice of a health care provider), experiencing COVID-19 symptoms and seeking a medical diagnosis, or caring for their child whose school or child care is closed or unavailable for reasons related to COVID-19.

Employees are eligible for two weeks (80 hours) of paid sick leave at their regular rate (not to exceed $511 per day) if they are quarantined (pursuant to federal, state, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.

Alternatively, employees are eligible for two weeks (80) hours of paid sick leave at 2/3 the employee's regular rate of pay (not to exceed $200 per day) if s/he is unable to work because of a bona fide need to care for an individual subject to quarantine or to care for a minor child whose school or child care provider is closed due to COVID-19.

In addition to one of the two paid sick leave provisions above, employees are eligible for an additional ten weeks of expanded FMLA leave at 2/3 the employee's regular rate of pay (not to exceed $200 per day) if (1) the employee has been employed for at least 30 calendar days, and (2) is unable to work for any of the reasons listed above. Employees may not take more than twelve (12) weeks of FMLA leave in a calendar year.

The Town may place non-essential employees on temporary furloughs to protect its limited cash assets. In such event, furloughed employees who are not eligible for paid leave under the Families First Coronavirus Response Act may utilize compensatory time and, if necessary vacation time, subject to the Town Personnel Policy and approval by the Department Head or Town Manager, as appropriate.

This Coronavirus Leave Policy is temporary; it is effective beginning April 2, 2020, and ends December 31, 2020. This policy does not apply to law enforcement officers, emergency first responders, or firefighters.

Minutes Follow This Section

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
SPECIAL CALL MEETING MINUTES
February 26, 2020

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Wednesday February 26, 2020 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting is to review information regarding the Town's Sanitation Services and contract, discuss NC Highway 9 Sidewalk, and to discuss TDA funding.

1. **CALL TO ORDER**

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

Mayor Don Collins
Vice Mayor Maggie Tuttle
Alderman Larry Harris
Alderman Ryan Stone
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney
Dean Luebbe, Assistant Town Manager
Shawn Freeman, Police Chief
Jamey Matthews, Public Works Director
Jessica Trotman, Planning Director
Joshua Henderson, Recreation Director

Sharon Tabor, Executive Director of the Black Mountain Chamber of Commerce and Jon Brooks, President of the Black Mountain Chamber of Commerce shared information regarding the Buncombe County Tourism Development Authority and provided handouts to the Board which are made part of and included in these minutes. Mr. Brooks stated overall operational costs and visits have increased in recent years to the visitor center and stated there is an increasing need for additional funding from the TDA. Mr. Brooks stated since 2002 the TDA has given out $42M in grant funding and said the Black Mountain area has received $350,000 which funded a project for installation of bleachers at the Montreat College campus in Black Mountain. Town Manager Harrold reminded everyone the TDA was not accepting grant applications for the last year due to a reorganization. Alderman Larry B. Harris stated he wished to explore criteria for seeking additional grants from TDA as appropriate. Alderman Harris mentioned the need to link to the Fonta Flora State Trail system to the Town's greenway system and the need for additional greenway project funding as well as the need for an upgraded tennis facility, all of which will bring tourism into Black Mountain. Town Manager Harrold will continue working with the Chamber to collaborate with the TDA.

Attorney Ron Sneed addressed the Board of Aldermen with an update regarding the sidewalk construction along NC Highway 9 recalling previous discussions with Sikes Regan to obtain an easement to install sidewalk along the Cheshire Village area along NC Highway 9. Attorney Sneed discussed the possibility of a public private partnership stating this would be advantageous to the Town but said a low responsive bid has been submitted which is less than the fifty percent match required by law of the private entity. Attorney Sneed advised the Board there is no statutory authority to circumvent the bidding process and presented alternate options including rejecting all bids and re-bidding the project, skipping the section along Cheshire for now. Manager Harrold reminded the Board funding has been budgeted for this project in the current fiscal year and stated more funding will be budgeted in the next fiscal year a few months away which could be combined to install sidewalk to the end of the town limits on NC Highway 9, skipping the Cheshire section for now as it currently has a walkway. Mayor Don Collins and Alderman Larry B. Harris stated providing a safe route for pedestrians is imperative. Alderman Stone agreed and suggested rejecting the bids at the next regular meeting and requesting new bids. Board members directed attorney Sneed to approach Sikes Regan and advise the town is unable to pay the difference for brick pavers and to give him one last chance to pay the difference from the low bid if he chose to. No decision was made at this meeting.

Manager Josh Harrold continued discussions regarding the 2020 Sanitation contract. Manager Harrold stated the cost of an oil and water separator (for garbage trucks to be washed and the water piped into the sewer) is approximately $17,500 for purchase and install. Manager Harrold stated a metal canopy to house the truck is $35,000. Manager Harrold reminded the Board that the Waste Pro total cost for services for Fiscal Year 21 (not including landfill tipping fees) was $1,073,650. He stated he has negotiated a reduction in the bid offer for Waste Pro sanitation services to **$963,000, which includes landfill tipping fees** which is a reduction per home from $18.51 to $16.25. The current Waste Pro price per household is $12.90. Manager Harrold has provided an estimates for in-house sanitation service of **$740,017** which includes 5 employees, 3 rear loading garbage trucks, two pickups, and a knuckle boom brush truck. (The excerpt of the spreadsheet is below.) Board members discussed the need for three garbage trucks and scheduling. The Board directed staff to produce a schedule showing equipment, routes and personnel and to report back.

		Waste Pro	ToBM	Waste Pro	Waste Pro New
		same service	(five employees and trucks, debt, no carts)	same service, both trash and recycling carts	same service
	FY20 (estimated)	**FY21**	**FY21**		**FY21**
Personnel			250,000		
Contract Labor			35,000		
Garbage pickup	660,400	931,250	-	1,087,922	820,600
Tipping Fee	132,000	138,600	138,600	138,600	138,600
Fuel			25,000		
Insurance (WC and liab)			20,000		
Other	3,800	3,800	25,000	3,800	3,800
Recycling disposal			40,000		
Debt Payments			123,917		
MR Trucks			30,000		
			-		
TOTAL	**796,200**	**1,073,650**	**687,517**	**1,230,322**	**963,000**
		25.84%	-15.81%	35.29%	17.32%
Month Per Household	12.90	18.51		(Waste pro supplies	16.25
	4,080	4,080		both trash and recycli	4,080
	12	12		carts)	12
	631,584	906,250			795,600
Total cost per household w/tipping	16.26	21.93	14.04		19.67
Canopy for trucks			**35,000**		
Oil/water seperator			**17,500**		
			740,017		

There was no further discussion.

