



TOWN OF BLACK MOUNTAIN

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

Date: April 12, 2021 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 Council** to download materials for all Town Council meetings.

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

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Should you need other assistance or accommodation for this meeting, please contact

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

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

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

A. Proclamation for Dan Cordell's retirement.

B. Mayors' Monarch Pledge

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the Council 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 Council. **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, COUNCILS, COMMISSIONS & AGENCIES

A. Black Mountain Beautification Committee Annual Report

B. Black Mountain Recreation and Parks – Josh Henderson, Recreation and Parks Director

5. CONSENT AGENDA

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

A. Adoption of Minutes

Motion: *To adopt the minutes of March 4, 2021 Agenda Workshop, the March 8, 2021 Regular Session Meeting and the March 10, 2021 Special Call Meeting.*

B. Budget Amendment for debt payment at 304 Black Mountain Avenue.

Motion: *To approve the budget amendment #FY-2021-14*

C. Call for Public Hearing for Voluntary Annexation for 201 and 207 Old Toll Road
#O-21-03

Motion: *To call for a public hearing for voluntary annexation for 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000) to be held on Monday, May 10, 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 for Rezoning of 201 and 207 Old Toll Road #Z-O-21-01

Motion: *To call for a public hearing for rezoning 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000) to UR-8 to be held on Monday, May 10, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

E. Call for Public Hearing for Text Amendments to Open Space Requirements for Major Subdivisions #O-21-04

Motion: *To call for a public hearing for text amendments to open space requirements for major subdivisions to be held on Monday, May 10, 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-E as presented.*

6. CITIZEN COMMENTS

The chair will recognize individuals requesting to address the Council regarding the specific **New Business or Unfinished Business items below**. Comments by any one **speaker shall be limited to three (3) minutes.**

If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.

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

7. UNFINISHED BUSINESS

A. Riverwalk Greenway Update

8. NEW BUSINESS

A. Black Mountain Library Garden Proposal

Motion: *To approve or deny the Black Mountain Library Garden Proposal as presented.*

B. Golf Course Rates

Motion: *To approve FY21-22 golf course rates as presented.*

C. Golf Cart Purchase/Lease

Motion: *To approve the purchase of new golf carts.*

D. Town Square Use Policy Amendments

Motion: *To approve the amendments in Town Square Use Policy as presented.*

E. Babe Ruth MOU

Motion: *To approve the memorandum of understanding with Charles D. Owen Babe Ruth organization as presented.*

9. PUBLIC HEARING

A. Consideration of Charter Update

Motion:

To open the public hearing for the proposed charter amendments.

To close the public hearing.

To approve the charter amendments as presented.

B. Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel to Fairway Drive and Tomahawk Avenue.

Motion:

*To open the public hearing for **Resolution #R-21-02** to Close Unopened, Platted Right-of-Way Terminating at Fairway Drive and Tomahawk Avenue intersection.*

To close the public hearing.

*To approve **Resolution #R-21-02** for the right-of-way closure.*

- C. Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between Hiawasse Avenue and S. Oconeechee Avenue.

Motion:

*To open the public hearing for **Resolution #R-21-05** to Close Unopened, Platted Right-of-Way Parallel and Between Hiawasse Avenue and S. Oconeechee Avenue.*

To close the public hearing.

*To approve **Resolution #R-21-05** for the right-of-way closure.*

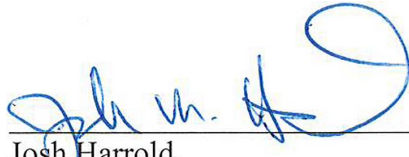
The chair will recognize individuals requesting to address the Council regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of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

10. COMMUNICATION FROM STAFF

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

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. ADJOURNMENT



Josh Harrold
Town Manager



PUBLIC NOTICE

In order to maintain the safety of Town residents, staff, and the Town Council, **The Agenda Work Session scheduled for Thursday, April 8th at 5:00 p.m. will be conducted electronically using YouTube Live.**

The Town Council Regular Session scheduled for **Monday, April 12, 2021 at 6:00 p.m. will be conducted electronically using YouTube Live.** 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, Town Council, Town Manager, Town Clerk, staff members and videographers.

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.**

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

Passcode: 916686

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
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 3/15/21



Proclamation

“Dan Cordell”

April 12, 2021

WHEREAS, the Town of Black Mountain is always appreciative of those who serve for the betterment of the Town; and

WHEREAS, DAN CORDELL has dedicated 20 years of service to the Town of Black Mountain as Building Inspector and is now retiring; and

WHEREAS, DAN CORDELL rendered during his employment valuable services to the Town of Black Mountain and the citizens thereof; and

WHEREAS, it is fitting that the Town of Black Mountain shows its appreciation when one has rendered such valuable services.

NOW, THEREFORE, Be it hereby proclaimed by the Town Council of the Town of Black Mountain:

That DAN CORDELL is hereby acknowledged as having been a good, loyal and faithful public servant of the Town of Black Mountain;

That this proclamation expresses the deep appreciation on behalf of the citizens of the Town of Black Mountain for the valuable service which he has provided the Town;

That this proclamation is hereby presented to DAN CORDELL and a copy of same shall be placed within the records of the Town of Black Mountain.

Proclaimed this 12th day of April 2021.

Attest:

Savannah Parrish, Town Clerk

Larry B. Harris, Mayor



Proclamation

“Mayors’ Monarch Pledge Day”

April 12, 2021

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, the North American monarch has declined dramatically in population over the past two decades; and

WHEREAS, to help save the monarch butterfly, Town of Black Mountain will play a leadership role by committing to restore and preserve habitat that supports the insect’s 2,500 mile migration across the continent to their nesting ground; and

WHEREAS, Citizens can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and pollinators in locations where people live, work, learn, play and worship; and

WHEREAS, Mayors, elected officials, and government executives are encouraged to sign the National Wildlife Federation’s Mayors’ Monarch Pledge to help foster monarch butterfly conservation.

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain, and on behalf of the Black Mountain Town Council, do hereby proclaim April 12, 2021 to be

“Mayors’ Monarch Pledge Day”

SIGNED this 12th day of April 2021.

Attest:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

2020 ANNUAL REPORT

RECREATION & PARKS



COVID-19 IMPACT

- RECREATION IN A COVID WORLD
- WHAT WE LEARNED FROM COVID-19



NRPA PARK PULSE

Parks Are Essential, Especially During a Health Crisis

83% of adults find exercising at local parks, trails and open spaces essential to maintaining their mental and physical health during the COVID-19 pandemic.



