



TOWN OF BLACK MOUNTAIN

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

Date: **December 14, 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 Savannah Reece at 419-9310, or by email at savannah.parrish@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation
- Announcements

2. PROCLAMATION AND AWARD RECOGNITIONS

- A. Proclamation in honor of Vice Mayor Maggie Tuttle – Mayor Larry Harris
- B. Proclamation in honor of Alderman Jennifer Willet – Mayor Larry Harris

3. CITIZEN COMMENTS

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

4. 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 November 5, 2020 (Agenda Session), November 9, 2020 (Regular Session), and October 29, 2020 (Greenway Update).

B. Call for Public Hearing

Motion: To call for Public Hearing for Text Amendments to Village of Cheshire Master Plan

C. Call for Public Hearing

Motion: *To call for a public hearing for voluntary annexation for a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing

Motion: *To call for a public hearing to rezone a parcel known as Buncombe County PIN #0619-88-6353.00000 from R1 to UR8 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

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

5. UNFINISHED BUSINESS

6. ORGANIZATIONAL MEETING

A. Oath of Office and Installation of Alderman-Elect, Pam King
Steven D. Cogburn, Clerk of Superior Court

B. Oath of Office and Installation of Alderman-Elect, Doug Hay
Steven D. Cogburn, Clerk of Superior Court

C. Oath of Office and Installation of Alderman-Elect, Archie Pertiller
Steven D. Cogburn, Clerk of Superior Court

D. Appointment of Vice-Mayor for the Town of Black Mountain

Nomination: _____

Motion: *To appoint _____ as Vice-Mayor to the Town of Black Mountain Board of Aldermen*

Oath of Office of Vice-Mayor - Steven D. Cogburn, Clerk of Superior Court

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

1. Black Mountain Center for the Arts:

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

Nomination for Member: _____

By: _____

Motion: *To appoint _____ to serve as **member** of the Black Mountain Center for the Arts.*

Nomination for Alternate Member: _____

By: _____

Motion: To appoint _____ to serve as **alternate** member of the Black Mountain Center for the Arts.

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

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

Nomination for **Member:** _____

By: _____

Motion: To appoint _____ to serve as **member** of the Black Mountain Swannanoa Chamber of Commerce Executive Board.

Nomination for **Alternate Member:** _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the Black Mountain Swannanoa Chamber of Commerce Executive Board.

3. Land of Sky Regional Council Board of Directors:

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

Nomination for **Member:** _____

By: _____

Motion: To appoint _____ to serve as **member** of the Land of Sky Regional Board of Directors.

Nomination for **Alternate Member:** _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the Land of Sky Regional Board of Directors.

4. French Broad River MPO Board of Directors:

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

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the French Broad River MPO Board of Directors.

Nomination for Alternate Member: _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the French Broad River MPO Board of Directors.

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

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

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the French Broad River MPO Technical Coordinating Committee (TCC).

Nomination for Alternate Member: _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the French Broad River MPO Technical Coordinating Committee (TCC).

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

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

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the Metropolitan Sewer District (MSD).

7. Asheville Regional Housing Consortium:

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

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the Asheville Regional Housing Consortium.

Nomination for Alternate Member: _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the Asheville Regional Housing Consortium.

8. Friends of Fonta Flora Board

There is one Board appointment to be filled for the Friends of Fonta Flora Board.

Nomination for Member: _____

By: _____

Motion: To appoint _____ to serve as **member** of the Friends of Fonta Flora Board.

Nomination for Alternate Member: _____

By: _____

Motion: To appoint _____ to serves as **alternate** member of the Friends of Fonta Flora Board.

We will now take a 5 minute recess at the Mayor's discretion.

- E. Adoption of the schedule for the Board of Aldermen Agenda Workshop and Regular Session Meetings for 2021.

Motion: *To adopt the 2021 schedule of regular meetings of the Black Mountain Board of Aldermen as presented [or as amended].*

- F. Filing of 2020 Buncombe County Municipal Election Results

Motion: *To enter the 2020 Buncombe County Municipal Election Abstract of Votes into the minutes as part of the Town's record.*

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

1. **Historic Preservation Commission** – (1) vacancy/ unexpired term ending June 30, 2023

Nomination: _____

By: _____

Motion: *To appoint _____ to fill an unexpired term ending June 30, 2023 by a vote of _____ for and _____ against.*

2. **Planning Board** - (1) vacancy/ unexpired term ending June 30, 2021

Motion: *To appoint _____ to fill an unexpired term ending June 30, 2021 by a vote of _____ for and _____ against.*

7. CITIZEN COMMENTS

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

8. NEW BUSINESS

- A. Amendments to Chapter 48 of the Code of Ordinances

#O-20-14

Motion: *To approve and adopt **Ordinance #O-20-14** as presented [or as amended].*

- B. Tuition Reimbursement Policy

Motion: *To approve the Tuition Assistance Program Policy.*

- C. Acceptance of waterlines and easements associated with Avadim project, and conveyance of interest in sewer lines and easements associated with Avadim project.

Motion: To approve the conveyance of the sewer lines and easements to MSD and authorize the Mayor and Town Clerk to execute that conveyance and to approve and accept the conveyance of the water line easements from the County and direct the Town Attorney to record that conveyance in the Office of the Register of Deeds for Buncombe County.

D. Water Connection Tampering Ordinance

#0-20-21

Motion: To approve the proposed ordinance amendment as submitted (or amended)

E. Proposed conveyance of interest in easement

Motion: To approve the execution of a non-warranty deed for that northern portion of that easement shown on that plat recorded in Plat Book 198 at Page 10A, Buncombe County Registry

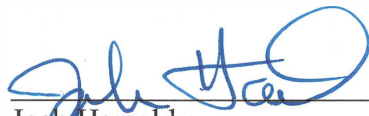
9. PUBLIC HEARING - NONE

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



PUBLIC NOTICE

The Board of Aldermen Regular Session scheduled for **Monday, December 14, 2020 at 6:00 p.m. will be conducted electronically using YouTube Live 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.

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

1. **Join the meeting through YouTube Live on your computer or smart device. * Citizens will be able to comment at the appropriate time using the chat feature to enter their comments. *Citizen video feeds will not be enabled. There is no password.**

https://www.youtube.com/channel/UCWJmKy_6LVe7VFXUrHwpESA

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).**

Call toll free **877-853-5247** or **888-788-0099**

Meeting ID: 820 175 2195

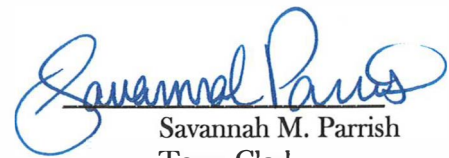
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3. **Email or call in your citizen comments or questions prior to the meeting.**

Call in comments prior to meeting: 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.**



Savannah M. Parrish
Town Clerk

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

Posted to the Town Bulletin Board 12/1/20



TOWN OF BLACK MOUNTAIN

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

Date: November 9, 2020

Time: 6:00 p.m.

Regular Session Minutes

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

1. CALL TO ORDER

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

Mayor Larry Harris
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Maggie Tuttle
Alderman Ryan Stone
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold - Town Manager
Ron Sneed – Town Attorney
Savannah Parrish - Town Clerk/Assistant to the Manager
Jessica Trotman – Planning Director

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Alderman Maggie Tuttle welcomed Pastor Lauren Sims-Salata of Black Mountain United Methodist Church. Pastor Sims-Salata offered the invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris congratulated Alderman Archie Pertiller, Doug Hay, and Pam King on being elected to the Board of Aldermen. Mayor Harris stated that Town Offices would be closed on November 11th, 2020 in observance of Veterans Day and on November 26th and 27th, 2020 for the Thanksgiving holiday

3. CITIZEN COMMENTS - None

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.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

Manager Harrold requested that Agenda Item 8D – Amendments to Chapter 48 be taken off tonight's agenda. Alderman Ryan Stone moved to remove Agenda Item 8D. The motion passed with a vote 5-0.

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 September 14, 2020 Regular Session Meeting and Closed Session Meeting.*

B. Resolution to Award Badge & Service Weapon to Police Sergeant Stacy Ayers # R-20-07

Motion: *To adopt Resolution #R-20-07 awarding retiring Police Sergeant, Stacy Ayers his badge and service weapon as provided in NC G.S. 20-187.2.*

C. Resolution to Award Badge & Service Weapon to Police Major Rob Austin # R-20-08

Motion: *To adopt Resolution #R-20-08 awarding retiring Police Major, Rob Austin, his badge and service weapon as provided in NC G.S. 20-187.2.*

D. Budget Amendment for Governor's Crime Commission Grant.

Motion: *To approve Budget Amendment #BA-FY-21-07 as presented, increasing 10-10-5100-180 (Forfeiture Funds) by \$88,000 and increasing 10-00-3907-000 (Fund Balance Approp. - Police) by \$88,000.*

E. Call for Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential).

Motion: *To call for a public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall at 160 Midland Avenue.*

**F. Call for Public Hearing for Text Amendments to Road Standards (Land Use Code).
O-20-15**

Motion: *To call for a public hearing for text amendments road standards in the Land Use Code to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Call for Public Hearing for Text Amendments to Water Improvements. #O-20-16

Motion: *To call for a public hearing for text amendments clarifying prohibited uses to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

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

Manager Harrold presented the consent agenda. Alderman Maggie Tuttle moved to approve the consent agenda as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

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

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7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Portman Villa Lien

Manager Harrold stated that the structure located at 204 Portman Villa Road was condemned due to unsafe conditions and an order was given for it to be demolished. The property owner did not have it destroyed and therefore the Town paid to have it demolished for a cost of \$6,500.00. A lien was placed on the property in April of 2016. The property owner is now seeking financial assistance or lien forgiveness from the Town. The total amount of the lien with interest is now roughly \$8,843.00.

Alderman Jennifer Willet moved that all interest be abated and that no new interest be accrued on the lien. The motion was approved by a vote of 5-0.

B. Adoption of Town of Black Mountain Standards and Details Manual #O-20-17

This manual consolidates regulations in the Land Use Code and Code of Ordinances. The creation of this manual will include regulations from NC Department of Transportation and the Fire Code.

Alderman Archie Pertiller moved to adopt the Standards and Details Manual as presented. The motion was approved by a vote of 5-0.

C. Amendments Chapter 43 of the Code of Ordinances

#O-20-18

The Town at this time does not have a Standards and Details Manual that lists all of the requirements for constructing roads and driveways. The current ordinance has different standards throughout the code of ordinances and they do not all align with one another. The proposed amendments remove any listed standards and instead make reference to a Standards and Details Manual that will be available in the Planning Department and will include all regulations from the Town, NCDOT, and the Fire Code.

Alderman Jennifer Willet moved to approve and adopt Ordinance #O-20-18 as presented. The motion was approved by a vote of 5-0.

D. Amendments to Chapter 48 of the Code of Ordinances - removed from consideration.

E. Update on solar projects for municipal buildings.

Buncombe County hired Pisgah Energy Design and Development for analysis of buildings throughout the county. Three buildings in the Town of Black Mountain were analyzed. Staff recommends that the Town enter into the RFP phase with the County to better understand the cost of the project. Currently, the estimated cost is \$389,000. No action is required at this time.

F. Sanitation Update

Staff is requesting one (1) additional rear loader at \$180,000 and one (1) additional scout truck at \$65,000. Staff recommends financing the additional vehicles on a five (5) year term at 1.61% interest. A seven (7) year financing term is also available at 1.81% interest. Staff is also requesting two (2) additional employees with an annual salary of \$55,000. Mayor Larry Harris stated that he believes it is prudent to approve the trucks and employees. Alderman Jennifer Willet inquired about the terms of the loans. Finance Director Kirk Medlin clarified that the loan can be paid off early with no penalty.

Alderman Jennifer Willet moved to approve financing for sanitation trucks on a seven year financing term and hiring of two additional employees.

9. PUBLIC HEARING

Continued from October 12, 2020 Regular Session Meeting

- A. Rezone 324 N. Fork Road (PIN #0700-92-8001) from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. **#Z-O-20-04**

Planning Director Jessica Trotman entered the meeting and presented the information. Attorney Ron Sneed recommended that the public hearing be opened.

Alderman Ryan Stone moved to open the public hearing to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. The motion was approved by a vote of 5-0.