There being no further business, on a motion made by Vice Mayor Maggie Tuttle and with a vote of 4-0, Mayor Don Collins adjourned the meeting at 6:05 p.m.

ATTEST:

____
Don Collins, Mayor

____
Angela L. Reece, Assistant to Manager/Town Clerk

Explore ASHEVILLE
Buncombe County Tourism Development Authority

TOURISM & THE BCTDA: FAST FACTS & FAQs

What is the Buncombe County Tourism Development Authority?

- The BCTDA is a public authority with the public purpose of strengthening the local economy by promoting Asheville and Buncombe County to people who will come here and spend money with local businesses.
- The BCTDA's investment in tourism promotion:
  - Creates a customer base that sustains local businesses year-round.
  - Provides funding for community assets enjoyed by residents.
  - Generates awareness/reputation for Asheville that supports all economic development goals.

How does tourism contribute to the area's economic vitality?

- *Visitor spending*
  - People who come here spend $2 billion at local businesses in Buncombe County annually – that's cash in the registers of local residents.
  - Those local businesses buy goods and services from more local businesses for total economic impact of $3.1 billion.
- *Job creation*
  - Tourism-related businesses employ more than 18,000 people. In total, tourism supports over 27,000 jobs, or 15% of employment in Buncombe County:
    - 6,142 restaurant workers (half of all restaurant workers)
    - 4,812 workers in lodging
    - 2,895 jobs in recreation and entertainment (half of recreation/entertainment workers)
    - 2,673 retail workers (16.5% of all retail workers)
    - More than 10,000 jobs in other categories including business services, finance, insurance and real estate
- *Generation of local taxes*
  - Tourism generated $199.1 million in state and local revenues in 2017, providing programs and services the community needs.
  - In total, tourism generates $53 million in property taxes – 16% of the total property tax for the Buncombe County and 33% of the total for the City of Asheville.

Do local taxpayers fund BCTDA's promotion of Asheville and Buncombe County?

- Absolutely not! Lodging businesses provide 100% of the funding to attract visitors to Buncombe County by collecting an occupancy tax from visitors, in addition to sales tax.
- Every $1 spent on advertising generates $43 of spending at local businesses within just a few months of the campaign. Seventy-five percent of that spending is at non-lodging businesses including entertainment, recreation, attractions, retails, food and beverage, and the arts.

What Is the Occupancy Tax?

- The occupancy tax was established by state law in 1983, and the Buncombe County Tourism Development Authority was formed to invest the tax revenue in tourism promotion to attract people who stay overnight in commercial facilities in Buncombe County.
- The self-imposed 6% occupancy tax is a surcharge to the 7% sales tax for a total tax of 13% on paid accommodations in Buncombe County. So, the tax is paid strictly by overnight visitors who stay in commercial hotels, bed and breakfast establishments, and short-term rentals.
- By law, 75% of the proceeds must be used for promotion and the remainder is dedicated to the Tourism Product Development Fund (TPDF).

What is the Tourism Product Development Fund (TPDF)?

- 25% of the occupancy tax paid by people who stay overnight in commercial facilities in Buncombe County goes to the Tourism Product Development Fund (TPDF) for capital projects.
- Since the fund's inception, the BCTDA has awarded $44 million to 39 community projects, to include parks, greenways, sports facilities, performing and cultural arts organizations, museums, and more.
- This model is unique to Buncombe County and is being replicated in other communities. The TPDF is the largest grant program available to nonprofits for capital in Western North Carolina.

What is the Tourism Management & Investment Plan (TMIP)?

- Tourism is one source of growth that places demands on city services and infrastructure. Forty percent of downtown Asheville is occupied by uses that are not taxable. On a peak day in October, an estimated 25,000 overnight tourists visit Buncombe County while 45,000 non-resident workers commute into the city daily. Overnight visitors account for 9% of these daily population of Buncombe County.
- The BCTDA is currently leading a process known as the Tourism Management & Investment Plan to collaborate with municipal and public entities to create a 10-year strategy of investing Tourism Product Development Funds to address community needs, within the legislative mandate of the Fund, designed to help relieve some of the impacts of tourism on our growing, thriving community.

What Is the Explore Asheville Convention & Visitors Bureau?

- Explore Asheville is the name of Asheville and Buncombe County's Convention & Visitors Bureau, or CVB. Explore Asheville carries out the program of work established by the BCTDA, to include advertising, public relations, and efforts to bring groups here, such as conferences and meetings.
- Explore Asheville also provides marketing support to local businesses like attractions, galleries, museums, music venues, restaurants, breweries, lodgers, outfitters, tour operators, local shops, and others. Currently, we serve more than 1,300 tourism partners. We also provide opportunities for networking and collaboration among our partners and offer free listings on our website, which attracts more than 5 million user sessions a year.

What are other ways the BCTDA supports our community?

- A program funded by revenue earned from paid advertising on the ExploreAsheville.com website provides grants for local festivals and cultural events, such as the Blue Ridge Pride Festival, Asheville Fringe Festival, CiderFest NC, Shindig on the Green, Asheville Holiday Parade, Hola Asheville, Goombay Festival, Sourwood Festival, and others. More than $580,000 has been awarded since 2016.

Project	Award	Year of Award
The John B. Lewis Soccer Complex at Azalea Park	$400,000	2002
	$400,000	2004
	$500,000	2009
Grove Arcade	$500,000	2002
The Bonsai Garden at the North Carolina Arboretum	$750,000	2003
Asheville Visitor Center	$750,000	2003
Western North Carolina Veterans' Memorial at Pack Square Park	$67,000	2007
Buncombe County Civil War Trails	$16,500	2007
Asheville Area Wayfinding Program	$1,650,000	2007
Phase II	$150,000	2010
Pack Square Park	$500,000	2004
Pack Square Park Pavilion	$1,500,000	2007
	$500,000	2009
Asheville Art Museum	$1,000,000	2007
	$500,000	2009
The Orange Peel	$250,000 loan guaranty & $50,000 grant	2009
City of Asheville – ExploreAsheville.com Arena at the U.S. Cellular Center	$2,000,000	2010
	$1,375,000	2012
	$800,000	2013
Smoky Mountain Adventure Center	$100,000	2010
Montford Park Players	$125,000	2012
Navitat Canopy Adventures	$500,000	2012
University of North Carolina at Asheville Foundation	$500,000	2013
Asheville Downtown Association – Pack Square Park Canopy	$50,000	2013