59% of respondents say it is *very* or *extremely* essential to exercise in parks and green spaces to relieve stress and remain healthy during this crisis.

Numerous studies show there are physical and mental health benefits to spending time in green spaces. Local parks, trails and open spaces have recently become even more of a respite from stress. In March 2020, NRPA released a joint statement about using parks and open spaces while maintaining physical distancing. To date, more than 1,000 groups nationwide have signed on to voice support of the safe use of parks during this crisis. Visit www.nrpa.org/Coronavirus for more information.

Each month, through a poll of 1,000 U.S. residents focused on park and recreation issues, NRPA Park Pulse helps tell the park and recreation story. Questions span from the serious to the more lighthearted. The survey was conducted by Wakefield Research (www.wakefieldresearch.com).

Visit nrpa.org/ParkPulse for more information.



Black Mountain
Recreation & Parks

COVID-19 IMPACT

PANDEMIC PIVOT: HOW WE EVOLVED

- OUTDOOR PROGRAMS
- COMMUNITY GARDEN



COVID-19 IMPACT

PROGRAMS & EVENTS IMPACTED BY COVID-19

- THE FOLLOWING PROGRAMS & EVENTS WERE CANCELLED OR POSTPONED
 - SPRING HIKES AT RIDGECREST
 - SPRING AND FALL WALK TO SCHOOL
 - YOUTH DISC GOLF CLINIC
 - JULY 4TH FIREWORKS & STREET DANCE
 - PARK RHYTHMS
 - NATIONAL COFFEE DAY
 - SUMMER CAMPS



COVID-19 IMPACT

PROGRAMS & EVENTS IMPACTED BY COVID-19

- THE FOLLOWING PROGRAMS & EVENTS WERE CANCELLED OR POSTPONED
 - ADULT BASKETBALL (FACILITIES)
 - TWO SEASONS OF START SMART SOCCER
 - YOUTH START SMART BASKETBALL
 - ADULT AND YOUTH TENNIS
 - SWIM TEAM



COVID-19 IMPACT

PROGRAMS & EVENTS IMPACTED BY COVID-19

- THE FOLLOWING PROGRAMS & EVENTS EITHER CANCELLED OR POSTPONED
 - ACTIVE AGING ADULT DAILY ACTIVITIES AND PROGRAMS
 - POOL SEASON
 - RENTALS
 - EMPTY BOWLS COMMUNITY GARDEN FUNDRAISER



WHAT WERE WE ABLE TO ACCOMPLISH



EVENTS

VALENTINES 5K FEBRUARY 8TH

- 305 PARTICIPANTS
- DONATED \$450 TO BLACK MOUNTAIN CHILDREN'S HOME

SPOOKILY DISTANT DRIVE-THRU

- 350 TREAT BAGS WERE DISTRIBUTED

CIRCLE OF LIGHTS

- PLACED LUMINARIES AROUND THE LAKE



PROGRAMS

ARM'S LENGTH ADVENTURES (AUG-SEPT)

- 84 PARTICIPANTS (WATERFALL HIKES, BIKE TOURS, RIVER CLEAN-UPS)

RIVERWALK PARK CLEAN-UP (OCT)

- 15 PARTICIPANTS (PARTNERSHIP WITH WARREN WILSON)

FALL PEAKS HIKING SERIES (OCT-NOV)

- 45 PARTICIPANTS



YOUTH SPORTS

YOUTH INDOOR SOCCER

- 296 PARTICIPANTS (AGES 9-18) (FINISHED SEASON BEFORE COVID)

- YOUTH BASKETBALL

- 143 PARTICIPANTS (AGES 5-14) (FINISHED SEASON BEFORE COVID)

YOUTH DISC GOLF LEAGUE (FALL)

- 13 PARTICIPANTS (AGES 9-17)



COMMUNITY GARDEN

80 TOTAL PLOTS; 19 ARE GROWN SOLELY FOR DONATION

101 REGISTERED GARDENERS IN 2020

- 95 (2019), 85 (2018)
- PRODUCED 6,000+ LBS OF FOOD FOR DONATION (BOUNTY & SOU
- 4,450LBS (2019), 3,055LBS (2018)



COMMUNITY GARDEN

- 2,300 VOLUNTEER HOURS LOGGED; 118 VOLUNTEERS
- 80 NEW VOLUNTEERS IN 2020
- HOSTED ANNUAL CHRISTMAS TREE RECYCLING PROGRAM
- 4 INTERNS IN 2020 THROUGH BMPGF



ACTIVE AGING ADULTS

MEAL SITE

- UTILIZED A DRIVE-THRU METHOD
- DISTRIBUTING 40-50 MEALS A DAY (MWF)



RENTALS

64 TOTAL RENTALS, \$10,400 IN REVENUE

LAKEVIEW CLUBHOUSE (UPSTAIRS & WEDDING PACKAGES)

- 13 SCHEDULED RENTALS

LAKEVIEW CENTER (DOWNSTAIRS)

- 5 SCHEDULED RENTALS

PAVILION LAKE TOMAHAWK & VET PARK

- 33 SCHEDULED RENTALS

GREY EAGLE (BUILDING ONLY)

- 13 SCHEDULED RENTALS



IMPROVEMENTS

PARTF GRANT PROJECT ELEMENTS COMPLETED

- PLAYGROUND
- PICNIC SHELTER
- DISC GOLF COURSE REDESIGN
- PARKING ADDITIONS

EAGLE SCOUT PROJECTS

- LAKE TOMAHAWK PLAYGROUND
- POOL AMENITIES



Black Mountain
Recreation & Parks

IMPROVEMENTS

PARK AMENITIES/ADDITIONS

- REPLACED TOOL SHED AT COMMUNITY GARDEN (BUNCO RECREATION GRANT)
- BIRD BOXES AT RIVERWALK PARK (COLLABORATION WITH GREENWAYS COMMISSION)
- FREE LITTLE LIBRARY AT LAKE TOMAHAWK (DONATION FROM PETREQUIN FAMILY)
- PAINTED INTERIOR OF LAKEVIEW CENTER



Black Mountain
Recreation & Parks

IMPROVEMENTS

PARTNERSHIPS

- RIDGECREST (CONFERENCE CENTER; HIKES & DISC GOLF)
- YMCA BLUE RIDGE ASSEMBLY (HIKES, CLIMBING, DISC GOLF)
- WARREN WILSON (RIVER CLEAN-UPS)
- EPIC CYCLES (GUIDED BIKE TOURS)
- CHRISTMONT (HIKES)
- BLACK MOUNTAIN HOME FOR CHILDREN (VALENTINES 5K DONATION RECIPIENTS)
- ASHEVILLE GREEN WORKS (RIVER CLEAN-UPS)



WHAT'S HAPPENING IN 2021

- VIRTUAL VALENTINES 5K
- YOUTH INDOOR SOCCER
- SPRING/FALL YOUTH DISC GOLF LEAGUE
- HIKES, BIKE TOURS, CLEAN-UPS
- SUMMER CAMP
- POOL SEASON
- PARK RHYTHMS
- 4TH OF JULY
- OUTDOOR SOCCER
- KID'S FISHING TOURNAMENT



QUESTIONS?





