



TOWN OF BLACK MOUNTAIN

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

Date: April 13, 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.*

 **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
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold, Town Manager
Angela Reece, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney

The following staff members were present remotely using Zoom conference calling:

Dean Luebbe, Assistant Town Manager/Finance Director
Shawn Freeman, Police Chief
Scottie Harris, Fire Chief
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director

The public was invited to attend the meeting remotely using Zoom software due to the Stay-Home Stay-Safe orders issued by the Governor with respect to the COVID-19 Pandemic.

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.

Black Mountain Board of Aldermen
Regular Session Minutes – April 13, 2020

on Sundays. Meetings initially air the same week in which they occur and are shown weekly until the next regularly scheduled meeting. Citizens may also go to the Town website www.townofblackmountain.org at any time and view the most recent regular meeting of the Board.

Mayor Collins addressed the public in the following statement:

In response to the global spread of COVID-19 and the high public health threat posed to our citizens, it humbles me to address you remotely for the first time in our Town's history.

As you are aware, the Town, by consent of our leadership, our Town is part of the State of Emergency Declarations issued by County leaders beginning on March 12, 2020.

Increases in COVID-19 cases throughout Buncombe County and the State further prompted a Stay At Home Order issued by Governor Roy Cooper on March 27, 2020 which enacted temporary closures of certain businesses and instructed everyone to stay at home. Additional restrictions have been ordered today to mandate social distancing within essential businesses.

These extraordinary measures are intended to protect the safety and welfare of our residents, visitors, and staff.

I understand it may be disappointing to hear that many activities and gathering are now prohibited but data shows social distancing and handwashing is working to reduce the number of infected people, flattening the curve.

I am confident that we will make it through this, together, as a community, and we will be stronger.

Alderman Ryan Stone moved to add “policy” and “resolution” to agenda.

The motion was approved by a vote of 5-0

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

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

2. PROCLAMATION AND AWARD RECOGNITION - NONE

3. CITIZEN COMMENTS

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

The following citizens addressed the Board of Aldermen with comments:

Marilyn Sobanski submitted written comment requesting consideration of support for the Buncombe One Fund.

4. COMMUNICATIONS FROM BOARDS, COMMISSIONS & AGENCIES

Josh Henderson, Recreation Director presented the Recreation & Parks Annual 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 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

Manager Harrold stated 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 and will need to be transferred to capital project and capital reserve funds.

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**

Manager Harrold recalled the adoption of ordinance # O-19-15 authorizing System Development Fee collection as authorized in NC G.S. 16A-205 and said 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. Manager Harrold stated O-20-04 establishes the Capital Project Fund to account for these funds.

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.*

Black Mountain Board of Aldermen
Regular Session Minutes - April 13, 2020

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.

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

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

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

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

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

Manager Harrold stated when a developer constructs a subdivision the Town requires a letter of credit or bonding. Town ordinances state funding shall be deposited in an escrow account of an official depository of the town. Manager Harrold stated staff would like to designate additional financial institutions as official depositories in town due to the COVID-19 issues affecting operations and available technology at local banks.

Black Mountain Board of Aldermen
Regular Session Minutes – April 13, 2020

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.*

Alderman Ryan Stone moved to approve consent items A-G as presented and consent item H, as amended.

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

6. CITIZEN COMMENTS

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

There were no citizen comments.

7. UNFINISHED BUSINESS - NONE

8. NEW BUSINESS

A. Emergency Telework Policy

Manager Harrold stated 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. Manager Harrold stated this will allow departments to continue to provide essential and critical services to the citizens of Black Mountain during an emergency event. Manager Harrold stated these types of policies are recommended by the UNC School of Government and was being implemented in municipalities across the state. Alderman Larry B. Harris inquired regarding liability issues due to injury at home and Attorney Sneed stated the policy creates standards of work for the employee to abide by.

Alderman Larry B. Harris moved to approve the Emergency Telework Policy as presented.

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

B. *NEW* Remote Meeting Policy

Alderman Ryan Stone moved to add Remote Meeting Policy to the agenda.