Project	Award	Year of Award
Highland Brewing Company	$850,000	2014
The Collider	$150,000	2014
	$150,000	2015
RiverLink – Pearson Bridge River Access	$25,000	2014
Enka Center Ballfields	$2,000,000	2014
City of Asheville – Riverfront Destination Development 1.0	$1,800,000	2014
City of Asheville – Riverfront Destination Development 2.0	$725,000**	2015
City of Asheville – Riverfront Destination	$4,600,000	2017
ABYSA – JBL Soccer Complex	$1,100,000	2015
Asheville Museum of Science (formerly Colburn Earth Science Museum)	$400,000	2015
Friends of the WNC Nature Center	$313,000	2015
Asheville Community Theatre	$1,000,000	2016
City of Asheville – U.S. Cellular Center	$1,500,000	2016
Montreat College	$350,000	2016
WNC Farmers Market	$380,000	2016
The Wortham Center	$700,000	2016
Woodfin Greenway & Blueway	$2,250,000	2017
Black Mountain College Museum + Arts Center	$200,000	2017
Buncombe County – Enka Recreation Destination	$6,000,000	2018
Center for Craft	$975,000	2018
YMI Cultural Center	$800,000	2018
LEAF Global Arts Center	$705,000	2018
North Carolina Arboretum	$905,000	2018
African-American Heritage Museum at Stephens-Lee	$100,000	2018
TOTAL – 39 Projects	**$44 Million**	

BLACK MOUNTAIN = 762 CONTRIBUTING UNITS*

(Short-Term Rentals, B&B, Hotel, Motel)

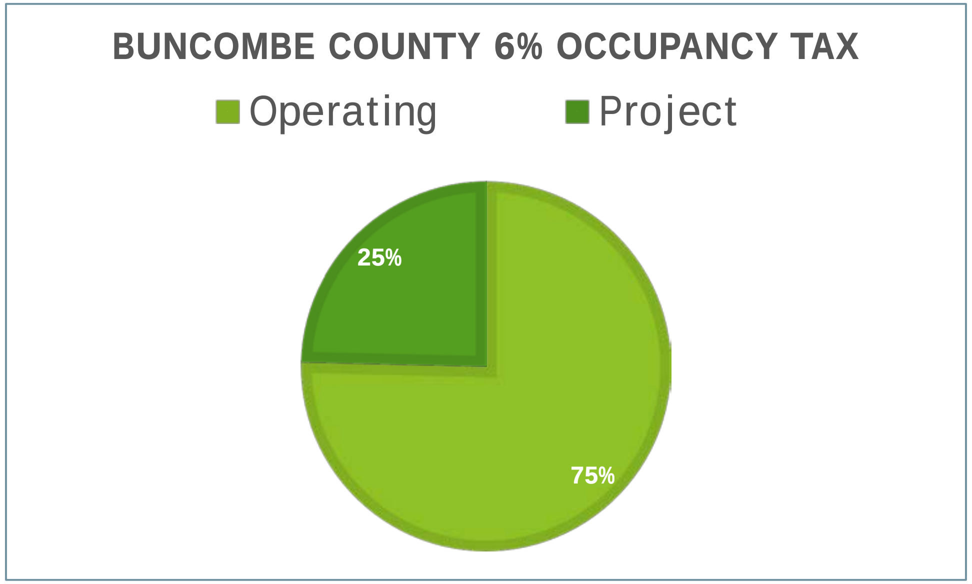
		Conserv. Nightly Rt low avg	BC Occupancy averages 70% NIGHTS at... **30 % Occupancy**	Per Unit Amount	NUMBER OF ROOMS		
419	**STR**	$ 130	110	$14,300	**419**	$5,991,700	
35	**B&B**	$ 130	110	$14,300	**35**	$500,500	
308	**Hotel/Motel**		**40%** Occupancy				
	Hampton	$ 120	146	$17,520	90	$1,576,800	
	Quality Inn	$ 89	146	$12,994	55	$714,670	
	Monte Vista	$ 100	146	$14,600	47	$686,200	
	Super 8	$ 65	146	$9,490	75	$711,750	
	Acorn	$ 65	146	$9,490	20	$189,800	
	Apple Blossom	$ 65	146	$9,490	21	$199,290	
762					**308**	$10,570,710	**Blk Mtn Generated Occupancy Tax**
						x 6%	
						$634,243	

*762 Total Units is 9.29% of the **8200** Total Units in Buncombe County

** 419 STR Units is 12% of the **3528** STR Units in BC

BCTDA = Explore Asheville

BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY



25.7 Million/YR Contributed by Visitors to...

- Hotels
- Motels
- B & B 's
- Short Term Rentals (STRs)

Operating Budget = $19,350,000
Project Grant Fund Increase = +$6,386,250

BCTDA = Explore Asheville

BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Paid media investment in Black Mountain

Print $24,095

Digital $35,905

Visit NC Guide (Value) $4,500

Paid Search $5,000

Trip Advisor Page (Value) $5,000

BRPA Membership/Directory Listing $350

Phone & Postage $10,000

<u>Wayfinding Maintenance $5,000+</u>

TOTAL **$89,805**

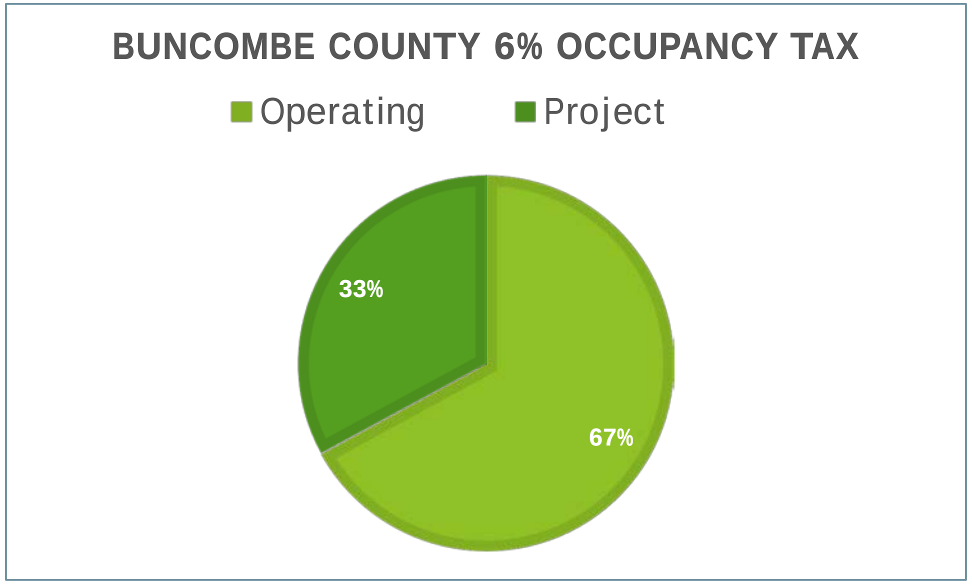
SOURWOOD – from 2K to 9K

Intangibles & Extras:

- Web content development and management
- PR
- Social Media
- Visitor Guide Content
- Image Assets
- Area “Grants”

BCTDA = Explore Asheville

BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY



Proposed Amendment by the Hotel Association

- Hotels
- Motels
- B & B 's
- Short Term Rentals (STRs)

Operating Budget = $17,700,000 (+2.2M from current fund balance)
Project Grant Fund Increase = +$8,700,000

Important BCTDA Timing

Next Board Meeting (April 2) will discuss “Strategies & Tactics “ for Fiscal 20/21

The Big (Potential) Change

Proposed Amendment by the Hotel Association

Means…

- More money for Tourism Product Development Grants (historically bricks & mortar projects)
- Stipulation that some of it can now be used for

  Transit Master Plan

  Maintenance / Administration / Design

BLACK MOUNTAIN = 762 CONTRIBUTING UNITS*

(Short-Term Rentals, B&B, Hotel, Motel)

		Conserv. Nightly Rt low avg	BC Occupancy averages 70% NIGHTS at... 30 % Occupancy	Per Unit Amount	NUMBER OF ROOMS		
419	STR	$ 130	110	$14,300	419	$5,991,700	
35	B&B	$ 130	110	$14,300	35	$500,500	
308	Hotel/Motel		40% Occupancy				
	Hampton	$ 120	146	$17,520	90	$1,576,800	
	Quality Inn	$ 89	146	$12,994	55	$714,670	
	Monte Vista	$ 100	146	$14,600	47	$686,200	
	Super 8	$ 65	146	$9,490	75	$711,750	
	Acorn	$ 65	146	$9,490	20	$189,800	
	Apple Blossom	$ 65	146	$9,490	21	$199,290	
762					308	$10,570,710	Blk Mtn
*762 Total Units is 9.29% of the 8200 Total Units in Buncombe County						x 6%	Generated
	** 419 STR Units is 12% of the 3528 STR Units in BC					**$634,243**	Occupancy
							Tax

A Modest Proposal (DRAFT)

A Combined Request with the Town of Blk Mtn

BM CHAMBER

Upgraded chamber Website, marketing and social media promotion for 2 years- $15,000

- Part-time visitor center staff, 60 hrs/wk, 50 wks/yr - $40,000
- Visitor center insurance, utilities, facility mntc - $20,000
- Visitor Center capital repairs - $40,000
- Event support (Sourwood, BBQ Fest, Marathons, Parades) - $30,000
- Event security - $10,000
- <u>Event signage - $5,000</u>

Chamber subtotal - **$160,000**

TOWN OF BLACK MOUNTAIN

- Riverwalk greenway – town's 20% of DOT funding for 2 yrs ($80K x2) (pg 130)- $160,000
- Riverwalk additional engineering – beyond scope (pg 133) - $20,000
- Fanta Flora state trail development and further maintenance- $40,000
- Town Square Maintenance and electrical additions for event support- $20,000
- **Town subtotal** - **$240,000**

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
March 5, 2020

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, March 5, 2020 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, March 9, 2020 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 Ryan Stone
Alderman Larry Harris
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Angela Reece, Assistant to Manager/ Town Clerk
Jessica Trotman, Planning Director
Joshua Henderson, Recreation Director
Jamey Matthews, Public Works Director

The Board reviewed the items that were proposed for the March 9, 2020 Regular Session and added Friends of the Fonta Flora State Trail Executive Board Appointment as ITEM 8B, #3 to the agenda.

Mayor Don Collins opened the meeting. Town Manager, Josh Harrold presented the proposed agenda to the Board of Aldermen.

Manager Harrold discussed **Item 5B,** Budget Amendment for Attorney Fees stating this amendment reflects increases in costs associated for attorney fees.

Attorney Sneed continued discussions regarding Item 7B, Highway 9 Sidewalk Construction Contract Approval. The Board directed Attorney Sneed to approach Sikes Regan to advise the town is unable to pay the additional cost for brick for this portion of sidewalk and to ask if he is willing to pay the difference in the low bid to add the brick. Attorney Sneed recommended the Board reject the construction bid at their regular meeting and direct staff to re-bid alternate portions of the sidewalk project in the event Mr. Regan declines to pay the additional costs for upgrades.

Alderman Larry B. Harris discussed **Item 8A**, Appointment of Aldermen for the Town of Black Mountain stating is it his intention to nominate Zoning Board Chairman, Cheryl Milton. Board members received 11 interest forms.

Board members discussed **Item 8B**, Appointments of Representatives on Outside Agencies/Boards/Commissions. Board members conceded they will nominate Town Manager, Josh Harrold to serve as member to the Chamber of Commerce Board. Alderman Larry B. Harris stated he would like to add the appointment to the Fonta Flora State Trail Executive Board to the agenda. Alderman Harris stated he would volunteer to serve and asked that the bylaws be given to the Board for review.

> ***Alderman Larry B. Harris moved to add Item 8B, #3, Fonta Flora State Trail Executive Board Appointment to the agenda.***
> ***The motion passed by a vote of 4-0.***

Attorney Ron Sneed discussed **Item 9A,** Compliance with NC G.S. Chapter 160D stating The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations. Attorney Sneed stated that in order to provide time for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law, Chapter 160D is not effective until January 1, 2021. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law. Attorney Sneed stated he preferred to amend all of the ordinances at once rather than individually. All amendments will pass through the Planning Board for comment and review first.

Manager Harrold discussed **Item 9B**, Resolution to Provide Matching Funds for Ninth Street Bridge Replacement stating the State requires municipalities to conduct bridge inspections on all bridges every two years. Manager Harrold stated the Ninth Street Bridge scored the lowest of all the bridges in Town and will need to be replaced for safety. Manager Harrold stated the approximate cost of replacement is $450,000 and said the resolution is necessary to apply for grant funding through the Surface Transportation Block Grant (STBG) federal funding. If awarded, the Town's match will be 20% or $91,000.