Jessica Trotman explained the typography of the lot and the surrounding area. The property is located across from the Golf Course and is one parcel away from the UR-8 zoning district. The difference in uses between the differing residential districts is comparable but the UR-8 district would allow a greater amount of density, however, the property is encumbered by the stream and MSD sewer easement. She reminded the Board of Aldermen that the Planning Board heard the request at their August 24th meeting. In that meeting a motion was made to rezone the entire parcel from CR-1 to TR-4. The motion failed with a tied vote of 3-3. A second motion was made to rezone from N. Fork Road to the middle of the creek (the west side) from CR-1 to TR-4 and then rezone the east side from CR-1 to SR-2. The motion passed with a vote of 5-1.

Manager Josh Harrold read the following public comments:

Lowry Reed - 830 Hiawassee Avenue: I would like to protest the rezoning of this area to high density. I am a homeowner on the corner of Hiawassee and North Fork, and I have first hand experience of the traffic on this road. Just last month I woke up to find a car that had slid into my yard, narrowly missing a very large tree. Drivers routinely exceed the speed limit on this twisty, poor visibility road, and adding higher density housing would only exacerbate the situation.

Jim and Pat Ward - 303 Laurel Circle Drive: We are hoping after the hurricane residual rains last week and amount of runoff again into Lake Tomahawk and with additional time to review the rezoning request, that the petition by Mr. Decker's property (324 N. Fork) to be rezoned will be denied and current zoning as CR1 remain. We feel the same way with regard to Mrs. Begley's request off of Sunset Drive leaving zoning at current TR4. Obviously having zoning changed to higher density makes the property more desirable – marketable for development. Yes, property owners should be able to develop their property but within limits as to what is best for a community at large. Disagree with Jesse Gardner that every square foot of 'in town' does not need to be developed as we are NOT a city. We do not have the infrastructure in place to adequately accommodate high density development, narrow winding two lane roads are not set up for higher density development. Not certain what the point is of having a planning board in place, for that board to tell the petitioner why the proposal has been denied and then the petitioner to hopefully get a favorable review before the BOA with absolutely no

attempt to modify initial request. If you have qualified people in these positions then you should be deferring to them or HIRING staff in lieu of volunteers. Thanks for the consideration and appreciate the ability to now listen to the meetings via YouTube.

Casey and Jay Linke - 45 Hi View Drive: My name is Jay Linke; I reside at 45 Hi View Dr. My family—my wife and two young daughters— recently purchased our home adjacent to the Applicant’s land. We were drawn to the location both by the serenity and seclusion of the surrounding forest and by the proximity to downtown Black Mountain. We, along with our Hi View Drive neighbors, cherish the natural beauty and wonderful rural community that the area offers. We share over 300 linear feet of property boundary with the Applicant. While I acknowledge the Applicant’s intentions, I wholeheartedly disagree with any notion that the parcel should be zoned anything other than CR-1. Having earned a Master’s degree in City and Regional Planning from the University of North Carolina, I am well-versed in land use and sustainable development matters, and I maintain a keen interest in local planning initiatives. Several years ago, the Town convened to update the Town’s Comprehensive Plan, which is described as “a roadmap that provides guidance on where and how the Town will grow and change over time.” The effectiveness of any Comprehensive Plan largely depends on the underlying zoning. Consistent with the Comprehensive Plan, one of the key objectives of a zoning ordinance is to provide a clear, deliberate framework that steers community growth—a framework that, when enforced consciously and carefully, supports a thriving community for generations into the future. I am concerned that rezoning the Applicant’s property to TR-4 or SR-2 would diverge from the vision statements set forth in the Comprehensive Plan, and would have detrimental effects on the immediate natural and built environment and on the character of the surroundings as well as the Town itself. There are many positive attributes that support the zoning map as it is drawn today. Focusing higher density towards the town center encourages walking and biking, which decreases fossil fuel emissions and minimizes automobile congestion and the need for additional parking downtown. Denser town centers preserve rural space on the Town periphery like the CR-1 zones have successfully done for decades. Rural buffers, in turn, allow for natural stormwater infiltration, reduce erosion and sedimentation of our streams and lakes, and preserve wildlife habitat which is crucial as the Black Mountain and Buncombe County continue to grow. If the roughly 16-acre parcel is subdivided into lot sizes allowed under TR-4 or SR-2, I worry that Town infrastructure will be overburdened, and environmental quality and character of the surrounding neighborhoods will be degraded. North Fork Road and the associated stormwater infrastructure is already stressed by the low number of rural residents that live within the Town limits and outside. Adding as many as 64 more homes would require improvements to North Fork Road. The road is neither pedestriannor bike-friendly—in fact, it is the opposite. Though it is less than a two-mile trip, new and

existing Linke Family 45 Hi View Drive Black Mountain, NC 28711 LINKE November 3, 2020 residents alike are forced to drive to town out of concern for their own safety. In addition to transportation infrastructure, the environmental consequences would be considerable. First, extensive disturbance of steep slopes like those that exist on the property would exacerbate existing erosion and sedimentation issues. Second, the addition of impervious surfaces would increase stormwater runoff and eutrophication of downstream aquatic resources. North Fork Road already floods during heavy rains events. In addition, signs of negative environmental impacts are already noticeable. The stream banks within the golf course are eroding, and as I write this Lake Tomahawk sits empty for dredging—an improvement that will be required with greater regularity as upstream development continues. Notably, stormwater from the property flows directly into Tomahawk Branch which drains into Lake Tomahawk—a beautiful community gathering place enjoyed by the entire Town. Upstream greenfield development poses a direct threat. Third, the forest, which has been preserved in large part by the CR-1 zoning designation, provides valuable habitat for local wildlife and migratory birds—offering inherent value to the community at-large. My overarching concern is that these impacts will not have been given the requisite consideration if the Applicant's request is approved. The Applicant is requesting a zoning change with the intention of one day being able to develop the parcel with high-density residential lots. The purpose of zoning, however, is not for individual landowners to manipulate to best suit their future aspirations, but instead it is to be used as a tool for governing bodies to implement and protect the collective desires of the broader community and carefully steer growth in a way that is consistent with the Town's vision for the future. I ask: How would such a change fit within the Town's long-term planning goals? What unforeseen consequences would accompany such a change? What effect would this change have on supporting infrastructure? And, ultimately, would this fit the character of the Community?

Cas Sochacki: I am writing as a concerned citizen over the proposed zoning change to the property owned by Sam Decker on the corner of North Fork Road and Walker Cove Road. I live on Walker Cove Road with my wife and two young children. This particular property holds significance to me as a picturesque entrance to my road and a gem of open space in the town of Black Mountain. I am asking the board to deny Mr. Decker's request to re-zone this property to high density residential. The property should be zoned CR-1 just like all the other surrounding property. What makes this property any different? I fully agree with the letter submitted to you by my neighbor Jay Linke. It saddens me to drive through town and see new high-density developments going up in all the empty spaces and old farm land. The town doesn't have the need or infrastructure for all this development. We moved to Black Mountain from Asheville because we are small town people who value nature, community, and the relaxed atmosphere of a small town. My family is asking the board to please consider a balanced approach to the town's future development. The zoning of this particular property is the

perfect step towards considering a more checked and thoughtful development strategy for Black Mountain. Thank you for your consideration.

Kathleen and John English - 55 Hi View Drive: We live at 55 Hi View Drive and are within 200 feet of Sam Decker's property. We watched with interest the Planning Committee's meeting to consider his requested rezoning from CR-1 to UR-8. While we understand his desire to use proceeds from his property to finance his retirement, we urge him to pursue that goal within the existing CR-1 zoning. Our reasons:

- The infrastructure on North Fork is already woefully inadequate for the existing traffic and rainfall.
- This property lies directly across the road from an area zoned for conservation in the town's 2014 future use recommendations.
- While the part of the property closest to us will fall under steep slope guidelines and development therefore will probably not affect our home's value, dense construction on either the open field or slope will cause additional environmental strain on the waterway system that feeds into Lake Tomahawk, contrary to the intention of the conservation zoning of that area.
- The expense to the town to make the necessary infrastructure accommodations will divert funds from other needed projects.

We believe retaining the existing CR-1 classification will strike the balance between allowing Mr. Decker to use his resources and maintaining the vision for the town's future as depicted in past planning documents and the current work being done by Elevate Black Mountain. Would you please read this letter at the next alderman meeting?

Kathy and Kenny Phillips - 26 Hi View Drive: My husband and I live off N. Fork within 200 feet of Mr. Sam Decker's property at 324 N Fork that he has requested to be rezoned. I've written a letter addressing our concerns with this request. We attended the Planning Commission meeting along with 6 other neighbors and gave some input during that meeting. I was distressed to see that you recommended the BOA "give Mr Decker what he wants" without reviewing the maps and information from the Planning Commission. There is much to consider when rezoning this parcel of land. I expect the Alderman to review the Planning Commission's information and maps thoroughly before voting. I was also displeased to hear that "no neighbors commented" during the Planning Commission which is just not true. My husband and I attended along with several other neighbors, many of which commented on our concern with this request. The Planning Commission spent 2.5 hours discussing many aspects of this request including, but not limited to - spot-zoning along with all its additional requirements, whether it matched the Comprehensive Plan guidelines, steep slope issues, stream buffer issues, storm water issues, lack of sidewalks, loss of

impervious areas etc. They did a good job on a complex issue and could not come to an agreement - which tells me a lot. More information and community input is needed before a decision is made. I'm not sure why the BOA has these advisory commissions if they are not going to listen to never mind take their advice. I would like my letter read during the next BOA meeting - before the Board makes any further votes regarding this rezoning. My neighbors and I are very concerned with several aspects of this rezoning request. Please feel free to call me if you have any questions. Thank you for your consideration.

Robyn Josepfs: Please deny both zoning changes on tonight's' agenda, or at least postpone decision making until the newly elected board members takes office.

Matt Turner: In my personal opinion this should be moved to next month when the new board is present.

Alderman Jennifer Willet moved to close the public hearing. The motion was approved by a vote of 5-0.

Manager Harrold presented the statement of consistency.

Alderman Maggie Tuttle moved to adopt the Statement of Consistency as presented and to adopt Zoning Ordinance #Z-O-20-04 to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. The motion was approved by a vote of 4-1, with Alderman Ryan Stone voting in opposition.

- B. Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) #Z-O-20-05**

Alderman Jennifer Willet moved to open the public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8. The motion was approved by a vote of 5-0.

Ruby Begley submitted a rezoning application to rezone her properties at 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8. The property consists of 11.26 acres combined. The property is located across from I-40. The difference in uses between the differing residential districts is comparable but the UR-8 district would allow a greater amount of density. The Planning Board heard this request and voted 3-2 to deny the application.

Manager Harrold read the following public comments:

Robyn Josepfs: Please deny both zoning changes on tonight's' agenda, or at least postpone decision making until the newly elected board members takes office.

Lois Ford: I am again writing to strongly oppose the rezoning of the parcel of land on Sunset and Vance to urban/high density. The planning board denied the

request at the end of September after listening to the concerns of the area residents. Sunset Drive ,the road that services this area, is narrow and curvy. . As a resident of Disosway Street, Sunset Drive is the only way to access my home. Even at this time, I must be vigilant about car traffic and foot traffic. A large increase of traffic which would be a result of a high density development would make travel on this road hazardous. Also, there are no sidewalks on this road nor is there room to build them. The zoning request stated that this area is easily walkable to town. It is NOT. This land parcel is surrounded by approximately 22 single family residences and 5 empty lots. A high density building area would greatly change the character and makeup of the neighborhood. I urge you to oppose this zoning change. It will only negatively impact our neighborhood and the overall community.

Sharon Allison: We are an effected parcel in this matter. It is our belief that the road network around and on Sunset Dr will exceed carrying capacity if a high density development is allowed. As such, there is simply no way this spot zoning won't diminish surrounding property values. This is profoundly unfair to others in the neighborhood. The Planning Board made the right decision and it is our hope that the Board of Alderman will do the same.

Email sent with no name: There are more than 5 illegal Roosters and chicken farms that are on Westview drive especially at the entrance into it. As a resident here, I am for the rezoning as it might help with this problem!