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

Attorney Sneed stated NC General Statutes did not clearly interpret remote meetings but said due to the COVID-19 Pandemic more direction has been given. Attorney Sneed stated the issues

Black Mountain Board of Aldermen
Regular Session Minutes – April 13, 2020

surrounding remote participation in meetings were voting and access and stated the UNC School of Government has now advised remote meetings are acceptable as long as there is active participation by board members and there is a way for the public to see or hear the meeting. Attorney Sneed stated the public must be allowed a citizen comment period and stated using the Zoom software was an acceptable means of providing this. Attorney Sneed stated this policy clearly defines procedures for remote meetings which will comply with NC General Statutes. Attorney Sneed stated he does not recommend allowing quasi-judicial hearings (ZBA/Planning/Historic Board) due to evidentiary and trial proceedings in court. Attorney Sneed stated this policy prohibits those types of hearings at this time but said if the Pandemic continues for a length of time then further decisions will need to be made on how to approach this.

***Alderman Larry B. Harris moved to approve the Remote Meeting Policy as presented.
The motion was approved by a vote of 5-0.***

C. Montessori Lease Amendment

Manager Harrold stated the Montessori School has effectively closed and laid off their staff due to the COVID-19 Pandemic. Manager Harrold stated the director contacted him requesting accommodations on the lease payments. Manager Harrold stated Art in the Afternoon was in the same situation and struggling to make leasing payments with no income coming in. Attorney Sneed stated the Montessori School is requesting an abatement for two months but reminded the Board Art in the Afternoon's lease will be expiring soon and will also need to be addressed as it occupies the same building.

***Alderman Larry B. Harris moved to direct the Town Attorney to communicate with the Montessori School and Art in the Afternoon to formulate an agreement for rent abatement for the months of April and May 2020 with the condition that they continue to keep the building secure and monitored.
The motion was approved by a vote of 5-0.***

D. Art in the Afternoon Lease Amendment & Renewal (Item was not considered)

9. PUBLIC HEARING -NONE

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

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Attorney Sneed expounded on the additional depositories clarifying that any bank on the list of depositories for the State may be acceptable and said this will give the town flexibility.
- B. Town Manager – Manager Harrold thanked all employees for continuing to provide services to the public during the Pandemic. Manager Harrold updated the Board regarding information from the Governor’s press conference earlier today stating that there were now 4,816 cases and 86 deaths in NC that are reported. He stated the cases are increasing but at a slower rate due to social distancing and stay-at-home orders. Manager Harrold stated 560,000 North Carolinians have filed for unemployment benefits. Buncombe County has 37 cases and 3 deaths. Manager Harrold stated some staff have been directed to work for other departments and said staff are taking precautions and doing temperature checks. Manager Harrold stated he is working on the budget and said there will be economic impacts throughout the state in the upcoming budgets and advised it may be wise to adopt the budget at the latest possible timeframe due to the numbers changing constantly. Budget meetings will be scheduled and noticed soon.

Additional information on COVID-19 may be obtained at
<https://www.buncombecounty.org/covid-19/default.aspx>

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Larry B. Harris inquired regarding ordering the trucks for solid waste pick up and the ability of the manufacturer to produce them on time. Manager Harrold stated he has ordered the trucks two weeks ago and was advised there will be a 12-16 week turnaround.

Alderman Ryan Stone thanked the Mayor, Manager and staff for their leadership during this situation and said he appreciates everything being done to continue operations. Alderman Stone congratulated and thanked Alderman Willet for joining the board.

Mayor Collins addressed the public regarding grocery store etiquette and asked citizens to be kind to the local grocers’ staff and to understand supplies are limited and that their staff are putting themselves in harm’s way to keep the stores open. Mayor Collins asked citizens to treat workers with kindness and respect.

Mayor Collins thanked Cheryl Milton for ordering N-95 masks and Windell Begley for donating to the Police and Fire Department.