There was no further discussion on the agenda.

> ***Alderman Larry B. Harris moved to enter into closed session to consult with the town attorney, as permitted in NCGS § 143.318.11(a)(3) at 5:20 p.m.***
> ***The motion was approved by a vote of 4-0.***

Alderman Larry B. Harris moved to return to open session at 5:31 p.m. The motion was approved by a vote of 4-0.

There being no further discussion, on a motion by Alderman Ryan Stone, with a vote of 4-0 Mayor Don Collins adjourned the meeting at 5:32 p.m.

ATTEST:

Angela Reece, Assistant to Manger/Town Clerk	Don Collins, Mayor

TOWN OF BLACK MOUNTAIN

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

Date: **March 9, 2020** 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.*

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

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Angela Reece at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

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

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

The following staff members were present:
Josh Harrold, Town Manager
Dean Luebbe, Assistant Town Manager/Finance Director
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director

Mayor Don Collins welcomed everyone and led the Pledge of Allegiance.

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.

In his announcements, Mayor Collins advised the Town has received the Tree City USA Award for the 15th year in a row. Mayor Collins recognized Public Works staff (Jamey Matthews, Chris Sloan, and Gabe Martin) for attending trainings and becoming certified to reduce costs to the Town. Mayor Collins also recognized Fred McCormick, local reporter, for starting a local online news source The Valley Echo and encouraged citizens to visit the website at https://www.thevalleyecho.com/community-news

2. PROCLAMATION AND AWARD RECOGNITION

A. Proclamation – Mayor Don Collins presented a proclamation honoring the service of the late Alderman Carlos L. Showers, to his wife, Shelia Showers. The proclamation expresses the deep appreciation on behalf of the Board of Aldermen and citizens of the Town of Black Mountain for the valuable service which Alderman Showers provided to the Town. The proclamation was presented in memoriam of **CARLOS L. SHOWERS** and a copy will be placed within the records of the Town of Black Mountain.

B. Proclamation - Mayor Don Collins presented a proclamation honoring the Black Mountain Beautification Committee commending them for 20 years of service to the Town.

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.*

The following citizens addressed the Board of Aldermen with comments: Marilyn Sobanski; Weston Hall; Theresa Fuller; Elaine Loutzenheiser.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

Jamey Matthews, Public Works Director presented the Public Works Annual Water Report to the Board of Aldermen. The report is made part of and included in these minutes.

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 February 6, 2020 (Agenda Session), February 10, 2020 (Regular Session), and February 10, 2020 (Closed Session).*

B. Budget Amendment for Attorney Fees **#FY20-14**

Motion: *To approve Budget Amendment #FY20-14 as submitted increasing expense account 1000-4100-040 (Professional Services) by $25,000 and increasing the revenue account 1000-3905-900 (Fund Balance Appropriated) by $25,000.*

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

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

6. CITIZEN COMMENTS

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

There were no citizen comments.

7. UNFINISHED BUSINESS

A. 2020 Sanitation Contract

Manager Harrold recalled previous conversations regarding this item reminding everyone the current sanitation contract with Waste Pro expires on September 30, 2020. Manager Harrold stated the town received one RFP from Waste Pro Inc. to continue to provide sanitation services to the town at a cost of $1,073,650 for the same level of service. Manager Harrold stated the cost estimate for the end of this fiscal year with Waste Pro is $796,200 (for current services) which is $16.26 per household. Manager Harrold stated the new proposal will increase to $21.93 per household for the same level of service if adopted. Manager Harrold stated he has spoken with Waste Pro and was able to negotiate a reduction to their proposal to $963,000 which is $19.67 per household. Manager Harrold stated he has conducted research of other municipalities and visited them to observe operations and said he has put together an informal budget to compare costs of in-house sanitation operations. Manager Harrold stated he anticipates the first year cost of service to be $12.58 per household or $616,100 for the same service level in year 1. Manager Harrold stated this figure does not include debt payments for equipment. Manager Harrold presented cost estimates for increases after year one showing estimates increasing to #13.62 in year 2, $14.25 in year 3, and so on up to year 10. Manager Harrold stated all of these costs are cheaper than the initial cost with Waste Pro. Alderman Larry B. Harris inquired regarding trucks and costs. Manager Harrold stated there is a capital reserve line set aside in this proposed budget for $75,000 annually to go toward purchasing trucks when needed in the future (around year 5).

Manager Harrold stated the proposed budget includes five new staff, one pickup truck with a hopper, two 25 yard rear loaders, and a 26 yard knuckle boom truck for brush pick up. Manager Harrold stated he feels staff has worked very hard on this budget and it is very lean. Manager Harrold stated he does have reserves about purchasing two trucks initially due to the potential of needing a backup truck. Manager Harrold stated these trucks cost approximately $160-175,000 each new but stated there may be options to rent or short term lease in the event an additional truck is needed or one truck is down for maintenance. Manager Harrold provided a conceptual operations plan indicating very similar routes and service as what is currently being offered in town. Manager Harrold stated garbage pickup would continue 4 days a week and recycling every other week and said on days the recycling truck is not running it would be picking up brush or bulky items. Manager Harrold stated there were over 900 brush pick-ups in one month in 2018. Mayor Collins stated the Board is aware changes will need to be made regarding brush pick up amounts and said this will be forthcoming. Alderman Harris discussed capital budgeting stating he is in favor of the addition of a third garbage truck into the budget. Manager Harrold stated the year 1 cost would be $16.14 with an additional truck. Alderman Harris thanked Waste Pro for their service to the Town but reminded everyone of the Board's due diligence to the tax payers. Mayor Collins stated he preferred to start out with a very lean budget. Alderman Harris stated he preferred having a contractual agreement in place with Waste Pro in the event of an accident or similar situation reducing availability of trucks in town for service.

Alderman Larry B. Harris moved to reject the bid provided by Waste Pro Inc. for solid waste pick up.

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

B. NC Highway 9 Sidewalk Construction Contract Approval

Attorney Ron Sneed recalled previous discussions regarding Phase II sidewalk installation along Highway 9 which is proposed to cross properties from Dogwood Drive to Jane Jacob Drive including crossing property owned by Sikes Regan. Attorney Sneed stated Mr. Regan has asked for brick pavers instead of concrete at a cost difference of $65,000. Attorney Sneed recalled discussions Mr. Regan and the preference of the Board of Aldermen not to pay the additional cost. Attorney Sneed stated Mr. Regan was unwilling to grant an easement or pay the additional cost of brick. Attorney Sneed advised the only option would be to reject the bid and continue on with Phase III of the sidewalk which will bypass this section.