Kelly Rish: I would like to go on record as not supporting changing the zoning for the 11 acres on Sunset Dr from residential/ TR-4 to urban/ UR-8. It is my hope you take into consideration of the Planning / Zoning meeting in Oct, where they voted 3 to 2 to keep the zoning the same. I urge you come to Sunset and look at it for yourselves, before making a decision. Then head to Henson's parking lot and look up and picture the massive change. Right now, it is a dangerous road, narrow with turns. We are always looking out for walkers, dogs, bikers, other cars. I can not imagine more cars. I would stress a traffic study be done before a decision. Drainage is a big issue as well. Several areas flood, makes it slow going and with more cars it would be a nightmare. The environmental aspect is huge also. The entire landscape will change with massive tree removal. It would greatly sadden me to see that change. Along those lines, the eco system will be disrupted, from birds to bears and quite honestly, that is what attracted us this area, to see that change so much, would be heartbreaking. When decided where to move, we choose here due to the zoning. We were happy to live on a residential street. We did the urban thing (it's over rated) and we would really hate to see that change.

Concerned Property Owners on Sunset Drive: We are adjacent property owners to the properties that are under consideration for rezoning on Sunset Drive. We

would like to voice our concerns that this proposed rezoning would negatively affect property values in the neighborhood. It would drastically alter the character of the neighborhood, which is composed of mostly wooded, private single family lots. At October's aldermen meeting, the town manager misspoke and said that the planning board had a tie vote as to whether to recommend for or against this proposal. As there were many residents in attendance at the planning board meeting, we all heard the planning board vote 3-2 to recommend *against* this rezoning. The reasons summarized were that it would negatively affect the existing neighborhood, and the existing road infrastructure would not support a development of the size that would be allowed under the proposed zoning. Sunset Drive itself is in poor condition to handle the increased traffic this would bring. It is a narrow road that has drop-offs with no guardrails on either side. Traffic sometimes has to stop to allow a vehicle from the other direction to pass. Also, the road is sinking in several places that are adjacent to a stream that flows beside it for a good portion of its length along the properties in question. Mention has been made about providing affordable housing that is walkable to downtown. The statements made by the land owner's son in the planning meeting were that the property would be sold to a developer. To date, there has been no concrete mention of affordable housing from an actual developer. Previous attempts to provide for affordable housing in the town in new developments have not been successful. We are concerned that allowing for greater density in the hope for affordable housing will just result in more units being developed that do not fall into the classification of affordable housing while ruining the quiet tree-filled charm of our neighborhood. It was also stated that the new development would be walkable to downtown Black Mountain. There is currently not an easy, safe walkable route to downtown Black Mountain from Sunset Drive which is completely severed from downtown by I-40. Sunset Drive itself is dangerous to walk on given vehicle speeds and curves. It has no sidewalk. The sidewalks that pass by the businesses at exit 64 and cross the I-40 exit interchanges are also dangerous. It was discussed at the planning board that because the property was near I-40, higher density made sense because "nicer homes" would not be built in this area. This is insulting to the existing neighborhood. We feel that our homes are "nice", along with the existing tree canopy that adds value to any neighborhood, and would invite Alderman to visit the neighborhood for themselves to see. Any of us would be happy to show you around. Please vote to deny this request.

The Newton and Myers household: I am writing to you today regarding the discussion tonight about the zoning of the properties off of Sunset. We live on Disosway, about two houses up from Sunset. Thus, we walk and drive on Sunset almost every day. We're very concerned about this zoning proposal in our residential neighborhood. Sunset is very narrow, and that much more traffic would be alarming. We have many neighbors and families with children, who walk and walk their dogs, and they already have to try to get off of the road when a car comes by. There are already blind curves and no shoulder for any buffer. If you are walking properly on Sunset, opposite of the traffic, and a car is passing

you, it is necessary for the car to pull into the lane of traffic that is going the "wrong way" and with the blind curves, this is dangerous for everyone. Increased infrastructure would help, but there is not much shoulder/space to expand and the road is already crumbling at the edges where cars have tried to move over and have run off the side. This zoning change could mean anywhere between 60-150 extra car trips down Sunset every day, and this is unthinkable. This is a quiet neighborhood of single family dwelling homes, and we moved here because of this, as well as the nice tree cover that buffers the interstate noise. Changing this for all of the people who already bought homes in this neighborhood because of this fact undercuts our quality of life and potentially our home values. There was also misinformation shared by the property owners who want to change the zoning, at the last zoning meeting. This information made it sound like a trail was available that makes this area is more walkable than it is. We wish that there was such a trail that made it safer to get to town without walking on Sunset, but a federal, chainlink fence that leads up to Interstate 40 stretches along the properties along Highway 9 and prevents such a trail. Much more discussion around the implications of such a massive change and decision on 10-11 acres in the middle of our neighborhood needs to be had before any changes are made. I would urge you to listen to the citizens' voices on this matter, to see if there is general support, beyond that of the property owners. We would like to invite the Board of Aldermen to come out and visit this area and meet, at a safe distance, with local residents who are concerned about this zoning change, before making such an impactful decision. Please let us know how we can help host such a visit

Danny Pressley – opposed to the proposed rezoning on Sunset Drive. He feels it has the potential to add too many houses and too much traffic.

Terry Pressley – 65 Sunset Drive: opposed to the proposed rezoning on Sunset Drive.

Sandy Pressley – Dalton St.: opposed to the proposed rezoning on Sunset Drive.

Ricky Mundy – 141 Sunset Drive: opposed to the proposed rezoning on Sunset Drive.

Concerned Citizens of Sunset Drive and Black Mountain: We are writing to express concerns and opposition to the rezoning of 134 Sunset Drive and 6 and 999999 Vance Avenue, a topic that will be addressed in your September 28th meeting. We, the members of the community that live near the site, in addition to many other residents of Black mountain, are extremely distressed at this proposal. There are already drainage issues and water pooling in this area so we feel the environmental effect of the removal of such a large quantity of trees for high density development will be profound, as well as disheartening. Additionally, the entirety of Sunset Drive is not very wide and there are homes

that are extremely close to the road as is. If ninety homes were built and each had three cars, our neighborhood would have to support traffic from 270 more vehicles coming in and out during the day. Sunset Drive dead ends at the top of the hill. We cannot imagine any size development built off a dead-end road. We would rely on and propose to the town that a traffic study be performed before any such major rezoning be allowed. Sunset Drive currently terminates at Highway 9 with only a simple stop sign. We are already finding ourselves waiting longer and longer, not only at busy times of the day, to merge into traffic onto the Number 9 roadway. We are aware of the growth rate in Black Mountain in recent years and traffic has become tight and frustrating. It would not be hard to imagine a terrible bottlenecking if a high-density community and mass influx of traffic were added to Sunset Drive. Please give thought to a traffic study in this area before consideration of approval. The placement of the proposed high-density community is of concern. It would be highly visible for any potential tourists traveling I 40 Westbound through Black Mountain and from town. The break in a now continuous mountain landscape that many of us have always called home would be troubling. We, as a community, pride ourselves in living under this beautiful canopy of trees. Leaf season, as you already know, is a major reason for tourism to our quaint town. Much wildlife calls this area their home and the people that live here honor them and do our best not to disturb the ecosystem. The statement in the motion to rezone of "it will bring more residential homes within walking distance to downtown" is a stretch, as it's well over a mile trek to downtown, unless you choose to cross the interstate. It is also questionable why being adjacent to I 40 would "afford more affordable housing." We humbly request that you visit this site and consider preserving this area from rezoning for a high-density neighborhood. We also suggest standing in the middle of Black Mountain Town Square and imagine the view of the mountains with the inclusion of a major development littering the mountainscape. We trust that protecting our natural resources, preventing major environmental changes, conserving our wildlife and infrastructure and preserving the natural look of our town will be considered. Due to the zoning amendment being rejected by our town's zoning board as well as our concerns mentioned above, please deny the proposal to change 134 Sunset Dr, 6 Vance Dr. and 99999 Vance Drive from TR-4 to UR-8. We are appreciative of your hard work and service to our community. Please feel free to read this at the meeting if that is allowed. Our community would like to be heard but remain anonymous.

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

Alderman Archie Pertiller moved to deny the rezoning request, following the recommendation from the Planning Board. The motion was approved by a vote of 5-0.

C. Public Hearing for Text Amendments to Road Standards (Land Use Code) # O-20-15

Alderman Maggie Tuttle moved to open the public hearing for Ordinance #O-20-15 for amendments to road standards in the Land Use Code. The motion was approved by a vote of 5-0.

Planning Director presented the information concerning the document. The collection of amendments reflect edits for consistent language and references for the Standards & Details Manual. This manual includes the construction methods from the NCDOT Subdivision Manual, NC Fire Code, and NC Fire Code Appendix D. There are no new standards proposed. The edits in the Land Use Code are limited to word choice, clarity, and consistency. The Planning Board voted 5-0 to recommend the text amendments as presented.

There were no public comments.

Alderman Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Ryan Stone moved to adopt Ordinance #O-20-15 as presented. The motion was approved by a vote of 5-0.

D. Public Hearing for Text Amendments to Water Improvements #O-20-16

Alderman Jennifer Willet moved to open the public hearing for Ordinance #O-20-16 for amendments to water improvements. The motion was approved by a vote of 5-0.

Planning Director presented the information. The Town of Black Mountain does not have extra territorial jurisdiction (ETJ) and therefore cannot apply any zoning regulations to parcels outside of the city limits and cannot require that compliance be met before granting access to water. Any water improvements will be addressed in the Code of Ordinances under utilities. The Planning Board voted 5-0 to recommend the text amendment as presented.

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

Alderman Jennifer Willet moved adopt Ordinance #O-20-16 as presented. The motion was approved by a vote of 5-0.

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: On October 12, 2020 the Mayor, Board of Aldermen, and Town Manager received a letter from Midland First Street Neighborhood concerning the Don S. Collins Early Learning Center. The letter outlined concerns regarding the zoning, stormwater, and the lack of traffic and noise studies. Attorney Sneed addressed these concerns as they relate to Town of Black Mountain ordinances. The placement of a sign was questioned, staff approached the Early Learning Center and that issue has been resolved. Copies of the Midland First Street Neighborhood’s letter and Attorney Sneed’s response are made part of these minutes.

B. Town Manager – Josh Harrold - None

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Maggie Tuttle addressed the Board, stating that her time in service of the Town is coming to a close. She thanked the Board and staff for everything they do, and the many volunteers that work for the town. She congratulated Archie Pertiller, Doug Hay, and Pam King and expressed her confidence that things will be well run. Mayor Harris thanked her for her service.

Alderman Ryan Stone thanked all the candidates for running respectful campaigns. He thanked the polling place volunteers for their hard work. He thanked Aldermen Tuttle and Willet for their service, and wished the public a happy Thanksgiving.

12. ADJOURNMENT

There being no further business Mayor Larry Harris adjourned the meeting at 7:32 p.m.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager



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

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, November 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, November 9, 2020 at 6:00 p.m.

1. CALL TO ORDER

Mayor Larry B. Harris called the meeting to order at 4:59 p.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Maggie Tuttle
Alderman Jennifer Willet
Alderman Ryan Stone
Alderman Larry Harris
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to Manager/ Town Clerk
Ron Sneed, Town Attorney

The Board reviewed the items that were proposed for the November 9, 2020 regular session meeting.

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

Manager Harrold discussed **Item 5B**, call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street. He informed the Board that the Planning Board did vote 5-0 against the closure.

Manager Harrold discussed **Item 5C**, Budget Amendment for Police Vehicle. A patrol car was involved in an accident and needs to be replaced.

Manager Harrold discussed **Item 8A**, Portman Villa Lien, the son of the property owner now oversees the family finances and has requested assistance from the Town.

Manager Harrold discussed **Item 8B and 8C**, which clarify the Land Use Code.

Manager Harrold discussed **Item 8D**, which removes outdated language concerning impact fees.

Black Mountain Board of Aldermen
Agenda Workshop Minutes November 5, 2020

Manager Harrold discussed **Item 8E**, Solar Projects for Municipal Buildings. A conservative estimate for accomplishing these projects is around \$400,000.

Manager Harrold discussed **Item 8F**, Sanitation Update. Manager Harrold explained the current breakdown of employees and trucks. He explained the need for more trucks and employees, and is asking the board to consider in order to avoid staff burnout, ensuring employee safety, and accomplishing the job in a timely manner. It is necessary to have a backup truck because the hydraulic lines often need to be repaired.

Manager Harrold discussed the public hearings, **Items 9A, 9B, 9C, and 9D**. Items 9A and 9B include staff reports which he believes will be helpful in making decisions. Items 9C and 9D are public hearings for text amendments which clarify language in the Land Use Code and Water Improvements.

Mayor Larry Harris asked Attorney Ron Sneed to clarify on how to continue **Item 9A**, which was continued from the regular session meeting on October 12, 2020. Attorney Sneed advised that it is probably best to reopen the public hearing. Attorney Sneed also advised that the Board receive all information, including staff reports, inside the public hearing.