TOWN OF BLACK MOUNTAIN

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

Date: **March 8, 2021**

Time: **6:00 p.m.**

Regular Session Minutes

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1. CALL TO ORDER

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

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Council Member Archie Pertiller
Council Member Ryan Stone
Council Member Tim Raines
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Deacon Levon Lindsey Mills Chapel Baptist Church offered an invocation.

Council Member Tim Raines asked that Agenda Item 5F, a motion to suspend fees for providing fire department personnel for home football games at Owen High School during COVID-19 restrictions. The item was added to the agenda by a vote of 5-0.

2. PROCLAMATIONS, AWARDS & RECOGNITION

None

3. CITIZEN COMMENTS

Town Manager Josh Harrold read the following comments

- Affordable housing is like the old weather adage, everyone talks about it but nobody does anything about it. Well unlike the weather situation, I feel Black Mountain has a unique opportunity at this time to do something about affordable housing. Right now there is an abandoned bldg within walking distance of downtown. This is the Bi Lo building on Rt 9.
(I do not know if the following is true but I feel I need to mention it. I have heard that Ingles bought the bldg and will not sell it to anyone who wants to put in another grocery store. If true that is definitely their right. But also if it is true than what better way to serve the community that they are headquartered in then to donate the property to Black Mountain as an affordable housing site. It would definitely benefit them three fold. 1 Great tax writeoff, 2 their customer base would be increased by the number of units built and 3 It would be good press. So enough of Ingles.)
If the previous paragraph is totally wrong this does not change the fact that the site could and should be purchased for housing. Since it is close to but remote from the old historic downtown bldgs and is surrounded by more modern structures like the UPS bldg and Starbucks and a gas station it could be a more modern structure. I picture an apt bldg like the one recently erected in Swannanoa.
So this is an opportunity that should be pursued in a timely manner. It won't be long before someone purchases this land for some other use. Thanks for listening
Ron Marcello
- My name is Theresa Fuller from 207 Rhododendron Ave. Thank you for providing this three minute forum for me to voice my concerns. Since 2016, I have presented my concerns about the conditions of Lake Tomahawk Park to the city and town manager. I invite you to review the supporting documentation accumulated. You will see a historical *timeline*, past newspaper articles, *videos*, and *photos* that may be of interest to you. The files are located on *our Google drive*. I have not been able to personally present to the board since the Covid-19 shutdown, March 2020. I was hoping to attend a meeting, but my letter and documentation will have to suffice. I am asking for your attention and support in putting proper money in the budget for this beloved park. For those new to Black Mountain, Lake Tomahawk Park provides our community a place to play, walk, swim, gather, commune, and relax within a 16.3-acre parcel located centrally in Black Mountain. Lake Tomahawk is fed by Tomahawk Branch, which runs through the Black Mountain golf course. This park was created by Civil Works Administration in the '30s. The Lakeview Center was constructed around 1932 and semi-renovated in 1975 and 2010. Today, the center serves as an Active Aging Center. It hosts senior walks and lunches; offers programs ranging from exercise classes to bridge, and is rented for various private occasions. The park features amenities as a pavilion, fishing pier, playground, tennis courts, horseshoe pits, public restrooms, and a walking trail. The tennis courts were refurbished in 1989. The pavilion was built in 1993 and features ten picnic tables and one small charcoal grill. The Black Mountain Pool was completely renovated in 2009. We could talk for hours about really what has been done or is happening. In early 2020, Elevate Black Mountain meetings occurred. The general consensus is people want their greenways, especially Lake Tomahawk. As proof, *daily and monthly loop counts* were taken from an installed counter. *Could some of these steps possibly be yours?* The issue is maintenance projects are overlooked as Capital projects are worked as they are easier to get approved. This is a real problem in many communities. Before I voice my grievances, I give thanks to the City Works and the town Manager for work performed in 2020. The town did perform some of the work on the Lake Tomahawk community garden to stop erosion. More needs to be done. A large dead tree was removed for safety reasons. The sediment damn was re-engineered from the one that was destroyed in May of 2018. I ask you to please walk the park, or review the supporting document, with open eyes and observe what is happening to the park.

· Storm water is not being controlled off the mountain and hillsides. It washes down across Tomahawk Avenue and down the Lake Tomahawk banks. Review the video on just how badly Lake Tomahawk Ave slopes towards the lake. This is even becoming a danger for driving. Also, all the new

builds in the past five years have removed so many trees. This sends enormous amounts of uncontrolled water towards the lake. How do we control our environment from being destroyed? The current maintenance must be improved. When it rains, the trails are washed out and the gravel goes into the lake. The city puts fresh gravel on top of washed-out trail. It rains again and the city repeats. We have beaches of gravel and it is polluting filling the lake. Our lake is rapidly disappearing. Please review the lake's 2019 *depth measurement* performed by Friends of Lake Tomahawk. You will see the deepest was 8' two years ago. Have article where this was around 22' at one time.

· In many spots, the trails have sunk approximately 6" in the past four years. People and the city backhoes are using the grass areas instead of the trails because they are underwater.

· Mowing needs to change. The grass is cut so short, it dies off what little grass we have in our park. All of this is resulting in a dying shallow lake.

· Observe some of the structures around the lake. The Kiwanis perform maintenance to their benches, but the other ten benches are old-looking and a lot of them are in erosion areas. One by the island is going to fall into the lake soon. The benches need to be moved and revitalized or replaced. We offered to work with the city to replace the wood on the benches staying in place and will replace the wood on those moved by the city to better locations.