Alderman Ryan Stone moved to reject the contract to Southern Appalachian Grading and Excavating, Inc. and to instruct the Town Manager to move forward with bidding Phase III of Highway 9 sidewalk project.

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

8. ORGANIZATIONAL MEETING

A. Appointment of Alderman for the Town of Black Mountain to an unexpired term ending 2020

Board members thanked everyone who expressed interest in seeking appointment to the Board. Alderman Tim Raines stated many qualified candidates expressed interest in appointment and said this was an unenviable task he and the Board has been given but said it is necessary and expressed interest in establishing a procedure for future boards to allow for a special election if this occurred again. Attorney Sneed clarified a local act through the NC General Assembly would be required. Alderman Ryan Stone agreed with Alderman Raines and stated he felt the process should be up to the citizens to choose a successor. Mayor Collins stated he feels the choices of appointments in the past few years have been good ones and said he appreciates the leadership of each and every one of them.

Alderman Larry B. Harris moved to appoint Cheryl Milton as Alderman to the Town of Black Mountain Board of Aldermen.
The motion failed by a vote of 1-3.

Vice Mayor Maggie Tuttle moved to appoint Jennifer Willet as Alderman to the Town of Black Mountain Board of Aldermen.
The motion passed by a vote of 3-1.

The Oath of Office of Appointed Alderman, Jennifer Willet was issued by Mayor Don Collins following the meeting.

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

1. **Black Mountain- Swannanoa Chamber of Commerce Executive Board:**

Alderman Larry B. Harris moved to appoint Town Manager, Josh Harrold to serve as member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.
The motion was approved by a vote of 4-0.

2. **Asheville Regional Housing Consortium:**

Vice Mayor Maggie Tuttle moved to appoint Alderman Ryan Stone to serve as alternate member of the Asheville Regional Housing Consortium.
The motion was approved by a vote of 4-0.

3. **Friends of the Fonta Flora State Trail Executive Board:**

Vice Mayor Maggie Tuttle moved to appoint Alderman Larry B. Harris to serve as member of the Friends of the Fonta Flora State Trail Executive Board.
The motion was approved by a vote of 4-0.

9. NEW BUSINESS

A. Compliance with NC G.S. Chapter 160D- *Attorney Ron Sneed*

Attorney Sneed stated the NC General Assembly has made procedural improvements and simplified many processes for development ordinances and gave municipalities a deadline of January 1, 2021 to come into compliance with the new rules and regulations. Attorney Sneed stated this will be a fairly large amount of work and will steer the Town into having a Unified Development Ordinance (UDO) in the future. Attorney Sneed stated there is a 13 page checklist which will need to be reviewed and implemented. Attorney Sneed stated the Comprehensive Planning process will also inform this process. Attorney Sneed stated he and staff will create the first draft of the revisions which then will go to the Planning Board for recommendations. The Chapter 160D Resource Page created by the UNC School of Government may be found here: https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019

B. Resolution to Provide Matching Funds for Ninth Street Bridge Replacement ***#R-20-03***

Manager Harrold reminded everyone that municipal bridges are inspected every two years by the NCDOT and said the Ninth Street Bridge has received a low score by NCDOT engineers and is in need of replacement. Manager Harrold stated the estimate to replace the bridge is around $467,000 and said funding may be applied for in the 2020 cycle of the Surface Transportation Block Grant (STPG) to assist in replacing. Manager Harrold stated this is a 20% match commitment if awarded.

Alderman Larry B. Harris moved to approve Resolution #R-20-03 committing to matching funds, if awarded, in the amount of in the amount of $91,400, which is twenty-percent (20%) of the total request of the grant application for 2020 STBG to provide funding for construction for the Ninth Street Bridge Replacement. The motion was approved by a vote of 4-0.

10. PUBLIC HEARING -NONE

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

11. COMMUNICATION FROM STAFF

A. Town Attorney – Attorney Sneed gave an update on the Hemphill property stating all of the beneficiaries have signed documents to convey the property to the Town for use as a park. Attorney Sneed stated he expects this to be completed by early May.

B. Town Manager – Manager Harrold stated staff continues to meet with Buncombe County regarding the COVID-19 emergency response. Information may be obtained at https://www.buncombecounty.org/covid-19/default.aspx

Manager Harrold also stated Advisory Boards and Commissions applications are being accepted and are due by April 24th. The applications are available on the Town's website.

12. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris read communications from David Fann, President & Director of Avadim Health, Inc. regarding the Avadim Project. Alderman Harris stated this economic development project is still underway but is in a quiet period at this time according to President Fann. A copy of the email is attached to and included in these minutes.

Alderman Harris also read communications from Mike Clark, NCDOT Division Project Engineer regarding the I-40/Blue Ridge Road Interchange Project stating the design process is underway but right of way acquisition has been delayed until the spring of 2021 due to state funding. Construction is currently scheduled in 2023. A copy of the email is attached to and included into these minutes.

Mayor Collins addressed Cheryl Milton thanking her for her service to the town on the Zoning Board.

13. ADJOURNMENT

Alderman Larry B. Harris moved to enter into closed session to discuss personnel matters, as permitted in NCGS § 143.318.11(a)(6) at 7:18 p.m.
The motion was approved by a vote of 4-0.

Alderman Larry B. Harris moved to return to open session at 7:22 p.m.
The motion was approved by a vote of 4-0.

Alderman Larry B. Harris moved to increase Chris Kuhn's salary by $2,992.94 annually due to promotion to Police Lieutenant.
The motion was approved by a vote of 4-0.

There being no further discussion, on a motion by Larry B. Harris, with a vote of 4-0 Mayor Don Collins adjourned the meeting at 7:24 p.m.