Mayor Harris asked Attorney Sneed for clarity on what level of discussion is appropriate for Agenda Meetings. Attorney Sneed advised that the Board is free to discuss and ask questions, but that they should not use the time for deliberation or decision making.

There was no further discussion on the agenda.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:18 p.m.

ATTEST:

Savannah Parrish, Assistant to Manager/Town Clerk

Larry B. Harris, Mayor



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
SPECIAL CALL MEETING MINUTES
October 29, 2020

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday October 29, 2020 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting was for the Board of Aldermen to discuss the Riverwalk Greenway.

1. CALL TO ORDER

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

Mayor Larry B. Harris
Vice Mayor Maggie Tuttle
Alderman Archie Pertiller – absent
Alderman Jennifer Willet
Alderman Ryan Stone – absent
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Jessica Trotman, Planning Director
Ron Sneed, Town Attorney

Town Manager Josh Harrold reminded the Board that the Riverwalk Greenway is a federally funded project. Because of the stringent nature of the requirements the project has been tedious. Manager Harrold also reminded the Board that the town is required to submit 60% of the engineering work to the N.C. Department of Transportation before moving to the right-of-way acquisition phase of the expansion. Mayor Harris stated that the purpose of the meeting is to inform both the public and the Board about details concerning the engineering portion of the project.

Manager Harrold moved through a brief history of the project. The original plan was to design and build a 1.5-mile route along Flat Creek that would travel under U.S. 70 through an existing tunnel system near Flat Creek Road. That path would continue south behind property at the end of Center Avenue where the creek meets the Swannanoa River, where a bridge would be built to enable users to cross. However this plan does not meet federal regulations which require a No-Rise Certification for projects in a floodway. Manager Harrold presented three possible alternative options for the board to consider.

Black Mountain Board of Aldermen
Special Call Meeting Minutes – October 29, 2020

The Board has the option to explore purchasing four lots which would mitigate the issue. Additional federal funding would be needed, and it is not clear that the current owners would be interested in selling.

An alternative route is available but alters the initial concept and design. This alternative route is an “on-road” design would not require a no-rise scenario by avoiding the river crossing and would eliminate the need to cross under U.S. 70, reducing the amount of construction needed to complete Phase 2.

Manager Harrold stated that a third option could present itself as staff continues to work on the project.

Manager Harrold stated that there is no action needed at this time, but this is information the board will need to consider moving forward.

There being no further business Mayor Harris adjourned the meeting at 5:38 p.m.

ATTEST:

Savannah Parish, Town Clerk

Larry B. Harris, Mayor



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, January 11, 2021, at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, January 11, 2021, at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments to the Village of Cheshire Master Plan to add the Cottage Court design standards.

The meeting is open to the public.

Savannah Parrish
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, Savannah Parrish, Town Clerk at 419-9310 or by email at townclerk@townofblackmountain.org.

Posted to the Town Bulletin Board 12/16/2020
Published in the Black Mountain News 12/24/2020 and 12/31/2020

www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2020

SUBJECT: Call for Public Hearing for Text Amendments to Village of Cheshire Master Plan
O-20-19

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	4B
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Jacobs Cottages was added to the Cheshire Master Plan in 2015. Six additional lots were added in 2016. During all of this, the actual design requirements were not adopted. The amendment proposed is to add the design requirements for the Cottage Court design and incorporate that into the Village of Cheshire Master Plan.

The Planning Board considered this amendment at their November 23, 2020, meeting and made the following motion:

To recommend the amendment as presented applicable only to the Jacobs Cottages development and that the amendment is consistent with the comprehensive plan and reasonable because it allows adequate density development on existing infrastructure and is keeping with the compatibility of the existing Jacobs Cottage neighborhood.

The motion was approved by a vote of 5-0 with Jesse Gardner recusing himself from voting as he represents the client proposing the text amendment.

MOTION FOR CONSIDERATION: To call for a public hearing for text amendments to the Village of Cheshire Master Plan to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 60 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance # O-20-19, Cottage Court Design Standards

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, January 11, 2021, or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, January 11, 2021, at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, January 11, 2021, at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for the voluntary annexation request of a property known as Buncombe County PIN #0619-88-6353.00000 as described in Plat Book 0012 Page 0027.

The meeting is open to the public.

Savannah Parrish
Town Clerk

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Posted to the Town Bulletin Board 12/16/2020
Published in the Black Mountain News 12/24/2020 and 12/31/2020

www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2020

SUBJECT: Call for Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr. ETAL

#O-20-20

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	4C
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking the use of Town water and as such, is asking for a voluntary annexation into the Town. The Planning Board heard this request at their November 23, 2020, meeting and felt that the property would be a good addition and is a developable lot near UR-8 and would allow stream buffer protection.

MOTION FOR CONSIDERATION: To call for a public hearing for voluntary annexation for a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: *Ordinance #O-20-20*, Voluntary Annexation Packet

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, January 11, 2021, or as soon thereafter as possible.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2020

SUBJECT: Call for Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL

#Z-O-20-06

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	4D
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking annexation and if annexed would like the zoning designation of UR-8 (urban residential). The Planning Board heard this request at a special call meeting on December 15, 2020, and felt that since the property is contiguous with other UR-8 parcels, the UR-8 zoning designation is a good fit.

MOTION FOR CONSIDERATION: To call for a public hearing for rezoning for a parcel known as Buncombe County PIN #0619-88-6353.00000 to be held on Monday, January 11, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: *Ordinance #Z-O-20-06*, Rezoning Application

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, January 11, 2021, or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN
2021**

BOARD OF ALDERMEN MONTHLY MEETING SCHEDULE

AGENDA WORK SESSION

Thursday preceding 2nd Monday- 5:00 p.m.

JANUARY 7

FEBRUARY 4

MARCH 4

APRIL 8

MAY 6

JUNE 10

JULY 8

AUGUST 5

SEPTEMBER 9

OCTOBER 7

NOVEMBER 4

DECEMBER 9

REGULAR MEETING

2nd Monday - 6:00 p.m.

JANUARY 11

FEBRUARY 8

MARCH 8

APRIL 12

MAY 10

JUNE 14

JULY 12

AUGUST 9

SEPTEMBER 13

OCTOBER 11

NOVEMBER 8

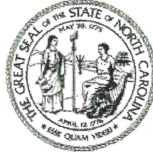
DECEMBER 13

Other meetings called as necessary.

The Board of Aldermen Agenda Work Session meeting will be held at 5:00 p.m. on the Thursday preceding the second Monday of each month at Town Hall unless otherwise noted. The Regular Session meeting is at 6:00 p.m. on the 2nd Monday of each month at Town Hall.

Savannah M. Parrish
Town Clerk/Assistant to Manager

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, Savannah Parrish, Town Clerk at 419-9300 or by email at townclerk@townofblackmountain.org



2020 GENERAL ELECTION
11/03/2020
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

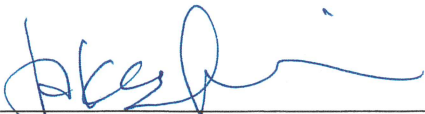
INSTRUCTIONS

The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

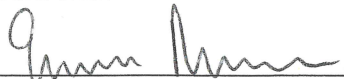
**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 13th day of November, 2020.



Board Chair



Board Secretary



Board Member



Board Member



Board Member

This day personally appeared before me, JAKE DUNN, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 13th day of November, 2020.

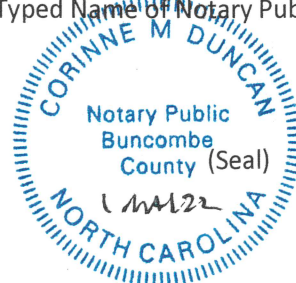


Official Signature of Notary Public

CORINNE M DUNCAN

Printed/Typed Name of Notary Public

My Commission Expires: 1 MAR 22



November 03, 2020 General Election Results by Contest

Friday, November 13, 2020
Page 4 of 4

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
CITY OF ASHEVILLE CITY COUNCIL	Nicole Townsend		13,057	1,304	8,064	3,675	14
	Shanelka Smith (Write-In)		6	0	6	0	0
	Sage Turner		24,813	1,797	15,118	7,886	12
	Keith Young		21,895	1,868	13,429	6,582	16
TOWN OF BILTMORE FOREST MAYOR	Georgel F. Goosmann III		935	344	353	238	0
	Henry Chandler (Write-In)		5	2	2	1	0
TOWN OF BILTMORE FOREST COMMISSIONER	Fran Goodburn		842	311	314	217	0
	E. Glenn Kelly		783	289	290	204	0
	Doris P. Ploomis		817	305	307	205	0
TOWN OF BLACK MOUNTAIN ALDERMAN	Doug Hay		2,431	192	1,605	633	1
	Tonia Holdeman		1,666	326	1,044	296	0
	Pam King		2,466	163	1,585	717	1
	Archie Perfiller Jr.		2,615	342	1,662	611	0
	Charles (Mike) Sobol		716	109	433	174	0
	Matthew Turner		1,034	131	709	193	1
	Justin L. Whitson		300	57	179	64	0
	Jennifer Willet		1,995	365	1,279	348	3
TOWN OF MONTREAL MAYOR	Philip Arnold (Write-In)		7	1	1	5	0
	Jim Helms		340	26	234	78	2
TOWN OF MONTREAL COMMISSIONER	Jane Alexander		331	21	222	86	2
	Kathryn (Kitty) Fouché		291	20	201	69	1

BUNCOMBE COUNTY



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

Phone (828) 419-9300 Fax (828) 669-4204

TDD 800-735-2962

www.townofblackmountain.org



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Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828) 669-4204

APPLICANT INFORMATION

NAME: Nancy Catherine Crane DATE: 12/7/2020

PREFERRED NAME: Cate Crane

HOME ADDRESS: 708 Laurel Ave.

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No ☐

EMAIL ADDRESS (this is mainly how we will communicate with you): catecrane12@gmail.com

PHONE NUMBER(S): MAIN 704-533-3609 EMERGENCY 757-376-1397

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Historic Preservation Are you seeking re-appointment? Yes ☐ No ☒

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

I am new to Black Mountain and would like to use my background and skills in a way that allows me to connect with the community and benefit my new home. When I first visited Black Mountain, I was very impressed with the commitment to maintaining an historic downtown. I found the area inviting and vibrant, benefiting resident, businesses and visitors. I am currently working remotely with plans to retire in 2021 allowing me sufficient time to offer the Commission.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

B.A. in Art History with a minor in History; The University of Chicago
M.A. in Education with an emphasis on Museum Education;
The College of William & Mary

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

My career has been spent in museum education and management. My subject or content areas have included history, art and science. Presently, I am working remotely as a Museum Site Manager at the Culture & Heritage Museums in York County, SC where our mission focuses on the natural and cultural history of the Carolina Piedmont. I have contacts and work with staff in the areas of history programming, historic preservation and collections. I am a strong advocate for partnerships and believe that working with others in a spirit of teamwork enables us to meet the common good. I am a member of the NC Alumni Club Board for the University of Chicago.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Nancy Catherine Brance

Applicant's Signature

12/7/2020

Date

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APPLICANT INFORMATION

NAME: Matthew TURNER DATE: 11-16-20

PREFERRED NAME: Matthew TURNER

HOME ADDRESS: 423 McCoy Cove Road

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No ☐

EMAIL ADDRESS (this is mainly how we will communicate with you): coachmturmer@yahoo.com

PHONE NUMBER(S): MAIN (828) 231-5579 EMERGENCY _____

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: HISTORIC PRESERVATION Are you seeking re-appointment? Yes ☐ No ☒

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separatesheet.

I want to continue to be a leader in this community.
Unfortunately I wasn't voted on to the Alderman board, but there is
other needs and other ways to help out.
I will also vote by what the code and/or statute says, not by what
someone else wants.