· Please look at the gazebo. Did you know it was built and donated and had been used by weddings? Please take a look at it. It has graffiti, a bad roof, and the gravel from the trail is put at the entrance. I have had some donations and sales to contribute to replacing one of the beds along the trail. Will you please put money in the budget and plan for improvements?

- Brandon Moffitt, Executive Director/Founder of Black Mountain Academy Reasons for concern:
 1. Traffic often passes this intersection above the posted speed limit of 35mph.
 2. Pedestrian safety – pedestrians do not have clear right-of-way based on current crosswalk markings. I have observed numerous situations in which cars almost hit pedestrians including elderly and disabled citizens.
 3. Lack of visible signage, road markings, or crosswalk signals to ensure it this intersection is safe for pedestrians.
 4. Safe routes to school – we are a private school and NC law indicates that we should have safe walking access to and from our campus. Our staff and students regularly walk to Cragmont Park, Lake Tomahawk, the Library, and to town. We opened in 2016 and I have been unable to make progress on this request despite persistent attempts.
 5. An injury to one of our students or staff, or other community member is an avoidable tragedy.Specific requests for board consideration:
 1. Install bright pedestrian signage to raise awareness for drivers as they approach the intersection. This is a lower cost option that would signal cars, semi trucks, and tourists to slow down and pay closer attention. This is a first step to improving the safety of the intersection.
 2. Install a section of sidewalk on the south side of Hwy 70 (CVS / Black Mountain Academy side) of the street. Sidewalks on both sides of the Hwy 70 meet NCDOT requirements to further improve an intersection with signs, crosswalk stripes, and/or crosswalk signals. Public works developed a bid for this in 2019 but it stalled last year due to COVID and loss of tax revenue.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

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

Shawn Freeman, Police Chief, presented the Black Mountain Police Department to the Town Council. The report is made of and included in these minutes.

5. CONSENT AGENDA

A. Adoption of Minutes

Motion: *To adopt the minutes of February 4, 2021 Agenda Workshop, the February 8, 2021 Regular Session Meeting and the February 25, 2021 Special Call Meeting.*

B. Memorandum of Understanding with Buncombe County concerning vaccine sites.

Motion: *To approve or deny Intergovernmental Agreement for providing staffing at the COVID-19 vaccination sites*

C. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between W. College Street and Goldmont Street.

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between W. College Street and Goldmont Street to be held on Monday, May 10, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

D. Approve Agreement for Anna Major to Girl Scout Gold Award Project on the Oaks Trail.

Motion: *To approve the agreement for Anna Major to complete a Gold Award Project on the Oaks Trail or Community Garden.*

E. Call for Public Hearing for consideration of Charter Update.

Motion: *To call for public hearing for consideration of Town Charter update to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

F. Suspension of fees for Fire Department Staff at Owen High School Football Games

Motion: *To approve the suspension of fees while COVID-19 restrictions continue.*

Vice Mayor Ryan Stone moved to approve consent items A-F as presented. The motion passed with a vote of 5-0.

6. CITIZEN COMMENTS

None

7. UNFINISHED BUSINESS

Town Manager Josh Harrold offered a brief Riverwalk Greenway Update. An alternate route has been identified, but there is still work to be done to determine if the route will impact any federal funding or be approved by the railroad.

8. NEW BUSINESS

Tim Lyons of Mauldin & Jenkins presented the 2019-2020 audit to the Town Council. The report is made of and included in these minutes. The audit was clean with one minor finding concerning segregation of duties.

Council Member Archie Pertiller moved approve the FY 2019-2020 audit as presented. The motion passed by a vote of 5-0.

Manager Harrold presented the refinancing options on 304 Black Mountain Avenue. The proceeds of the sale of the old public works building will be applied to the debt reducing the amount to refinance by half (approximately \$700,000).

Vice Mayor Ryan Stone moved to approve or deny refinancing for debt on 304 Black Mountain Avenue for 11 years at 2.03%. The motion passed by a vote of 5-0.

Manager Harrold presented the DWQ Grant Agreement for Swannanoa River Restoration Project, which will allow the Town to complete the project with the only cost being in-kind work. The project will mitigate erosion and restore approximately 1,500 linear feet of the Swannanoa River.

Council Member Archie Pertiller moved to approve the grant agreement as presented. The motion passed by a vote of 5-0.

Manager Harrold explained that the town has requested permission to use an existing box culvert for a bike/ped connection under I-40. In order to do this, the Town is required to execute a maintenance agreement with NC DOT. NC DOT Maintenance Agreement.

Council Member Dog Hay moved approve the agreement as presented. The motion passed by a vote of 5-0.

Manager Harrold presented the request from the Fire Department to apply for the SAFER Grant. The closing of submission date is March 12th. The grant assistance is for 3 years with FEMA paying 75% the first year and 35% on years 2 and 3 of the salaries and benefits. The fourth year and beyond would be 100% the responsibility of the town. The fire department would like to request six (6) Firefighter in the grant application process.

There was some discussion about the cost and the impact to the budget. Fire Chief Scottie Harris entered the meeting to address the council. Chief Harris expressed concerns about the staffing in his department. He noted that the department had recently responded to a house fire, and

reiterated that there was always uncertainty about what firefighters would face at work each day and the need for adequate staffing.

Vice Mayor Ryan Stone moved to deny allowing the Fire Department to apply for the SAFER Grant. The motion passed by a vote of 5-0.

A recommendation and request has been made to change the name of the town's governing board to Town Council.

Council Member Pam King moved to adopt Ordinance #O-21-02 as presented. The motion passed by a vote of 5-0.

The North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) recently approved two Volkswagen Settlement Level 2 ZEV Infrastructure Program rebate applications in the amount of \$10,000.00 each. The proposed projects would add 2 ports, each equipped with 2 chargers, at the Black Mountain Library and at Lake Tomahawk.

Council Member Archie Pertiller moved to approve acceptance of the rebate to expand electric vehicle charging infrastructure. The motion passed by a vote of 5-0.

9. PUBLIC HEARING

Planning Director Jessica Trotman entered the meeting.

Vice Mayor Ryan Stone moved to open the public hearing for the proposed text amendments. The motion passed by a vote of 5-0.

The Planning Director presented the new definitions to the Town Council. The proposed definitions will allow staff and applicants to clearly differentiate between residential and non-residential uses.

Vice Mayor Ryan Stone moved to close the public hearing for the proposed text amendments. The motion passed by a vote of 5-0.