ATTEST:

Angela Reece, Assistant to Manger/Town Clerk	Don Collins, Mayor

Town of Black Mountain

Public Works Department

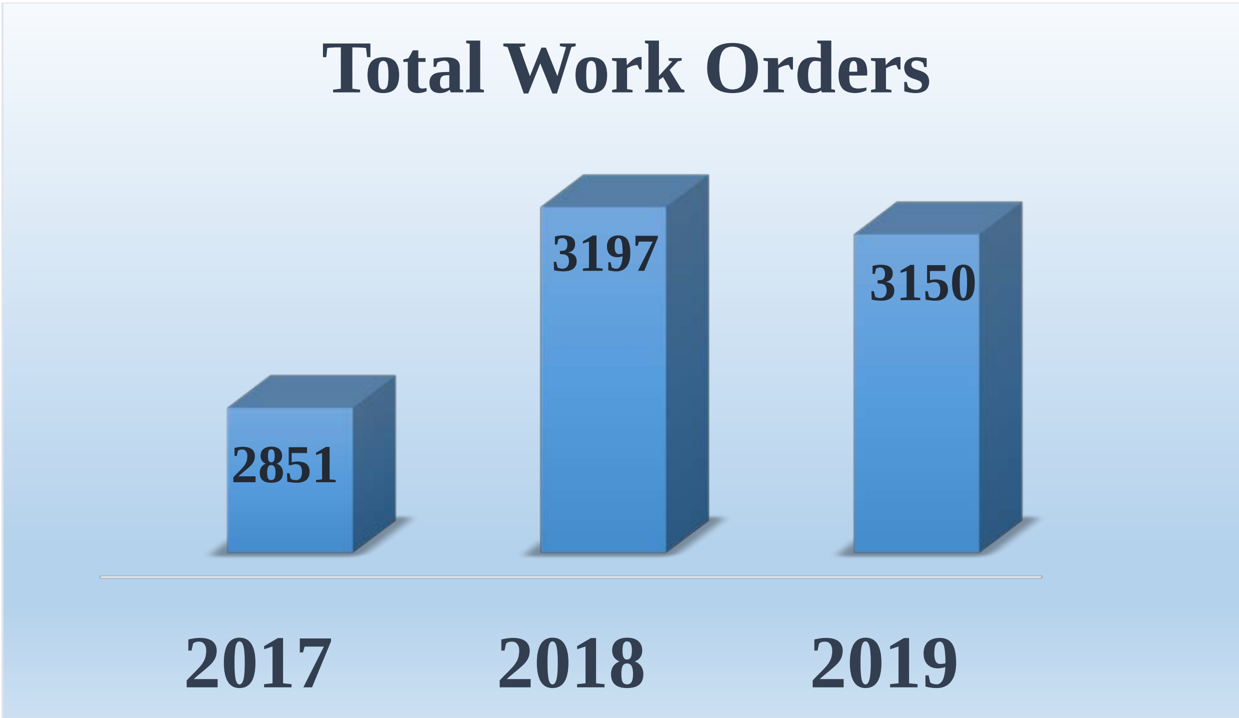
Annual Water Operations Report 2019

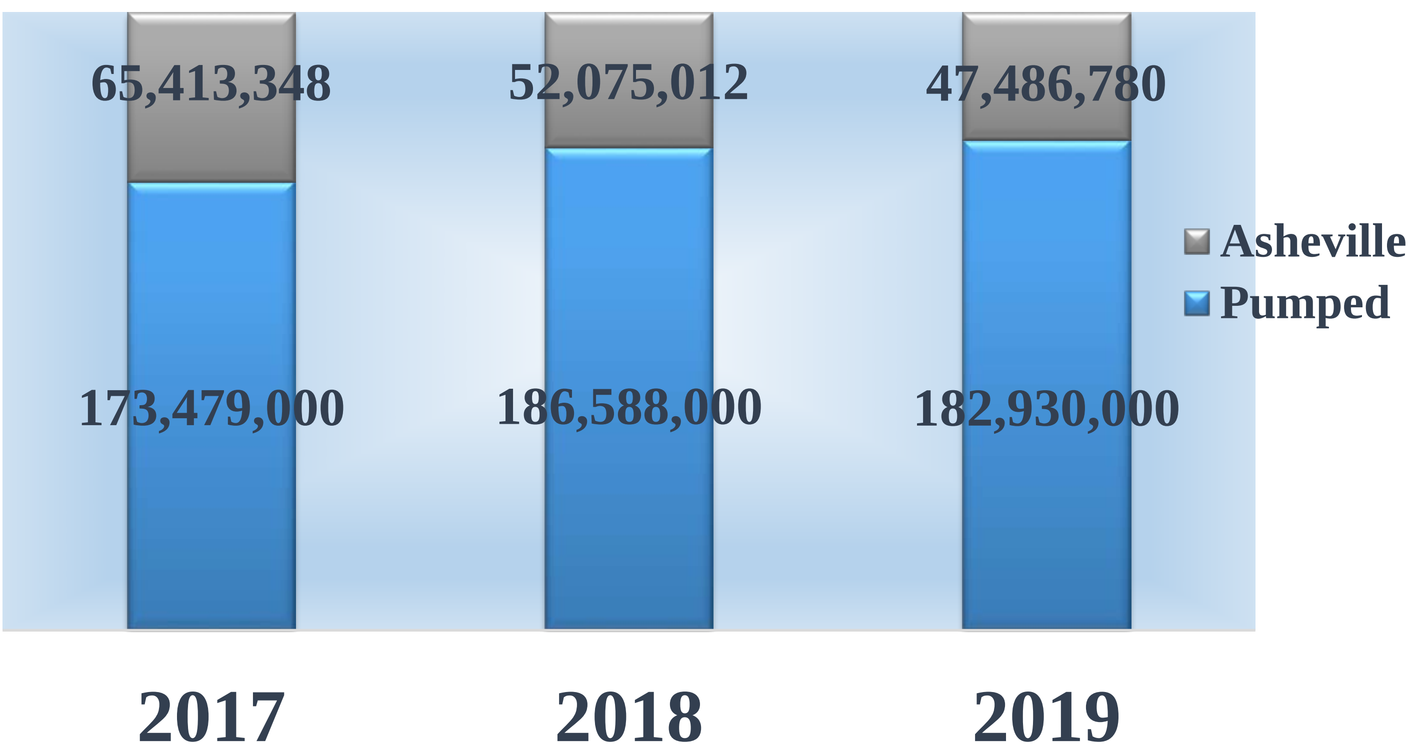
- **2019 Water Operations Projects**
  - Replaced Well Pumps 17,19 & 20
  - Refurbished Well 1
  - Refurbished Timber Park Pump Station
  - Installed new pumps at Chapel and Pinnacle Pump Stations
  - Generators online at Pump Stations
  - Installed air relieve valve on Lookout Terrace
  - Installed cut in valves on Ninth St, Tenth St and Montreat Rd
  - Eliminated 2” line under Black Mountain Ave. bridge
  - Took over 6” water line & taps from Asheville (Blue Ridge Assembly Dr.)
  - Installed 6” water line on Black Mountain Ave. for 304 Black Mountain Ave. sprinkler system
  - Created maintenance plan for The Settings water system with H.O.A.