12. 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 7:08 p.m.
The motion was approved by a vote of 5-0.*

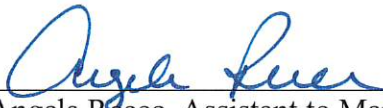
Black Mountain Board of Aldermen
Regular Session Minutes – April 13, 2020

*Vice Mayor Maggie Tuttle moved to return to open session at 7:13 p.m.
The motion was approved by a vote of 5-0.*

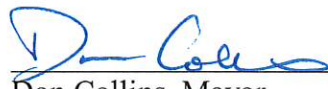
*Alderman Larry B. Harris moved to increase Timothy Teves salary by \$3,849.46
annually due to promotion to Police Sergeant.
The motion was approved by a vote of 5-0.*

*There being no further discussion, on a motion by Alderman Ryan Stone, with a vote of 5-0
Mayor Don Collins adjourned the meeting at 7:13 p.m.*

ATTEST:



Angela Reece, Assistant to Manger/Town Clerk



Don Collins, Mayor

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: 13 teams, 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

JOSH STEIN
ATTORNEY GENERAL



SHANNON CASSELL
SPECIAL COUNSEL
(919) 716-6425

March 26, 2020

Greg McLeod
Deputy General Counsel, Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

RE: Advisory Letter Regarding the Ability for Local Public Bodies to Conduct Open Meetings
Electronically

Dear Greg,

I write with regards to the request from your office for us to weigh in on the issue of whether local governing boards can carry out their meetings electronically and remain in compliance with Open Meeting Laws. This question comes on the heels of federal and state executive orders directed at preventing the spread of COVID-19 by significantly limiting – if not prohibiting – the ability to gather in person, yet governing must continue at all levels of state and local government.

QUESTION PRESENTED:

Can local governments carry out their necessary meetings via electronic means during these exigent circumstances?

BRIEF ANSWER:

Yes, because electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws.

DISCUSSION:

At the outset, it is significant to note that the Public Policy behind the Open Meetings Laws is to ensure the hearing, deliberations, and actions of the public bodies “conduct[ing] the people’s business” be conducted openly. N.C.G.S. §143.318-9.

Generally speaking, a public body may hold an official meeting (defined in N.C.G.S. § 143-318.10(d)) by use of electronic means. N.C.G.S. §143-318.13. In that case, it shall provide a location and means whereby members of the public may listen to the meeting, the location of which should be specified in

the notice. *Id.* A fee of up to \$25 may be charged to each listener to defray the cost of providing the necessary cost and equipment. *Id.*

As with all meetings being made available to the public, public bodies should still comply with statutory requirements of notice, access and minutes.

1. Notice – The public body must provide notice of an official meeting. N.C.G.S. §143-318.12. Most meetings require 48-hours' notice and that should be met if at all possible. N.C.G.S. §143-318.12(b)(2). Emergency meetings may be called on short notice, but notice should still be provided. N.C.G.S. §143-318.12(b)(3).
2. Access – With few exceptions, an official meeting of a public body shall be open to the public. N.C.G.S. §143-318.10. Access should be reasonable. The Governor can, and has, limited the number of people that can physically attend a gathering. That limitation must be respected. This means the public must be given reasonable means of listening/participating in the meeting.
3. Minutes – Minutes are required and should be respected even when conducting the meeting electronically. N.C.G.S. §143-318.10(e). These may be in the form of sound or video and sound recordings. *Id.*

When public bodies are attempting to comply with statutes requiring a physical quorum, it is best that the physical quorum be met if at all possible. As of today, that would need to be no more than ten people in the meeting. Minutes should specifically record the person(s) that is not able to be physically present as not recusing himself or herself, but rather choosing to participate electronically. As discussed herein, if it is not possible for a quorum to be physically present, I believe it is reasonable for the governing body to meet electronically.

When meetings of public bodies are not necessary for immediate ongoing governance, I would encourage postponing that meeting until a future time when the meeting can occur in-person.

I realize this does not address all of the various statutory provisions that could be implicated, and that is not the intent of this letter. I have provided citations when available, but have also canvassed available information. All weighing in on this topic are in agreement: whatever is not explicitly addressed in the statutes should be met with reasonableness to allow transparency into the local governing process. That is to say that local governments must continue to run, people have been ordered to not convene in groups larger than ten, and reasonableness must prevail in a time like this. Again, these are unprecedented times and I feel confident a court will view efforts to remain transparent through a lens of reasonableness, which can be met through electronic meetings.

This is an advisory letter and has not been reviewed and approved in accordance with the procedures for issuing an Advisory Opinion of the Attorney General. Please let me know if I can be of further assistance.