Vice Mayor Ryan Stone moved to adopt Ordinance #O-21-01 as presented. The motion passed by a vote of 5-0.

10. COMMUNICATION FROM STAFF

The Town Attorney, Ron Sneed let the Council know the charter as drafted has been sent to the NC legislature and the process is on track.

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Mayor Harris reminded the public about the Budget Workshop on Wednesday, March 20, 2021. He also encouraged the Town Manager to look into projects that may need to be done at Lake Tomahawk.

12. ADJOURNMENT

There being no further business, on a motion from Council Member Pam King, Mayor Larry B. Harris adjourned the meeting at 7:46 PM.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN TOWN COUNCIL
AGENDA WORKSHOP MEETING MINUTES
March 4, 2021

THE BLACK MOUNTAIN TOWN COUNCIL held an agenda workshop on Thursday, March 4, 2021 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for Monday, March 8, 2021 at 6:00 p.m.

1. CALL TO ORDER

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

Mayor Larry B. Harris – absent
Vice Mayor Ryan Stone
Council Member Tim Raines
Council Member Pam King
Council Member Doug Hay

The following staff members were present:

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

Vice Mayor Ryan Stone opened the meeting. Town Manager, Josh Harrold presented the proposed agenda to the Town Council.

Manager Josh Harrold discussed item 8E, SAFER Grant. The Fire Department is requesting permission to apply for the SAFER Grant which would increase staffing and delay the impact to the town by putting the salaries on a graduated system. The Town would be completely responsible in four years.

Manager Harrold also briefly reviewed Items 8F and 8G.

He presented item 9A, Text Amendments Chapter 1, these definitions will help clear up confusion regarding residential uses. The proposed definitions will allow staff and applicants to clearly differentiate between residential and non-residential uses. The proposed definitions are consistent with NC General Statutes and were acquired from the American Planning Association's Planner's Dictionary.

Black Mountain Town Council
Agenda Workshop Minutes March 4, 2021

There was no discussion from the Town Council on the agenda and no items were added.

There being no further discussion Vice Mayor Ryan Stone adjournment at 5:13 p.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
BUDGET WORKSHOP MEETING MINUTES
March 10, 2021**

THE BLACK MOUNTAIN TOWN COUNCIL held a budget workshop meeting on Wednesday March 10, 2021 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to discuss the FY20--21 for the Town.

1. CALL TO ORDER

Mayor Harris called the meeting to order at 8:30 a.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Pam King
Alderman Doug Hay

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk

Manager Harrold began the meeting by explaining how to calculate the revenue neutral number. The increase is 7.13% increase since the last property tax evaluations. The growth rate is also factored in, which would bring the tax rate for the Town of Black Mountain to 30.34 cents. The Town Council has the authority to set a different tax rate.

Manager Harrold presented the preliminary budget. Sales tax and property tax account for approximately 60% of the revenues. \$10, 410,609 is the estimated revenue amount for the Town at this point in time, and that number will become more refined as the budget process continues. Estimates on revenues will likely not be clarified until the end of March.

Manager Harrold expressed interest in using funds from the Powell Bill to pave streets next fiscal year. There is currently an excess amount from the Powell Bill in the budget because it has not been spent for several years. Going forward, the Town Manager would like to spend that money to help with the upkeep of streets, sidewalks, and other infrastructure.

Building permit revenue continues to increase and that trend is expected to continue in fiscal year 2020-21.

The Town Manager presented the preliminary budget for each department. The budget includes a cost of living increase of 2.5%.

Operating expenses in administration include a mini split for the IT room. This led to discussion concerning cyber security. Manager Harrold agreed that cyber security is very important to the overall security of the town and will assess the effectiveness of Black Mountain's current practices.

The Planning Department will have an increase in budget for salaries as they are adding a stormwater clerk position, and cost of living. Stormwater compliance and supplies also lead to an increase in the Planning Department budget.

The Police Department budget included a new position which consolidates two, unfilled, part-time positions. Three additional officers were requested, but those positions are currently not included in the budget.

The Fire Department budget does not currently include new positions. Mayor Harris encouraged Fire Chief Harris to compare the Black Mountain Fire Department equipment and staffing to other, nearby fire districts in order to better ascertain the needs of the department. There was some discussion about how best to approach staffing issues within the fire department. Capital outlay includes the emergency signal for Montreat Road, high pressure rescue air bags, a boat replacement, and a vehicle for the assistant chief position.

Public Services Streets Capital outlay includes a vehicle lift and a Ford F150. Park Maintenance will include a fountain pump repair for Lake Tomahawk.

The Recreation, Grey Eagle, Lakeview, and Pool budgets were also presented. The capital outlay includes repairs to the tennis courts, and a van for the Recreation Department.

Council Member Pam King inquired about the budget for the community garden, and Manager Harrold explained that it is part of the recreation budget, which is reflected by the part-time staff line item.

There was no further discussion.

There being no further business, Mayor Larry Harris adjourned the meeting at 9:26 a.m.

ATTEST:

Savannah Parrish, Town Clerk

Larry B. Harris, Mayor

Josh Harrold Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2021

SUBJECT: Budget Amendment for Principal Payment on Loan for 304 Black Mountain Ave.

#BA-FY-21-14

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5G
Department: Finance
Contact: Cortney Kidd, Senior Accountant
Presenter: Josh Harrold, Town Manager

SUMMARY: In FY20, the Town sold property located at 2992 US 70 for approximately \$560,000. Town Council voted to apply \$500,000 towards debt for 304 Black Mountain Ave. A budget amendment is needed to recognize the sale as revenue and then increase the expenditure account to pay down the debt on 304 Black Mountain Ave.

MOTION FOR CONSIDERATION: To approve attached Budget Amendment FY 2021 - #14 as submitted, recognizing the sale of property as a revenue and increasing expenditure account 10-00-5000-911 (Debt Principal-304 Blk. Mtn. Ave) by \$515,490.