The future leadership of this town begins here.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

High School Diploma - Charles D. Owen - 2006
Basic CNC Machining Certificate - A-B Tech - 2008

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Being the Assistant Manager at Henson Building Materials, I work daily with construction materials and understand different types. I work downtown in the central business district, so I see and appreciate the older architecture. I have excellent communication skills in dealing with customers every day in my job. I also have a love for history, and that's what downtown is.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Matthew Turner

Applicant's Signature

11-16-20

Date

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APPLICANT INFORMATION

NAME: Ryan Maccubbin DATE: 11/30/2020

PREFERRED NAME: _____

HOME ADDRESS: 534 North Fork Road

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes _____ No X

EMAIL ADDRESS (*this is mainly how we will communicate with you*): rtmaccubbin@gmail.com

PHONE NUMBER(S): MAIN 336.655.1589 EMERGENCY _____

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Historic Preservation Are you seeking re-appointment? Yes _____ No X

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

I've served on the Urban Forestry Commission previously, however hearing about an opening for historic preservation is more appealing. I was a history major in college and took numerous historic preservation courses, including preservation law. I see great value in ensuring historic structures and areas are maintained and preserved, while managing growth and development as a part of that. I've got a passion for public service and am a graduate of Leadership Asheville.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Hampden Sydney College

University of Mary Washington - BA in History

Wake Forest University - MBA

EXPERIENCE & CIVIC INVOLVEMENT

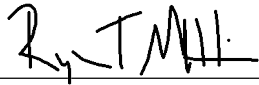
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

I covered this above, but I've lived in/around Black Mountain since 2009. I'm passionate about my home and want to see good things continue to happen. I consider serving Black Mountain an honor and hope to continue doing it for years to come.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.



Applicant's Signature

11/30/2020

Date

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Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: Joe Laudenslayer DATE: 7/3/2020

PREFERRED NAME: _____

HOME ADDRESS: 724 Azalea Ave, Blk. Mtn. NC 28711

MAILING ADDRESS (if different): PO Box 1437

CITY, STATE and Zip: Blk. Mtn. NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No _____

EMAIL ADDRESS (this is mainly how we will communicate with you): josephgerard@bellsouth.net

PHONE NUMBER(S): MAIN 828-712-3895 EMERGENCY 828-712-3896

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board Are you seeking re-appointment? Yes _____ No X

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

see attached

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

see attached

EXPERIENCE & CIVIC INVOLVEMENT

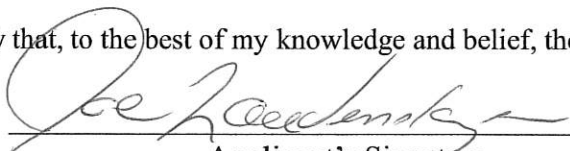
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

See attached

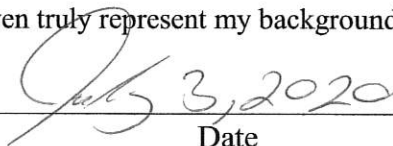
CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.



Applicant's Signature



Date

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Continuation of application to the Planning Board

Joe Laudenslayer

Question: Why do you wish to serve the Town in this capacity?

I moved to Blk. Mtn. in 1995. I purchased commercial property in the downtown area and a home where I lived for 11 years. During this time, I served as president of a downtown merchants' association called Business to Business from 1996 to 2000. I served as president of the Chamber of Commerce from 2002-2004 (thereabouts). After this, I served as a member of the Planning Board for 5 years.

I 2006, I built a new home just outside of town limits and I was no longer eligible to serve on any committee or board in town. I recently have moved back within town limits and I am looking to get involved again.

We have seen growth of our town through the years and it has been good for residents and those who visit our town. I'd like to join the planning board and continue to encourage smart growth that doesn't take away from the characteristics of Blk. Mtn. that make it a special place to live.

Education and Certifications:

Graduated Kenmore East High School and after that, I completed trade school. This enabled me to become self-employed at age 23 and I have been successfully self-employed since.

Experience and Civic Involvement:

- Self-employed business owner who works with the public
- Past president of downtown merchants' association, Business to Business
- Past president of Chamber of Commerce
- Past member of the Planning Board (served 5 years)



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APPLICANT INFORMATION

NAME: Kathryn Phillips DATE: 12-1-20

PREFERRED NAME: Kathy

HOME ADDRESS: 216 Hi View Dr Black Mountain, NC 28711

MAILING ADDRESS (if different): PO Box 455

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No ☐

EMAIL ADDRESS (this is mainly how we will communicate with you): KenKat100@gmail.com

PHONE NUMBER(S): MAIN 704-957-9875 EMERGENCY 704-957-9884

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Are you seeking re-appointment? Yes ☐ No ☐

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separatesheet.

I am grateful to call Black Mountain home for 8+ years but have been visiting friends here for over 20 yrs. During this time I've seen our small town grow + change. I feel its important that we thoughtfully manage the growth so that we do not lose that wonderful feeling of community that original residents established and brought many of us newer residents here. I believe that I could bring a thoughtful, balanced approach to the Planning Commission. It would be a honor and privelege to serve my community. Thank you

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Associate Degree (CPCC)
American University - classes in business - no degree
Notary Public - 30+ years

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Friends of the Library (FOL Black Mountain) Treasurer since July 2018
Medical Group Mgmt Asso (MGMA) 30+ years managing large/medium medical clinics.
Directed, negotiated + supervised numerous commercial building projects.
KenKat Properties, LLC - owner. Purchased, Rehab + now rent 10+ rental homes
in Black Mountain + Charlotte. Dealt with City of Charlotte on issues of zoning, FEMA
and flooding, sidewalk installation in neighborhood requiring property sale to city.
Dynatech Services, LLC (Co-owner) Industrial mechanical services. Familiar with large
industrial building projects.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Kathryn M. Phillips
Applicant's Signature

November 30, 2020
Date

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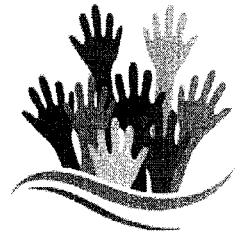
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APPLICANT INFORMATION

NAME: Matthew TURNER DATE: 11-30-20

PREFERRED NAME: Matthew TURNER

HOME ADDRESS: 423 McCoy Cove Road

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No _____

EMAIL ADDRESS (this is mainly how we will communicate with you): coachmtturner@yahoo.com

PHONE NUMBER(S): MAIN (828) 231-5579 EMERGENCY _____

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: PLANNING BOARD Are you seeking re-appointment? Yes _____ No ☒

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separatesheet.

I want to continue to be a leader in this community.
Even though I wasn't voted on as an Alderman this election, there are ways
to help out to make Black Mountain a great town.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

High School Diploma - Charles D. Owen - 2006
Basic CNC Machining Certificate - A-B Tech - 2008

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

I have knowledge of the ongoing issues that the planning Board faces.
It is also a great Board to really get involved in a lot of the key issues.
I am up for the task.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Matthew Turner

Applicant's Signature

11-30-20

Date

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APPLICANT INFORMATION

NAME: Shawn Slome DATE: 12/01/2020

PREFERRED NAME: Shawn Slome

HOME ADDRESS: 115 3rd Street

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes x No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): shawn.slome@gmail.com

PHONE NUMBER(S): MAIN 919-491-1217 EMERGENCY 919-815-6445

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: Planning Are you seeking re-appointment? Yes _____ No x

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

As a Black Mountain resident, I greatly appreciate the qualities that make our town a great place to live.
I am interested in supporting our community by helping the town make sound and wise decisions relating to the issues that come before it.

As a former retail business owner, I understand the importance of supporting a vital local economy and having a healthy tax base.
As a former commercial real estate broker and investor, I appreciate the need to balance responsible and managed growth with market forces.

Having recently retired, I have time to devote to the demands of serving on a town board or committee.
My own principle of putting fairness ahead of self interest will support giving a chance for all voices to be heard and considered.

I enjoy being of service and I believe I can contribute to the betterment of our town.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

BA in Biology UNC-Chapel Hill

Real Estate Brokerage License - Inactive

Mediation and Facilitation Training with the Dispute Settlement Center of Durham

Retail business TWIG Green Living was awarded the Best Small Business for 2011 by the Triangle Business Journal

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Organized and helped implement the Black Mountain Board of Alderman Candidates forum hosted by Indivisible Black Mountain. Serves as a business mentor with SCORE Asheville and is liaison to the Black Mountain Chamber of Commerce.

Volunteer and member of the Development Committee of Bounty and Soul.

Volunteer at the Dr. John Wilson Community Garden of Black Mountain.

Pre-covid served on the staff at the Kiwanis Thrift Shop as well as with the Black Mountain Children's Home Thrift Shop.

Pre-election, managed the voter registration drive for DemocracyNC in Black Mountain.

Served on the Chapel Hill / Carrboro Chamber of Commerce board of directors and was awarded the Chair's Award for Excellence in Service to the Chamber for leadership and Board service to the Chamber 2013-2019.

Member of the Board of Directors of the PTA Thrift Shop in Carrboro, NC

Founded and operated successive retail and wholesale retail businesses spanning 26 years.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Shawn Slome

Applicant's Signature

Decemeber 4, 2020

Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Board of Aldermen will assume their position on the date of Board of Aldermen approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

The Handbook and additional information may be viewed on the Town's website at

www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2020

SUBJECT: Amendments to Chapter 48 of the Code of Ordinances

#O-20-14

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number:
Department: Town Manager
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The current ordinance still speaks to impact fees, which are prohibited by general statutes. The proposed amendment just removes the section regarding impact fees. The ordinance also requires that anyone outside of city limits who is contiguous has to make an application for annexation to receive water service, which is also prohibited by general statutes. The proposed amendment just removes the section regarding making an application for annexation.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-20-14*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-14***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-20-14*** as presented.

ORDINANCE NO. #O-20-14

**AN ORDINANCE TO AMEND CHAPTER 48, SECTION 48-159 AND SECTION 48-164
TO REMOVE LANGUAGE REGARDING IMPACT FEES AND ANNEXATION
PETITIONS FOR WATER SERVICE**

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

NOW, THEREFORE, BE IT RESOLVED Chapter 48, Section 48-159 and Section 48-164 are amended with the following (additions are underlined in bold italic and deletions are shown as red struck text):

Sec. 48-159. - Rate schedule and tap-on fees.

(a) *Rate schedule.*

- (1) Water rates for the town shall be as set forth in section 48-217.
- (2) Multiresidential users, such as trailer courts and duplex apartments, served through one meter will be billed at the town's regular published rates.

(b) *Tap-on fees.* Prior to construction and after completion of the facility, a tap-on fee will be assessed. Current tap-on fees are listed in the schedule of fees and rates in the Town of Black Mountain adopted budget.

(c) *Partial tap-on fees.*

- (1) Partial tap-on fees shall equal 30 percent of the full tap-on fee.
- (2) A partial tap-on fee shall be offered only in cases where a property owner has an existing water tap supplying multiple dwellings when new taps are required to supply each dwelling with separate meters.

(d) *Water availability cost reimbursement fee.* In cases where the town must incur additional costs in order to provide water service for water taps of two inches or larger, a water availability cost reimbursement fee will be charged (in addition to the regular tap fee) in the amount necessary to reimburse the town for the actual cost of the additional work that had to be completed in order to provide the service. This fee will be due and payable after the water tap has been made.

~~(e) — *Water service impact fee.*~~

- ~~(1) — Each new applicant for residential water service from the town shall pay, at the time of application for water service and in addition to tap fees and other charges, an initial impact fee in the amount of \$700.00, which may be adjusted by the board of aldermen without further amendment of this division.~~
- ~~(2) — New commercial or business users shall be assessed an impact fee equal to \$700.00 for each 12,000 gallons or any portion thereof of anticipated monthly water usage, payable at the time application is made for water service, and such base amount may be adjusted by the board of aldermen without further amendment of this~~

~~division. For commercial and business users, the impact fee shall be based upon the anticipated monthly water usage as estimated by the applicant but shall be subject to review after 12 full months of water service, at which time an additional assessment will be imposed if the actual monthly water usage exceeds the estimate provided by the applicant.~~

~~(3) The term "new applicant or user," when used in this section, means an applicant for water service to a property, home or business which requires a new connection to the public water system that does not replace a previous connection.~~

Sec. 48-164. - Extensions to mains and services.