Sincerely,

s// Shannon Cassell
Special Counsel

cc: Alec Peters, Chief Deputy Attorney General
Blake Thomas, Deputy General Counsel

REMOTE MEETING PARTICIPATION POLICY

The Town of Black Mountain Board of Aldermen authorizes remote participation in briefings and official meetings of the Board of Aldermen only in Town emergencies, as declared by the Mayor. For all open meetings, the town will take reasonable steps to allow the public to view and/or hear the proceedings, and will take reasonable steps to allow citizen comments in the regular monthly meetings of the Board of Aldermen, and to enable participation in public hearings of the Board of Aldermen and other town boards and commissions. The mechanism for allowing such public participation will be set out in the meeting agenda which will be posted on the Town's website.

Remote participation is subject to the following rules and procedures:

1. Remote participation may be used only in limited circumstances. A Board Member desiring to participate in a meeting remotely must assert one or more of the following reasons for being physically unable to attend the meeting:
 - a. Personal illness or disability;
 - b. Employment purposes;
 - c. Family or other emergency;
 - d. To participate in other scheduled Town-related meetings which make it logistically impossible to attend the Board meeting; or
 - e. In times of a national emergency as declared by the President of the United States or a statewide emergency as declared by the Governor of North Carolina.
2. Remote participation may be allowed only during open sessions.
3. Remote participation shall not be allowed during the following:
 - a. Quasi-judicial hearings; and
 - b. Closed sessions.
4. In emergency situations, remote participation will be allowed to establish a quorum pursuant to General Statute 143-318.10(d).
5. A Board Member desiring to participate in a meeting remotely must notify the Town Clerk of the need for remote participation at least 24 hours prior to the start of the meeting, unless advance notice is impractical.
6. At the start of the official meeting and prior to participating in deliberations, the Mayor shall announce that a Board Member has requested to participate remotely, and the Board may take action to approve.
 - a. A Board Member participating remotely shall participate via teleconference communication and must be fully heard by other members of the Board and any other individuals in attendance at the meeting.
 - i. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Board may elect to disallow or discontinue the remote participation.
 - b. Such Board Member shall identify himself or herself and state the reason that he/she is participating remotely.

7. A Board Member participating remotely shall be allowed to participate in all open session Board briefing discussions and open session official Board meeting discussions.
8. A Board Member participating remotely shall be able to vote on matters allowed under the policy. One or more Board Members may cast the deciding vote(s) on a matter. In this event, the vote(s) shall be ratified by the remotely attending Board Member(s) at the next Town Board meeting at which the member(s) are physically present.
 - a. A Board Member participating remotely shall provide a voice vote which can be heard and recorded if participating by telephone and shall provide a voice and hand vote if participating by video.
9. Where practical, a Board Member participating remotely shall be provided with all documents to be considered during the meeting.
10. This policy shall also be applicable to all Town of Black Mountain boards, commissions and committees appointed by the Board of Aldermen with the exception quasi-judicial hearings of the Board of Adjustment and the Historic Preservation Commission.

I move the adoption of the foregoing policy:



Alderman

READ, APPROVED AND ADOPTED, by a vote of 5 to 0 this the 13th day of April, 2020.

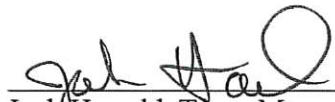
ATTEST:



Don Collins, Mayor



Angela Reece, Town Clerk/Assistant to Manager



Josh Harrold, Town Manager



BLACK MOUNTAIN
MONTESSORI

March 24, 2020

Hello Parents,

I am writing this letter from home, as I am sure most of you are reading it at home. It looks like we all have the potential to be home for some time based on forecasts of this global crisis. I hope that we can all use technology in order to stay connected as a vital community of caring, compassionate and nurturing people.

In light of Governor Cooper's announcement yesterday, that schools will be closed until May 15th, and in combination with information that the Board of Directors gathered around our cash flow for the remainder of the year, we have made some decisions that we feel best support the long-term health of our organization, our teachers and our families.