FUNDING SOURCE: General Fund

ATTACHMENTS: Budget Amendment - FY 2021 - #14

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

Budget Amendment # 2021-14
Fiscal Year 2020-2021

Dept.	Account #	Account Name	Debit	Credit	Comments
	1000-3820-800	Sale of Capital Assets		515,490.00	Recognize the sale of property as a revenue and increase expenditure account for principal payment on 304 Blk Mtn Ave.
	1000-5000-911	Debt Principal-304 Blk Mtn Ave	515,490.00		

Totals: 515,490.00 515,490.00

BD # _____

Journal # _____

Fiscal Yr _____

Date _____

Entered By: _____

Approved By: _____

Date _____

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 12, 2021

SUBJECT: Call for Public Hearing for Voluntary Annexation for 201 and 207 Old toll Road
#O-21-03

AGENDA INFORMATION

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

BRIEF SUMMARY: Brownie and Elizabeth Newman have purchased 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000). The properties are located outside of city limits and the Newman's would like to place additional structures on the properties and will need additional water from the Town so they are seeking voluntary annexation of these two parcels. The Planning Board heard this request at their November 23, 2020, meeting and all seven members felt that the property is comparable in size to adjacent parcels and would be a good fit to add into the Town.

MOTION FOR CONSIDERATION: To call for a public hearing for voluntary annexation for 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000) to be held on Monday, May 10, 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-21-03*, 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, May 10, or as soon thereafter as possible.

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 12, 2021

SUBJECT: Call for Public Hearing for Rezoning of 201 and 207 Old Toll Road

#Z-O-21-01

AGENDA INFORMATION

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

BRIEF SUMMARY: Brownie and Elizabeth Newman have purchased 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000). The properties are located outside of city limits and the Newman's would like to place additional structures on the properties and will need additional water from the Town so they are seeking voluntary annexation of the two parcels. The Newman's would like the Town zoning designation of UR-8 (urban residential) if the property is annexed. The Planning Board heard this request at the regular meeting on March 22, 2021 and voted 7-0 to recommend the UR-8 zoning designation as the property is reasonably sized compared to adjacent parcels, will not have a negative impact to neighbors, is consistent with the comprehensive plan, and the uses in the proposed district are comparable to the uses surrounding the parcels.

MOTION FOR CONSIDERATION: To call for a public hearing for rezoning 201 and 207 Old Toll Road (PIN #'s: 0619-87-6495.00000 and 0619-87-7613.00000) to UR-8 to be held on Monday, May 10, 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-21-01*, Rezoning Application

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, May 10, 2021, or as soon thereafter as possible.

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 12, 2021

SUBJECT: Call for Public Hearing for Text Amendments to Open Space Requirements in Major Subdivisions **#O-21-04**

AGENDA INFORMATION

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

BRIEF SUMMARY: The proposed amendment increases the amount of open space requirements for major subdivisions. The amendment changes the requirement from five percent to fifteen percent and addresses feedback from citizens about providing more greenspace and open space for developments. The Planning Board voted 7-0 to recommended the amendment at their March 22, 2021 meeting and determined that the amendment is consistent with the comprehensive plan because it calls for more open and greenspace and is reasonable and in the public interest because it incorporates concerns from citizens to have more greenspace in developments.

MOTION FOR CONSIDERATION: To call for a public hearing for text amendments to open space requirements for major subdivisions to be held on Monday, May 10, 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-21-04*

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, May 10, 2021, or as soon thereafter as possible.

**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION**

Meeting Date: April 12, 2021

SUBJECT: Black Mountain Library Garden Proposal

AGENDA INFORMATION

Agenda Location:	New Business
Item Number:	8A
Department:	Recreation and Parks
Contact:	Josh Henderson, Recreation and Parks Director
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: The Black Mountain Library Garden Proposal would offer growing space for gardeners that integrates art, education, conservation, and community while serving as an extension to the library. The proposal includes plans for raised beds, pollinator beds, and a ground bed. If approved by Town Council, the proposal will go before the Library Board.

MOTION FOR CONSIDERATION: To approve or deny the Black Mountain Library Garden Proposal as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Black Mountain Library Garden Proposal

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Black Mountain Library Garden Proposal

23^d March 2021

OVERVIEW/MISSION

To provide a beautiful growing space for gardeners that integrates art, education, conservation, and community while serving as an extension to the library.

MAIN GOALS

1. Serve the needs of gardeners currently on the Dr. John Wilson Community Garden, as well as the rest of the community and those that need raised beds due to physical limitations.
2. Grow community by providing a welcoming space for residence to grow, learn, and find inspiration.
3. Provide food and habitat for pollinators, while creating a beautiful space.

CORE GROWING TEAM

Lisa Stewart, Gardener

Jessica Meltz, Intern at the Dr. John Wilson Community Garden

Katherine Malsbary, Gardener

Laura Edmonds, Librarian

Kris Kramer, No Dig Gardener

Emily Mercer Sampson, Black Mountain Recreation and Parks

Judd Dougherty, Black Mountain Library Board

PROPOSAL

Pollinator Bed

Replace the grass oval in the center of the parking lot with a pollinator meadow. ~~Emily Mercer Sampson from the Recreation and Parks Department can start solarizing the grass currently there this May, plant seeds in fall, and spring of 2021 we would see growth.~~ Emily Mercer Sampson would fix the drainage problem by killing the grass with cardboard and fill dirt. This could begin in May and be immediately sowed with a cover crop of clover, black eye susan, and daisies for the summer. If the project isn't able to be started in May, she could sow it in the fall.

To maintain a lower height, mowing the area in the springtime once a year would suffice.