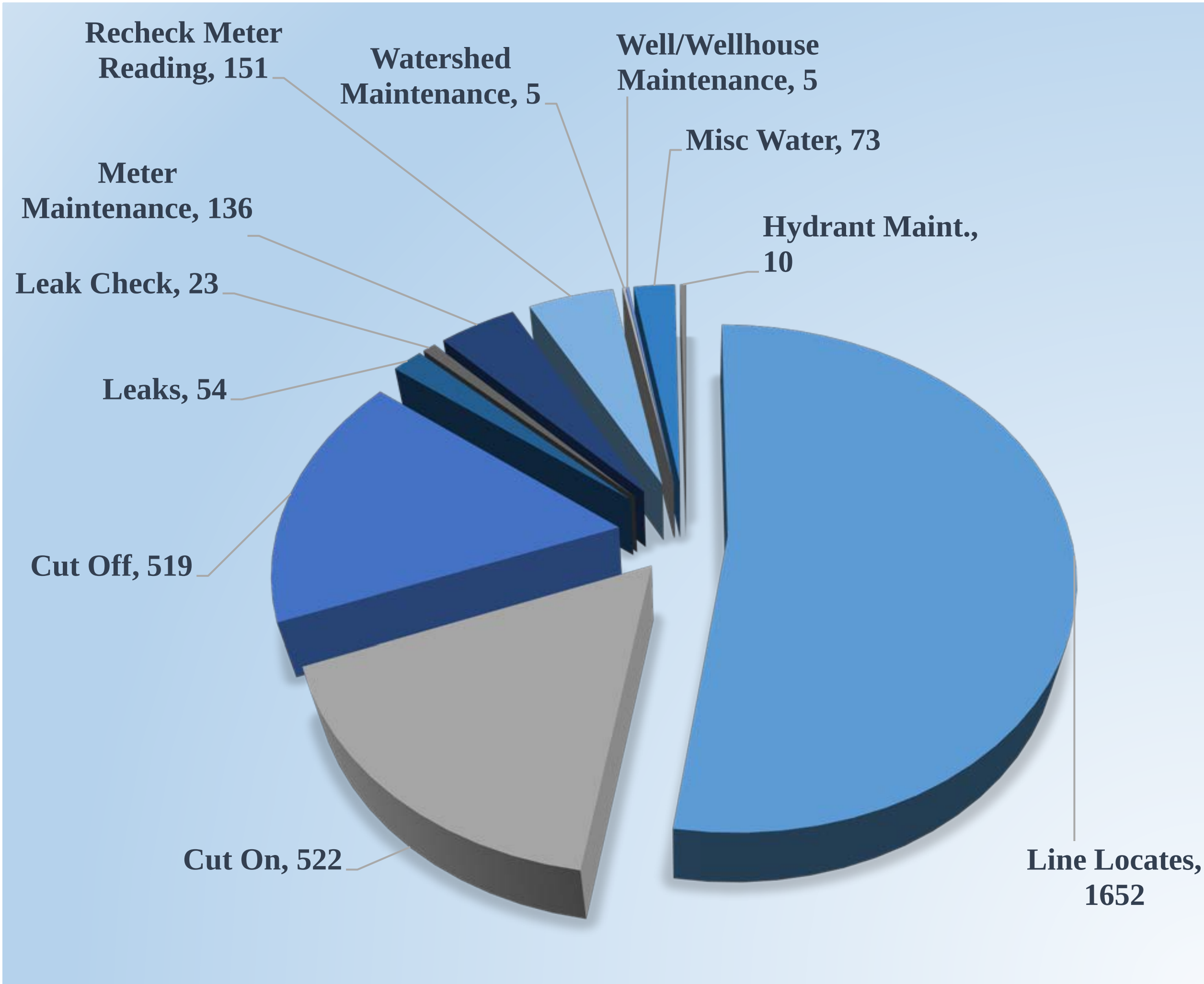
- **Work Orders Completed**

During 2019, the Public Works Department completed a total of 3150 water operations work orders. Below is a breakdown of the work orders completed.

Description	
Line Locates	1652
Cut On	522
Cut Off	519
Leaks	54
Leak Check	23
Meter Maintenance	136
Recheck Meter Reading	151
Watershed Maintenance	5
Well/Well house maintenance	5
Miscellaneous Water	73
Hydrant Repair/Maintenance	10
Total	**3150**


Total Work Orders
2851
3197
3150
2017
2018
2019


65,413,348
52,075,012
47,486,780
173,479,000
186,588,000
182,930,000
Asheville
Pumped
2017
2018
2019



2020 Year to Date Highlights

- Asheville takeover
- Automated meters
- Asheville connection pump station

Josh Harrold <josh.harrold@townofblackmountain.org>

Fwd: IPO Update. Avadim

5 messages

Larry Harris <larryh@85peachtree.com> Fri, Feb 21, 2020 at 8:53 AM
To: Josh Harrold <josh.harrold@townofblackmountain.org>. Erica Anderson <erica@landofsky.org>, Don Collins <donaldcollins@charter.net>.

FYI Regarding Avadim and it's initial public offering of stock

Begin forwarded message:

> **From:** David Fann
> **Date:** February 20, 2020 at 2:56:20 PM EST
> **To:** David Fann Joe McGuire , Steve Woody
> **Subject: IPO Update**
>
> Dear Avadim Friends and Family:
>
> As most of you are aware, our IPO has been delayed. However, our public registration is still active and the IPO process is fluid and ongoing. Unfortunately, this also means we are still in a quiet period. We will update everyone as we can. We continue to focus on building shareholder value for all of us.
>
> Sincerely,
>
> **David Fann**
>
> President & Director
>
> ***Avadim***
> *HEALTH*
>
> **Avadim Health, Inc.**

Currently, we have been notified that we can move forward with the design of the I-4409 Blue Ridge Road project, however, Right of Way acquisition will be delayed until early spring 2021. Locally, we will push to meet this milestone, as we are aware of the importance of this project to the Town of Black Mountain. Regarding the delay, I know you are getting many questions from your constituents. Please do not hesitate to forward any calls or complaints to me and I will do my best to explain the current situation. Further, we are updating our project website to reflect the new milestone dates and timelines. Hopefully, the website revisions will be complete in the coming days and will help with questions. I will let you know when the revisions have been made and the site is up.

Please let me know if you have any further questions.

Thanks,

Mike Clark
Division Project Engineer
NC Department of Transportation

55 Orange Street
PO Box 3279
Asheville, NC 28802+3279