As of today, we have temporarily suspended operations and temporarily laid off the entire staff for the remainder of the school year. While this was an extremely difficult decision to make, we just couldn't in good conscience continue regular operations with the uncertainty of the next few months. We feel confident that by making the decision now to immediately and significantly decrease our expenses, especially with the potential of no new revenue, we are safeguarding our reserves that will allow us to have the funds we need to return to operations. On top of the salary expense, we have reached out to our creditors, utility accounts and to the landlord to defer payment until we begin to collect income again. At this time, the response from those entities has been positive.

We realize that a few families indicated interest in school-led online learning. Unfortunately, with such a small number of families showing interest it is not feasible for us to provide this. Please take advantage of the resources our teachers and staff have sent around in the past few weeks, and will continue to send. Our teachers desire to stay connected and support you and will be in touch with how this will happen. Many of them are also willing to provide virtual learning that you will need to arrange directly with them.

As educators, we understand that when we are all able to come back to school there will be backtracking that has to be done. This is the new normal for all schools and students and will be something that has to be addressed when we



are able. There is no way for any of the e-learning to deliver the same level of rigor that in-person and in-class learning provides.

So, what does this decision mean for our stakeholders and the future of the school?

School

1. We, without a doubt, have every intention to return to normal operations when we are able. Since there is no known end time to this crisis, we will be planning and poised to do so when that does happen. If we are able to return in June or July, we will plan to run summer camp. If the return time is pushed later, then we will be ready to open and begin the school year at that time.
2. We intend to rehire all of the staff when we resume operations. Of course, all of the hiring will depend on how many families are able to return with us, and how many new families are able to join.
3. We will continue to monitor the safety and security of our building and our assets within the walls.

Families

1. We will not expect that families pay the remainder of their tuition contract for April and May. If you have not paid your March installment, please do so. We still had expenses to pay in March.
2. If you are willing and able to pay all or a portion of the April and May tuition as a gift to the school and an investment into our future, we would be grateful for that support.
3. **Please complete this response form to indicate what you are able to do financially about tuition for April and May. It is imperative that you all reply before March 31st, especially if you are on auto draft, so that we can adjust your billing before April 1st.**

Online Billing Response Form

4. For those of you who have enrolled for the 20-21 school year, we are holding your deposit in a secured account, and that money will only be applied toward your first tuition bill on August 1st. If you are financially not able to commit to returning in the fall, then we will work with you on an individual basis and review our ability to return a portion of that placement deposit or apply a credit to your account. Just like during normal operations, that placement deposit allows us to move forward confidently with hiring and securing supplies before your child even walks through the doors on the first day.



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Faculty & Staff

1. All of our salaried staff who have been temporarily laid off are in the process of filing for unemployment benefits. Our efforts with this decision is to provide some source of steady income for our teachers when we are not in a position to do so. This is not a decision that we wanted to make, nor do we take it lightly. This was a decision that was made to support the future of our school.
2. Many of our teachers will continue to connect with you and your children, as they are able, during this time in order to maintain connection and continue to nurture our community. They plan to also share ideas on how you can create Montessori learning opportunities in your home and sweet ways to enjoy this time at home together. You can expect your teacher to reach out to you in the next few days to let you know what this will look like.
3. Our teachers/staff are grieving the loss of the time they had remaining with your children. They miss them and the relationships they had built through the school year. Our goal in maintaining this level of engagement is to support your children and you during what is a traumatic time of isolation. Our teachers and staff are volunteering their time to lift up our school community and hold us all together through connection and love.
4. Many of our teachers/staff are also willing to provide online tutoring for your children during this time, and they will appreciate additional sources of income. If this is something you are interested in, contact me and I will put you in touch with the teachers/staff who have shown interest in this arrangement.

Students

1. At this time of uncertainty, anxiety and fear, what our precious children need most is our love, our time and our calm. It is difficult to shift to this place with all of the fear and unknowns in the world outside our home, but at the end of this tunnel, what they will need more than academic preparedness is the security of their family's love and the knowledge that they have a school community to come back to. Please take time to read to each other each day, go for walks and connect in and around your home in ways like cooking together or organizing spaces in your home. These moments will be more important in the long term than anything else.
2. As you are able, please help your children join in the engagement we are offering, so that they have small glimpses of their friends and teachers who they miss and love. Any connection to what they know and love is



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crucial. As humans, we crave connection and thrive on connection. It just looks different in this time and space.