- (a) *Water distribution lines.* Water distribution lines to serve proposed subdivisions within the town limits will be handled as follows:
- (1) The developer will submit plans for review and approval by the town, its engineer and the state department of environment and natural resources.
 - (2) Lines will be installed by the developer in accordance with the approved plans.
 - (3) The developer will be responsible for the operation and maintenance of such systems for a period of one year following the acceptance of the system by the town.
 - (4) The town will not accept or maintain any water system which does not contain a pressure of 30 psi base upon the existing main tank level.
 - (5) All water taps shall be made by the town, and the town shall collect all fees for the installation of all water taps. Any unauthorized tap made to the town water system shall result in the termination of services.
 - (6) The town may require the installation of increased line sizes if it is determined that such increase is necessary to serve adjacent property.
 - (7) The town will not assume ownership of or responsibility for any additional equipment deemed necessary by the town to provide adequate water pressure from the tap, but may elect to enter into written maintenance with the owner/developer for the maintenance of such equipment.
- (b) *Extension.* Extension of water lines within the service areas inside the town limits will be handled as follows:
- (1) The plans for the extension will be submitted for review and approval by the town, its engineer and the state department of environment and natural resources.
 - (2) The lines will be installed in accordance with the approved plans.
- (c) *Limitations of service.*
- (1) Water service will not be provided at any location where a minimum of 30 psi at the meter cannot be maintained under normal conditions. Property above the service line may be provided a tap according to the town's fees, but the property owner must provide any additional equipment that is deemed necessary by the town to provide adequate water pressure from the tap.

- (2) Any natural or manmade obstruction that impedes the extension of water lines, such as creeks, rivers, railroads, interstates, etc., will not be crossed.
- (d) *Water service outside corporate limits of town.*
- (1) Requests for water service to a single-family residence where water service is available may be granted upon the approval of the public works director.
- (2) Any developer or property owner wishing to make application for water service to property that is contiguous to the corporate limits of the town, excluding single-family residences under subsection (d)(1) of this section, must petition for voluntary annexation into the town limits before being considered for water service. The town has the option to accept or reject the annexation petition based on what is in the best interest of the town. If rejected for annexation by the town, the developer or property owner may request service under the terms outlined for noncontiguous property.
- ~~(3) Any developer or property owner wishing to make application for water service to property that is not contiguous to the corporate limits of the town, excluding single-family residences under subsection (d)(1) of this section, must agree to comply with all the restrictions and requirements of town zoning and subdivision regulations by placing deed/land covenants on the property.~~
- (4) Before any area outside the town limits can be considered for water service, it must be determined by the public works director that the town's current 12-hour water pumping capacity meets or exceeds 1¼ times the water system's average daily usage.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 14th day of December, 2020.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

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

Meeting Date: December 14, 2020

SUBJECT: Tuition Assistance Program Policy

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8B
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY: The Town encourages employees to seek out educational opportunities that will help them in their positions, improve performance within their current job scope and prepare them for promotions. The Tuition Assistance Program Policy sets out guidelines for how the Town will reimburse employees who seek out educational opportunities not covered as training.

MOTION FOR CONSIDERATION: To approve the Tuition Assistance Program Policy

FUNDING SOURCE: General Fund

ATTACHMENTS: Tuition Assistance Program Policy

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



Town of Black Mountain

160 Midland Avenue • Black Mountain, North Carolina 28711
Phone (828) 419-9300 • Fax (828) 669-4204 • TDD 800-735-2962
www.townofblackmountain.org

TUITION ASSISTANCE PROGRAM

POLICY

The objective of this program is to encourage Town employees to take course work specific to their position, which will improve their performance within their current job scope and/or help prepare them for promotion or transfer to other positions within the Town. Employees who have first applied for reimbursement and who have successfully completed approved courses may have tuition reimbursed, up to the fiscal year reimbursement limit and in accordance with the provisions of this policy. The Town of Black Mountain Board of Aldermen will determine the amount of funding for this program on an annual basis. Each year, the approved fiscal budget will dictate the amount, if any, that will be allowed for tuition reimbursement to full-time Town employees.

PURPOSE

The purpose of the tuition program is to provide reimbursement for education that is not covered under training.

PROCEDURE

A. Application

1. Employees must submit an application for tuition assistance to the employee's Department Head before their selected course begins. If reimbursement has to be denied due to lack of funding or other reasons, the employee will know beforehand that the course is not eligible for reimbursement or funding is not available. Applications for tuition assistance that are submitted after the course begins may be rejected due to lack of funding or other reasons. It is the responsibility of the employee to submit the application to the Department Head by March 31st each fiscal year for approval. The Department Head will let each applicant know the outcome after the budget is passed, thus the amount available could change on an annual basis. Once the Department Head signs off on the application, it will be forwarded to Human Resources as a resource to know which employees are eligible for reimbursement.
2. Requests for reimbursements must be made within 30 days of course completion. The employee is responsible for getting all documentation (receipts, grades, etc.) to Human Resources within the established deadline. Human Resources, the

Department Head, the Finance Director, and the Town Manager will approve the paperwork for accounts payable to reimburse the employee.

3. If the tuition reimbursement request comes after approval of the annual budget, tuition reimbursement may not be issued until the following fiscal year.
4. After completion of the course, the employee should submit a reimbursement request for grades B or higher and present the request to Human Resources, along with a receipt from the college/university showing actual course costs. If books are not on the receipt from the college or university, they may be included as well. All receipts must be legible and have a total cost from the source of the service or product and must show the grade received for the class.
5. In courses where no grade is given, the employee must provide a written statement from the instructor on college/university letterhead certifying successful completion of the course. If the employee is required to take a course for graduation from a degree program and can pass the course by taking an examination, the employee may also be reimbursed for the “credit by examination,” and the same rule listed above will apply to this process concerning the need for certified successful completion documentation on college/university letterhead.
6. For classes that are considered “Pass/Fail,” a “Pass” for the course will be considered as satisfactory.
7. Human Resources will notify employees of the application period for participation in the Educational Assistance Program and will provide the forms for both the application process and reimbursement. Please refer back to the March 31st deadline for the application period each year. When the budget is approved, the amounts allowed or denied will be shared with employees each July.

B. Repayment to Town

1. Any full-time employee who pursues and obtains a degree program (including an associate, bachelor, Master’s, or Doctoral degree) shall be required to execute a repayment agreement that shall include the following terms and conditions: (a) the employee shall remain a full-time employee during his/her studies, (b) the employee must remain a full-time employee for a minimum of one year following completion of the degree, (c) the employee shall repay any tuition reimbursed by the Town in the twelve months prior to the employee's separation from employment, and (d) the Town may deduct any required repayment from any outstanding wages or other compensation due to the employee upon their separation, subject to applicable law

C. Amount of reimbursement

1. Full-time employees are eligible to receive up to the amount approved by the Board of Aldermen per fiscal year for reimbursement of tuition, books and fees. If no monies are allotted for the program, the employee understands there will not be reimbursement funds available to assist with their educational costs. This policy will be contingent on funding amounts passed by the Board of Aldermen each year. For example, if the Board of Aldermen approves \$6,000 to assist employees with educational costs, and we have eight applications Town-wide, the allowance per full-time applicant will be up to \$750. However, if the Board of

Aldermen approves \$6,000 and only three employees apply for tuition assistance, the cap for the fiscal year will be up to \$1,000 as a maximum payout per individual. The Board of Aldermen will control the amounts established annually and some years the budget for tuition assistance could be zero dollars. Each employee interested in receiving tuition reimbursement will certify the amount and the type of other funds received for educational purposes from federal, state, and other sources, such as veteran's educational benefits, scholarships, stipends, grants, or refundable tax credits. If such funds are received, the Town will pay the difference between the cost of the course(s) and the amount paid by the other program(s), but only up to the designated amount approved each fiscal year per individual.

D. Salary Adjustment

1. Employees who complete an associate, bachelor, Master's, or Doctoral degree that is job specific will receive up to five percent salary increase based on the Department Head and Town Manager's recommendation. Once approved by the Department Head and Town Manager, the increase will then be presented to the Board of Aldermen for their approval, with time being of the essence. Employees must enter their expected graduation date on the initial application. The option for the increase in salary will not be considered retroactively.

E. Eligible Employees

1. All full-time employees who have completed one year of service to the Town are eligible for tuition assistance.

F. Eligible Courses

1. An eligible course is one that has been pre-approved by the Department Head because it will either improve the employee's ability to perform the present job or help prepare him/her for a job within the Town, which will demand a higher or different level of responsibility or level of skill. Courses must be offered by a college, university, community college or other school or training academy that is regionally accredited. In some cases, courses will be so related to the employee's current job that the employee's department may pay for the course outright under its regular training budget. The Department Head will be the final approving party to determine if the course falls under the departmental training budget or the tuition assistance program.
2. The first and/or last day of the course must be within the fiscal year for which reimbursement is requested.
3. Employees are expected to pursue coursework outside regular work hours, thus being performed on their own time.
4. Tuition, registration fees, online exam fees, laboratory fees and books are eligible reimbursement expenses. Special equipment, tools, miscellaneous supplies such as pencils and paper, parking and travel (food/mileage) are not reimbursable expenses. Employees should use good judgement with regards to spending, such as purchasing used books when available.

G. Scope of tuition assistance program

1. As of March 10, 2020, this policy replaces and supersedes any previous policies, or unwritten policies or practices covering the entire subject of tuition assistance.

H. Acknowledgement of policy by employee

1. The employee will sign below as an indication that he/she has read the tuition reimbursement policy in its entirety and acknowledges the boundaries of the agreement concerning how each financial aspect will work.

(Print name) _____ Date: _____

(Signature) _____ Date: _____

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 8, 2019

SUBJECT: Acceptance of waterlines and easements associated with Avadim project, and conveyance of interest in sewer lines and easements associated with Avadim project

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8B
Department: Town Attorney
Contact: Ron Sneed
Presenter: Town Attorney

BRIEF SUMMARY: As part of the infrastructure development that has been constructed as part of the Avadim project, the sewer and water lines were installed under the auspices of the Town within easements that were held in the name of Buncombe County. Now that those parts of the infrastructure are complete, the easements and the lines in those easements need to be conveyed to the appropriate parties. The sewer lines will be maintained and will become a part of the Metropolitan Sewerage District and the new lines and the easements need to be conveyed to MSD. The County, as owner of the easements, has executed a conveyance of their easements to MSD, and counsel for MSD has asked that the Town of Black Mountain also execute that conveyance to convey any interest the Town owns in the sewer lines and appurtenant facilities to MSD. The Town will be operating the maintain the water lines as they will be part of the Town's water system, so the County has executed a conveyance of the easements for water lines to the Town. The Town needs to agree to accept this conveyance.

MOTIONS FOR CONSIDERATION:

To approve the conveyance of the sewer lines and easements to MSD and authorize the Mayor and Town Clerk to execute that conveyance

AND

To approve and accept the conveyance of the water line easements from the County and direct the Town Attorney to record that conveyance in the Office of the Register of Deeds for Buncombe County.

FUNDING SOURCE: N/A

ATTACHMENTS: Copies of conveyances sewer easements and water easements as executed by the County.

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Prepared by: Michael C. Frue
Return to: Metropolitan Sewerage District of Buncombe County
Attn: Planning and Development Manager
2028 Riverside Drive
Asheville, NC 28804

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

CONVEYANCE OF SEWER SYSTEM AND
EASEMENT FOR MSD Project Name and #

THIS CONVEYANCE OF SEWER SYSTEM AND EASEMENT made this the _____ day of November, 2020, **County of Buncombe**, a body politic and corporate of the State of North Carolina, and **The Town of Black Mountain**, a North Carolina municipal corporation, hereinafter referred to as the Grantors, to the **METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA**, a public body and body politic and corporate, created and established by the North Carolina State Stream Sanitation Committee by Resolution adopted on January 19, 1962, under the provisions of the North Carolina Metropolitan Sewerage Districts Act, now codified as Chapter 162A, Article 5, of the General Statutes of North Carolina, hereinafter referred to as Grantee (the designations Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine and neuter as required by context).

WITNESSETH:

THAT WHEREAS, the Grantors have been involved in the development of property known as **Black Mountain Center for Research & Technology** as shown on plats recorded in Plat Book 172 at Page 27 and Plat Book 191 at Page 48 Buncombe County, North Carolina Registry; and

WHEREAS, the Grantor Town of Black Mountain installed sewer lines and sewer related improvements (hereinafter Sewer Lines and Sewer Related Improvements) pursuant to permits issued by the Metropolitan Sewerage District of Buncombe County, North Carolina; and

WHEREAS, the Grantor County of Buncombe is the owner of the Construction and Permanent Easement Areas for Sewer Systems as indicated on the above-reference plats and as described in deeds recorded in Book 5522 at Page 1562, Book 5704 at Page 967, and Book 5704 at Page 971 Buncombe County, North Carolina Registry, reference to which deeds is made for a more particular description of the exact location of the Sewer Lines and Sewer Related Improvements and easements therefor; and

WHEREAS, the Grantors now desire to convey to the Grantee and the Grantee is willing to accept the Sewer Lines and Sewer Related Improvements together with the easements therefore.