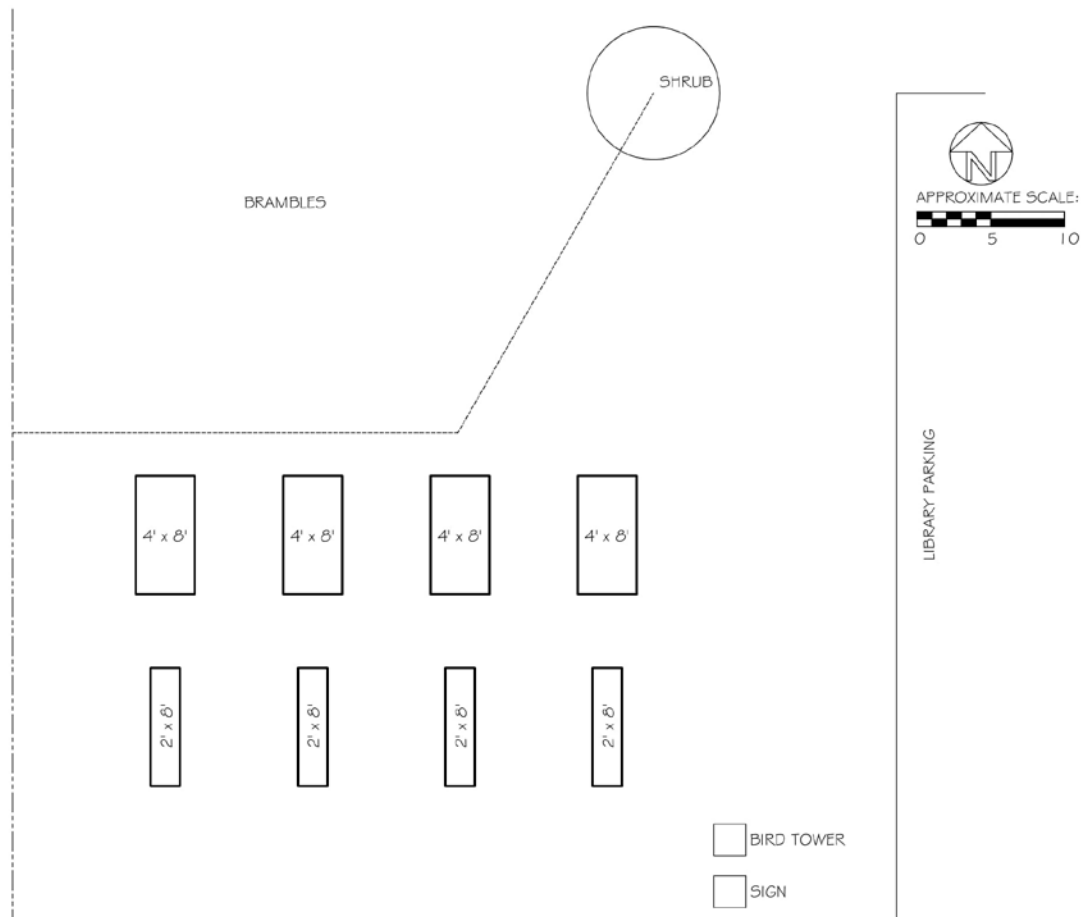
Raised Beds

Six to twelve raised beds on the north half of the site between the Red House and the library parking lot. The beds could be used in two ways:

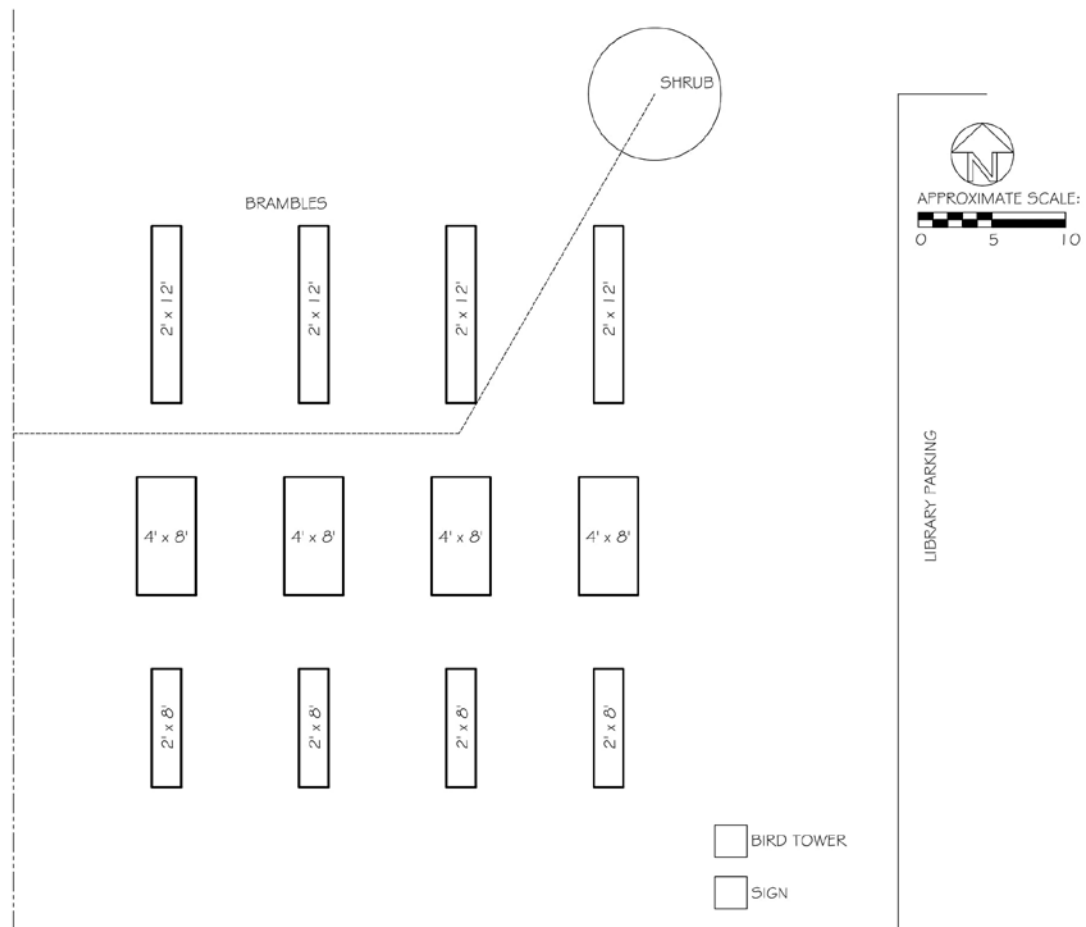
1. Growing flowers, herbs, or vegetables for the public to pick from, especially children during library story time. Donations would be accepted to help offset any costs.
2. Leasing a bed similar to the Dr. John Wilson Community Gardens for growers to grow their own food with a sign requesting the public not pick from them. These beds would be leased for a small fee to help offset any costs.

Currently there are twelve unused raised beds sitting at the Carver Center looking for a new home: four 4x8 wooden beds, four 2x8 wooden beds, and four 2x12 metal beds.