3. Young people are resilient and strong, and we know that any ground that is lost academically will be made up in the future. That is not a concern that has to be addressed now.
4. We will plan for an end of school year celebration that will bring us all together and to say good-bye to any staff or students who won't be returning next year. Stay tuned for those details.

Thank you for taking the time to read through this long letter. I know I have covered a lot of details. If there is anything that I have forgotten to address, please reach out. Everyone at this school—admin, staff, faculty, board of directors—holds each of you in our hearts and we look forward to the time when we can all be together in person as a whole community.

In Gratitude,

Erin

Erin Van Note and
BMTM Board of Directors

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Erin Van Note

Head of School

Black Mountain Montessori

101 Carver Avenue, Black Mountain, NC 28711

(828) 669-8571 • bmtmont.org



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Josh Harrold <josh.harrold@townofblackmountain.org>

AITA at Carver

6 messages

stephanie@sulzman.net <stephanie@sulzman.net>

Wed, Mar 25, 2020 at 11:17 PM

To: "lily harrold (josh)" <josh.harrold@townofblackmountain.org>, "lily harrold (josh)" <josh.harrold@gmail.com>

Hello Josh!

I hope you and yours are doing well.

I wanted to touch base about my rental agreement at The Carver Center. Due to the nature of this virus, I have decided to close AITA as long as the schools are closed. I cannot, in good conscience, ask parents to pay out their contracts at this time (April and May). I am hoping I can still do my summer camps, which will bring in money for me to cover the rent in June and July. Hopefully school will resume in August and I will be back in business as usual. My concern is the lack of revenue for part of March, April and May. I am hoping we can work something out together. Of course if we are back in May at all, I will prorate the amount for the month and then I would have some money to pay some rent for May.

Let me know if you'd like to speak about this or just email me back at your convenience. I know you have a lot on your plate right now!

Please tell Lily I said Hello and to keep making art. She has an incredible gift!

Take Care,

S Sulzman
Art in the Afternoon

Josh Harrold <josh.harrold@townofblackmountain.org>

Fri, Mar 27, 2020 at 8:10 AM

To: Stephanie Sulzman <stephanie@sulzman.net>

Thanks for letting me know Stephanie. I know this is a tough time for many people. I'll be sure to let our Board know. I'm optimistic we can work something out.

[Quoted text hidden]

Josh Harrold, AICP, CFM, CZO
Town Manager
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711
(828) 419-9300 - Office
(828) 669-4204 - Fax
www.townofblackmountain.org

Josh Harrold <josh.harrold@townofblackmountain.org>
To: Stephanie Sulzman <stephanie@sulzman.net>

Thu, Apr 2, 2020 at 3:47 PM

Hey Stephanie,

Your lease is up this year. The contract is year to year. Are you interested in renewing your lease? Are you willing to pay the same amount? How many kids do you serve? I hope you're staying well.

Thanks,
[Quoted text hidden]

Josh Harrold <josh.harrold@townofblackmountain.org>
To: sssulzman@icloud.com

Fri, Apr 10, 2020 at 10:08 AM

Here you go Stephanie.
[Quoted text hidden]

Stephanie Sulzman <sssulzman@icloud.com>
To: Josh Harrold <josh.harrold@townofblackmountain.org>

Fri, Apr 10, 2020 at 10:52 AM

I am absolutely interested in renewing. I think I can pay the same. It's so up in the air but I'm hoping I can get enrollment to the norm whenever school opens again. I currently have about 70 students enrolled. As long as I get people enrolled it should not be a problem. I'd also be interested in a longer term lease.

Thank you !

Stephanie Sulzman

Sent from my iPhone

On Apr 10, 2020, at 10:09 AM, Josh Harrold <josh.harrold@townofblackmountain.org> wrote:

[Quoted text hidden]

Josh Harrold <josh.harrold@townofblackmountain.org>
To: Stephanie Sulzman <sssulzman@icloud.com>

Fri, Apr 10, 2020 at 12:31 PM

Great. Thanks.
[Quoted text hidden]