NOW, THEREFORE, the Grantors, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by these presents do give, grant and convey unto the Grantee, its successors and assigns, Construction and Permanent Easement Areas for Sewer Lines and Sewer Related Improvements together with the full right of reasonable access to and egress from said areas for construction and permanent easement over and upon the above-referenced Properties or other property of Grantor from the nearest public road to have access to the Sewer Lines and Sewer Related Improvements in order to properly construct,

operate and maintain the Sewer Lines and Sewer Related Improvements and to repair and replace the Sewer Lines and Sewer Related Improvements as necessary, together with all the installed sewer lines and related improvements.

Said Construction and Permanent Easement Areas for Sewer Lines and Sewer Related Improvements are hereby described as follows:

BEING shaded areas shown on said Plat Book 172, Page 27 and marked as "Sewerline Construction Easement Area 1 Across the Property Described in DB 4254, PG 1118, 37718 Sq. Ft. or .866 Acres" and as "Sewerline Construction Easement Area 2 Across the Property Described in DB 4282, PG 176, 65871 Sq. Ft. or 1.512 Acres," reference to which plat is hereby made for a more particular description of the exact locations of the Construction and Permanent Easement Areas for Sewer Lines and Sewer Related Improvements.

BEING shaded areas shown on Plat Book 191, Page 48 and marked as "Proposed Sewerline Easement Area 3 Across the Property Described in DB 5546, PG 860, 10225 Sq. Ft. or 0.235 Acres," reference to which plat is hereby made for a more particular description of the exact locations of the Construction and Permanent Easement Areas for Sewer Lines and Sewer Related Improvements.

AND BEING shaded areas shown on Plat Book 191, Page 48 and marked as "Proposed Sewerline Ease. Area 4 Across the Property Described in DB 4282, PG 176, 250 Sq. Ft. or 0.006 Acres," reference to which plat is hereby made for a more particular description of the exact locations of the Construction and Permanent Easement Areas for Sewer Lines and Sewer Related Improvements.

IT IS UNDERSTOOD BY AND BETWEEN THE GRANTOR AND THE GRANTEE:

1. That the Grantee shall have the right, but not the obligation, to clear the permanent easement as shown on the maps and plats and the right, but not the obligation, to keep the permanent easement clear at all times, and the right, but not the obligation, to remove from the permanent easement all brush, trees and other obstructions, and to go upon said easement whenever necessary for the purpose of clearing the same and removing therefrom all brush, trees and other obstructions of any kind.

2. That the owner of the underlying fee and adjacent property shall at all times, other than while the Sewer Lines and Sewer Related Improvements are under actual construction, have the right to use said permanent easement in the same manner as has been heretofore done; provided such use shall in no manner interfere with or be inconsistent with the use thereof by Grantee as provided herein. Prohibited uses of the permanent easement by the fee owner include, but are not limited to, the following: the erection of a shed, building, structure or other obstruction within the permanent easement by the Grantor shall not be allowed; the planting of trees within the permanent easement by the fee owner shall not be allowed; additional fill cannot be placed within the permanent easement except after prior written consent from the Grantee; and other utility lines, including but not limited to, electric, gas, telephone, cable, or water lines, cannot be constructed within the permanent easement except after prior written approval by the Grantee.

3. That the Grantee agrees to restore the topography of the easement area after any necessary repair or replacement of the Sewer Lines and Sewer Related Improvements to approximately the same condition as existed prior to the repair or replacement.

4. That the owner of the fee and adjacent property shall have the rights to pass over and upon said permanent easement with appropriate roadways for the full use of its property, provided, however, that the construction, maintenance and use of said roadways shall in no way interfere with the Sewer Lines and Sewer Related Improvements constructed within said permanent easement. As to paved roads, the Grantee, in future repairs or maintenance of said Sewer Lines and Sewer Related Improvements, shall only be responsible for regraveling, tamping and patching the portion of said paved roads disturbed in connection with any repairs or maintenance. As to non-paved roads, the Grantee shall only be responsible for regraveling and tamping in connection with any repairs or maintenance.

5. Other conditions and provisions:

TO HAVE AND TO HOLD said Sewer Line and Sewer Related Improvements together with the easements therefor unto said Grantee, its successors and assigns, forever upon the terms set forth herein.

The Grantors covenant to and with the Grantee, its successors and assigns, that the Grantor Town of Black Mountain is the owner of the Sewer Lines and Sewer Related Improvements, and the Grantor County of Buncombe is the owner of the easements therefor, and that said Sewer Lines and Sewer Related Improvements and the easements therefor are free from any and all liens and encumbrances, and that they will and their successors and assigns shall forever warrant and defend the title to said Sewer Lines and Sewer Related Improvements and easements therefor unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto executed this document, as of the day and year first above written.

GRANTOR:

BUNCOMBE COUNTY, a body politic and corporate of the State of North Carolina

By: Brownie Newman
Brownie Newman, Chair

Attest:

Lamar Joyner
Lamar Joyner, Clerk to the Board

[CORPORATE SEAL]



STATE OF NORTH CAROLINA

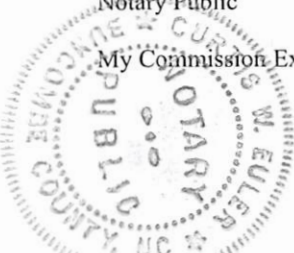
COUNTY OF BUNCOMBE

I, CURTIS W. EULER, Notary Public for said County and State, has personal knowledge of the identity of Lamar Joyner, and hereby certifies that said Lamar Joyner, Clerk to the Board, personally appeared before me this day and acknowledged that he is Clerk to the Board of Commissioners of County of Buncombe and that Brownie Newman is the Chairman of the Board of Commissioners of Buncombe County, and that by authority duly given and as the act of the County of Buncombe, the foregoing instrument was signed in its name by said Chairman, sealed with its official seal, and voluntarily attested to by himself as its Clerk as the act and deed of the County of Buncombe, all by authority duly given by its governing body.

Witness my hand and notarial seal, this the 15TH day of November, 2020.

Curtis W. Euler
Notary Public

My Commission Expires: 9/6/2024



THE TOWN OF BLACK MOUNTAIN, a
North Carolina Municipal Corporation

(COPORATE SEAL)

By: _____
Larry Harris, Mayor

Attest:

Savannah Parrish, Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____, Notary Public for said County and State, has personal knowledge of the identity of Savannah Parrish, and hereby certifies that said Savannah Parrish, Town Clerk, personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Black Mountain, and that Larry Harris is the Mayor of the Town of Black Mountain, and that by authority duly given and as the act of the Town of Black Mountain, the foregoing instrument was signed in its name by said Mayor, sealed with its official seal, and voluntarily attested to by himself as its Clerk as the act and deed of the Town of Black Mountain, all by authority duly given by its Board of Aldermen.

Witness my hand and notarial seal, this the ____ day of November, 2020.

Notary Public

My Commission Expires:

GRANTEE:

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA

By: _____(SEAL)
M. Jerry VeHaun, MSD Board Chair

Attest:

Jackie W. Bryson, Secretary/Treasurer of the
Metropolitan Sewerage District of Buncombe
County, North Carolina

[CORPORATE SEAL]

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____, Notary Public for said County and State, has personal knowledge of the identity of Jackie W. Bryson, and hereby certifies that said Jackie W. Bryson, Secretary/Treasurer of the Board, personally appeared before me this day and acknowledged that she is Secretary/Treasurer of the Metropolitan Sewerage District of Buncombe County, NC and that W. Jerry VeHaun is the Chairman of the Board of the Metropolitan Sewerage District of Buncombe County, NC, and that by authority duly given and as the act of the Metropolitan Sewerage District of Buncombe County, NC, the foregoing instrument was signed in its name by said Chairman, sealed with its official seal, and voluntarily attested to by herself as its Secretary/Treasurer as the act and deed of the Metropolitan Sewerage District of Buncombe County, NC, all by authority duly given by its governing body.

Witness my hand and notarial seal, this the ____ day of November, 2020.

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CONVEYANCE OF PERMANENT
EASEMENTS FOR WATER SYSTEMS

Prepared by and return to Ronald E. Sneed
PO Box 995, Black Mountain, NC 28711

This Conveyance of Permanent Easements for Water Systems made this the _____ day of _____, 2020, from the County of Buncombe, a body politic and corporate of the State of North Carolina, hereinafter referred to as the Grantor, to the Town of Black Mountain, a North Carolina municipal corporation, hereinafter referred to as the Grantee (the designations Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine and neuter as required by context).

WITNESSETH:

Whereas, the Grantor is the owner and holder of a certain Construction and Permanent Easement Areas for Water Systems, such easements having been acquired by the Grantor from Black Mountain Center for Research and Technology, LLC, by instrument recorded in Book 5522 at Page 1558, Buncombe County Registry, for the installation of water lines and water related improvements (hereinafter "Water Lines and Water Related Improvements"); and

Whereas, said easements and Water Lines and Water Related Improvements are located as set forth and described on that plat recorded in Plat Book 172, Page 27 Buncombe County, North Carolina Registry, reference to which plat is hereby made for a more particular description of the exact location of the Water Lines and Water Related Improvements; and

Whereas, the water lines and water related improvements are to be a part of the water system owned and operated by the Grantee Town of Black Mountain; and

WHEREAS, the Grantor now desires to convey to the Grantee and the Grantee is willing to accept these easements and the water lines and water related improvements within the

described easements.

NOW, THEREFORE, the Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by these presents does give, grant and convey unto the Grantee, its successors and assigns, the Construction and Permanent Easement Areas for Water Lines and Water Related Improvements together with the full right of reasonable access to and egress from said areas for construction and permanent easement over and upon the above-referenced Properties or other property of Grantor from the nearest public road to have access to the Water Lines and Water Related Improvements in order to properly construct, operate and maintain the Water Lines and Water Related Improvements and to repair and replace the Water Lines and Water Related Improvements as necessary.

Said Construction and Permanent Easement Areas for Water Lines and Water Related Improvements are hereby described as follows:

BEING shaded areas shown on said Plat Book 172, Page 27, Buncombe County Registry, and marked as "Waterline Construction Easement Area Across the Property Described in DB 4282, PG 176, 28699 Sq. Ft. or .659 Acres" reference to which plat is hereby made for a more particular description of the exact locations of the Construction and Permanent Easement Areas for Water Lines and Water Related Improvements.

IT IS UNDERSTOOD BY AND BETWEEN THE GRANTOR AND THE GRANTEE:

1. That the Grantee shall have the right, but not the obligation, to clear the construction and permanent easement as shown on the maps and plats and the right, but not the obligation, to keep the construction and permanent easement clear at all times, and the right, but not the obligation, to remove from the construction and permanent easement all brush, trees and other obstructions, and to go upon said easement whenever necessary for the purpose of clearing the same and removing therefrom all brush, trees and other obstructions of any kind.
2. That the owner of the fee and adjacent property shall at all times, other than while the Water Lines and Water Related Improvements are under actual construction, have the right to use said construction and permanent easement in the same manner as has been heretofore done; provided such use shall in no manner interfere with or be inconsistent with the use thereof by property owner as provided herein. Prohibited uses of the construction and permanent easement by the property owner include, but are not limited to, the following: the erection of a shed, building, structure or other obstruction within the construction and permanent easement by the Grantor shall not be allowed; the planting of trees within the construction and permanent easement by the Grantor shall not be allowed; additional fill cannot be placed within the construction and permanent easement except after prior written consent from the Grantee; and other utility lines, including but not limited to, electric, gas, telephone, cable, or water lines, cannot be constructed within the construction and permanent easement except after prior written approval by the Grantee.
3. That the Grantee agrees to restore the topography of the easement area after any necessary

repair or replacement of the Water Lines and Water Related Improvements to approximately the same condition as existed prior to the repair or replacement.

4. That the owner of the underlying fee and adjacent property shall have the rights to pass over and upon said construction and permanent easement with appropriate roadways for the full use of its property, provided, however, that the construction, maintenance and use of said roadways shall in no way interfere with the Water Lines and Water Related Improvements constructed within said construction and permanent easement. As to paved roads, the Grantee, in future repairs or maintenance of said Water Lines and Water Related Improvements, shall only be responsible for returning the said paved roads disturbed in connection with any repairs or maintenance to the same or similar condition as found immediately prior to such repairs or maintenance. As to non-paved roads, the Grantee shall only be responsible for regravelling and tamping in connection with any repairs or maintenance.

The Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is the owner of the easements herein described as the Construction and Permanent Easement Areas for Water Lines and Water Related Improvements and that said Construction and Permanent Easement Areas for Water Lines and Water Related Improvements are free from any and all liens and encumbrances, and that they will and their successors and assigns shall forever warrant and defend the title to said Construction and Permanent Easement Areas for Water Lines and Water Related Improvements unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor and Grantee have hereunto executed this document, as of the day and year first above written.

GRANTOR:

BUNCOMBE COUNTY, a body politic and corporate of
the State of North Carolina

By: Brownie Newman
Brownie Newman, Chair

Attest:

Lamar Joyner
Lamar Joyner, Clerk to the Board



STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

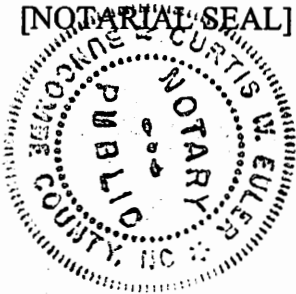
I, CURTIS W. EULER, Notary Public for said County and State, has personal knowledge of the identity of Lamar Joyner, and hereby certifies that said Lamar Joyner, Clerk to the Board, personally appeared before me this day and acknowledged that he is Clerk to the Board of Commissioners of County of Buncombe and that Brownie Newman is the Chairman of the Board of Commissioners of Buncombe County, and that by authority duly given and as the act of the County of Buncombe, the foregoing instrument was signed in its name by said Chairman, sealed with its official seal, and voluntarily attested to by himself as its Clerk as the act and deed of the County of Buncombe, all by authority duly given by its governing body.

Witness my hand and notarial seal, this the 25TH day of November, 2020.

Curtis W. Euler
Notary Public

My Commission Expires: 9/6/2024

[NOTARIAL SEAL]



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2019

SUBJECT: Water Connection Tampering Ordinance

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8D
Department: Town Attorney
Contact: Ron Sneed
Presenter: Town Attorney

BRIEF SUMMARY: The only provision in the Town of Black Mountain Code of Ordinances concerning tampering with water connections is Section 48-99 which makes it unlawful for any person to interfere with hydrants, plugs or sidewalk cutoffs. This has remained in the ordinances since at least 1975, and is not explicit as to what it means to “interfere” with connections, and contains no provisions for penalties for violations. The proposed ordinance was drafted to take care of this.

MOTION FOR CONSIDERATION: To approve the proposed ordinance amendment as submitted (or amended)

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed ordinance amendment

MANAGER’S COMMENTS AND RECOMMENDATIONS: To adopt the proposed ordinance amendment

ORDINANCE #0-20-21

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, TO CLARIFY VIOLATIONS AND TO ADD PENALTIES FOR WATER CONNECTION TAMPERING

WHEREAS, Town ordinance Section 48-99 makes it unlawful for any person to interfere with hydrants, plugs or sidewalk cutoffs; and

WHEREAS, such ordinance is unclear as to what “sidewalk cutoffs” the ordinance applies to; and

WHEREAS, there is no penalty associated with the prohibition contained in said ordinance section other than a criminal penalty which is applicable by default in the absence of a specified penalty; and

WHEREAS, it is in the interest of the citizenry to more clearly define what connections and sidewalk cutoffs the prohibition applies to and it is in the interest of the Town and the citizenry to establish and clearly state the penalty for violation.

WHEREAS, the appeal provision provides that any appeal from any order to take corrective action is to be appealed to the local elected governing body; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Black Mountain, North Carolina, that Section 48-99 of the Code of Ordinances is revoked and of the Code of Ordinances shall be and hereby is amended to include the following new Section 48-99

§48-99 - Tampering with fire hydrants or other water connections.

A. It shall be unlawful for any person to interfere with the fire hydrants, plugs, sidewalk cutoffs, water meters for residences and business, valves and cutoffs that are part of water meters or on the public water line side of such water meters, particularly by turning on water that has been turned off by the Town for non-payment or other reasons, by modifying waterlines or bypassing such water meters to cause reduced measurement of water use, or by adding users of water from a single meter to serve more properties than the property or properties the meter was installed to serve.

B. Any person violating this section of the Code of Ordinances of the Town of Black Mountain shall be subject to the imposition of a civil penalty of \$500.00 for each offense.

C. The person or persons violating this ordinance shall be issued a written notice of violation and the imposed civil penalty and shall be required to make payment to the Town of Black Mountain within ten days of receipt of notice. Notice of the civil penalty and violation shall be delivered in person to the violator or mailed by certified mail, return-receipt requested, or by courier which can provide proof of delivery, to the violator's last known address. If the applicable civil penalty is not paid within the period prescribed, a civil action may be commenced to recover the penalty and costs associated with the collection of the penalty, including reasonable attorney fees.

D. The Town may also order the correction or termination of the violating act, and may seek an order of the court to compel compliance with such order. The person in violation shall be required to pay costs incurred by the Town if such action is taken, including court costs and reasonable attorney fees.

E. The Town may, but is not obligated to, give a warning notice and the opportunity to correct the violation before imposing the monetary civil penalty.

I move the adoption of the foregoing ordinance amendment.

Alderman

READ, APPROVED AND ADOPTED, this 14th day of December, 2020.

Larry B. Harris, Mayor

ATTESTED:

Savannah Parrish, Town Clerk

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 14, 2020**

SUBJECT: Proposed conveyance of interest in easement

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8E
Department: Town Attorney
Contact: Ron Sneed, Town Attorney
Presenter: Ron Sneed, Town Attorney

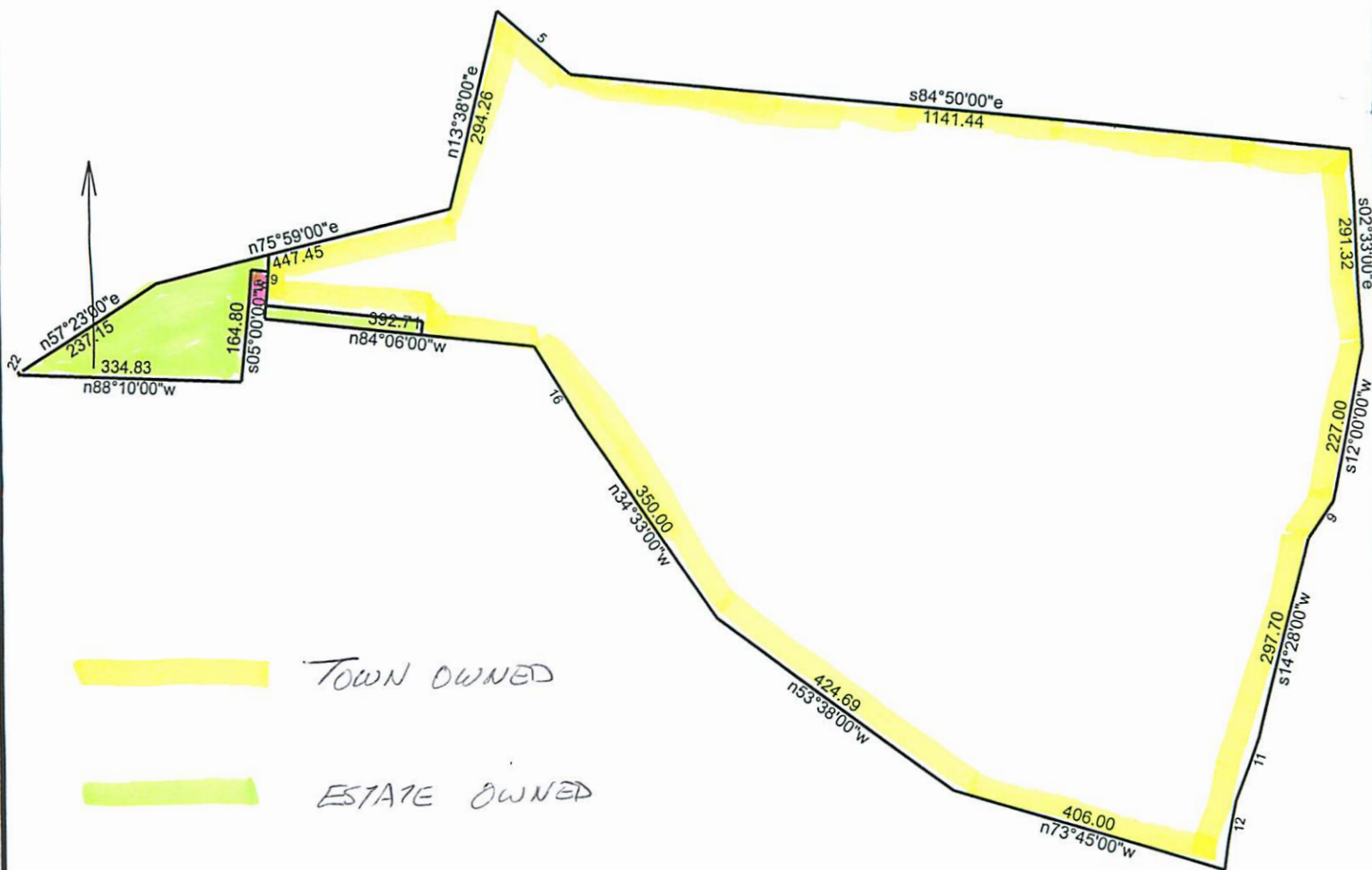
BRIEF SUMMARY: In June 2019, the proposal was made for the town to disclaim its interest in a portion of the Hemphill property for an area that was not integral to the development of a park on the Hemphill property and a small strip along the boundary of the property of Mike Begley to allow the estate of Mary Hemphill to retain and sell that portion to generate money for the estate and to accommodate plans for the use of the Begley property, for which accommodation the Town will receive an easement for a second access to the property by way of Sunset Drive. After passage of the resolution, it was discovered that a part of the property that Begley anticipated as being available for his use was a small piece of land that is approximately 50 feet long and 25 feet wide that is now the northern end of a platted but unopened street as shown on the plat recorded in Plat Book 198 at Page 10A, Buncombe County Registry. The request is for the Town to disclaim any interest in this portion of that easement by execution of a non-warranty deed to Mr. Begley.

MOTION FOR CONSIDERATION:

To approve the execution of a non-warranty deed for that northern portion of that easement shown on that plat recorded in Plat Book 198 at Page 10A, Buncombe County Registry, said portion being the part lying directly west of the easternmost boundary of the property of the Town described in Book 5929 at Page 643, Buncombe County Registry.

FUNDING SOURCE: N/A

ATTACHMENTS: Drawing showing Hemphill property owned by Town, portion still held by Hemphill estate, and area of easement proposed for non-warranty deed



TOWN OWNED

ESTATE OWNED

UNOPENED EASEMENT
(AREA MARKED APPROX 25' x 50')

3/29/2020

Scale: 1 inch= 252 feet

File: Overlay.ndp

Tract 1: 25.7285 Acres, Closure: s89.2723e 4.06 ft. (1/1389), Perimeter=5644 ft.

Tract 2: 24.7827 Acres, Closure: n50.0039w 0.10 ft. (1/46816), Perimeter=4726 ft.

01 e-1.71 n189.50	26 n13.3800e 294.26
02 n57.2300e 237.15	27 s48.5000e 140.10
03 n75.5900e 447.45	28 s84.5000e 1141.44
04 n13.3800e 294.26	29 s02.3300e 291.32
05 s48.5000e 140.10	30 s12.0000w 227.00
06 s84.5000e 1141.44	31 s34.0000w 66.00
07 s02.3300e 291.32	32 s14.2800w 297.70
08 s12.0000w 227.00	33 s20.4600w 100.11
09 s34.0000w 66.00	34 s09.5400w 103.31
10 s14.2800w 297.70	35 n73.4500w 406.00
11 s20.4600w 100.11	36 n53.3800w 424.69
12 s09.5400w 103.31	37 n34.3300w 350.00
13 n73.4500w 406.00	38 n31.2000w 124.59
14 n53.3800w 424.69	39 n84.0600w 162.58
15 n34.3300w 350.00	40 n05.0000e 20.00
16 n31.2000w 124.59	41 n84.0600w 230.13
17 n84.0600w 392.71	42 n05.0000e 74.2
18 n05.0000e 70.00	
19 n84.1500w 25.00	
20 s05.0000w 164.80	
21 n88.1000w 334.83	
22 n27.5200e 5.70	
23 @0	
24 e367.49 n359.63	
25 n75.5900e 272.8	