We propose starting with eight beds in the first year:



When more beds are needed and the brambles have been cleared, we could include all twelve beds:

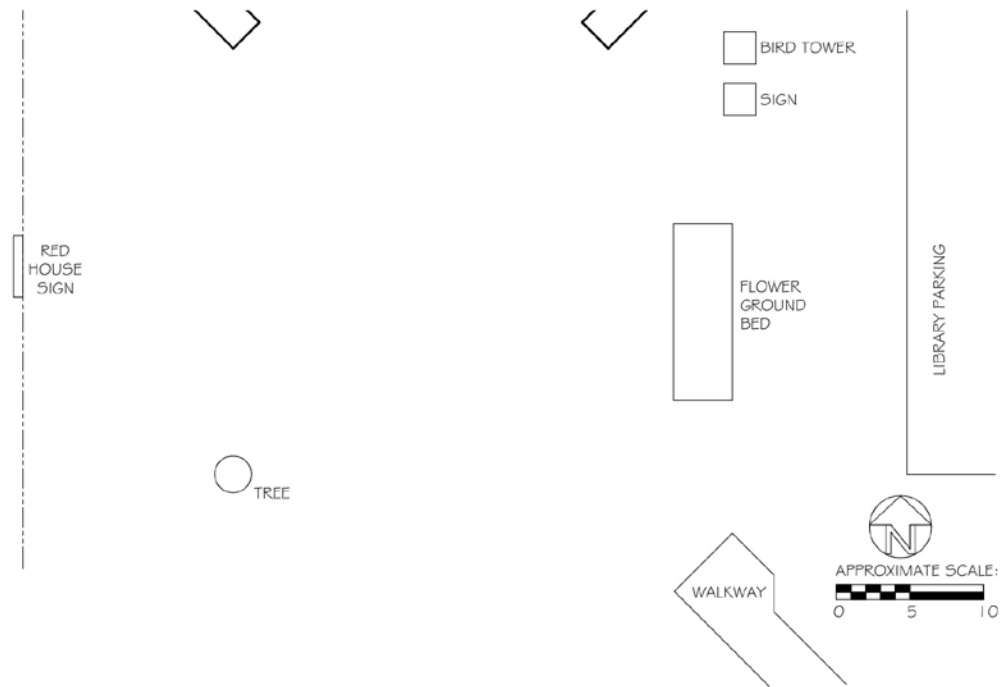


Following are pictures of the current beds at the Carver Center that we would be using (the metal ones are 2'x12', the wooden ones are 4'x8' and 2'x8'):



Ground Bed

A flower bed providing a colorful barrier between children story time and offering cut flowers for the library desk on the south half of the site.



Water

Use the water spigot at the library and watering cans.

Growers needing water would need to have a librarian (Laura has volunteered to help with this) unlock the spigot.

Tools

Growers would be responsible for bringing their own tools or a small secure outdoor storage box could be added to the west side of the existing shed to house hand tools and watering cans.

MANAGEMENT

Jessie and Kris would manage the raised beds and their growers for the first year.

Laura, Jessie, and Judd would work on the ground bed.

Emily would be in charge of the parking oval pollinator bed.

Laura would help with water as needed since she is at the library most of the week.

Diana from Dr. John Wilson Community Garden would let gardeners on the wait list know about this site and would submit an order to Public Services to move the raised beds to the site.

COST

<i>Pollinator Bed -</i>	Covered under the Recreation and Park budget \$0
<i>Raised Beds-</i>	Moving and any fixing to raised beds is covered under the Public Works budget Compost or compost/soil mix will be needed to top off beds This could be free from Root Cause Farm/Community Garden or growers may get their own compost for beds they use A cost would be incurred if compost was picked up from a service, such as Danny's Dumpsters \$0-\$200 for compost first year \$0-\$50 for compost once a year after first year
<i>Ground Bed -</i>	\$0
<i>Water -</i>	Estimated range of monthly water usage, 0120 gallons \$0-5/month
<i>Tools -</i>	Provided by growers Optionally a secure outdoor storage box for tools and watering cans \$0-200

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2021

SUBJECT: Golf Course Rates

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8B
Department: Golf
Contact: Brent Miller, Golf Operations Manager
Presenter: Josh Harrold, Town Manager

SUMMARY: Typically the Town increases the rates yearly in order to stay competitive with surrounding courses and cover increased costs for maintenance, supplies, chemicals, etc. Staff is proposing an increase in annual pass rates, cart fees, and greens fees.

MOTION FOR CONSIDERATION: To approve FY21-22 golf course rates

FUNDING SOURCE: n/a

ATTACHMENTS: BM Golf Course rate sheet, comparison sheet with surrounding courses.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.



2021 Rate Proposal To Take Effect 5/1/21

2021 Proposed Annual Pass Rates

Family	\$1750 (Up \$150 from 2020)
Individual	\$1200 (Up \$100 from 2020)

2021 Proposed Cart Fees

Ride 18	\$20 (Up \$1 from 2020)
Ride 9	\$10 (Same as 2020)

*Riding (Cart Fee) is required on weekdays before 10am and weekends before 12pm by all players 5/1 thru 9/30. Walking will be allowed anytime 10/1 thru 4/31. While we are still dealing with Covid, I would like to waive this rule to help with limited cart availability (some carts are not usable due to age) and high demand for tee times.

2021 Proposed Greens Fees

<u>Weekday</u>		<u>Weekend</u>	
Ride 18	\$40 (UP \$2 from 2020)	Ride 18	\$50 (UP \$2 from 2020)
Ride 9	\$20	Ride 9	\$25
Walk 18	\$20	Walk 18	\$30 (Up \$5 from 2020)
Walk 9	\$10	Walk 9	\$15 (Up \$5 from 2020)

Senior Riding 18 Only (Mon-Fri) \$35 (Stays the same from 2020, competitive rate)

Twilight After 2pm Every day (1pm Wintertime)

Ride 18	\$30 (Up \$2 from 2020)
Ride 9	\$20 (Up \$2 from 2020)
Walk 18	\$20
Walk 9	\$10

Competitors Membership Rates 2021

Marion Lake Club Membership (public)

Stockholder Membership / Non-Stockholder

Family - Multi Player \$1500 / \$1550
Family - Single Player \$1370 / \$1420
Single \$1280 / \$1335
Under 36 (31 -36) \$1020 / \$1070
Family Social \$1000
Golf Only \$900
Out-of-County \$680

Cart Fees

18 Hole Cart \$19
9 Hole Cart \$10

Reems Creek Golf Membership (semi-private)

Single \$2000
Family \$2400

Cart Fees

Trail Fee Single \$900 Family \$1500 (Bring your own cart)
18 Hole Cart \$20
9 Hole Cart \$13

Mimosa Hills Golf Membership (semi-private)

Individual \$3180 + \$300 Initiation Fee
Family \$3780 + \$300 Initiation Fee
Out of County Individual \$1800 First Year, \$2400 Second year

Cart Fees

18 Hole Cart \$21
9 Hole Cart \$11

Etowah Golf Membership (public)

Individual \$2100 + \$250 Initiation Fee
Family \$2500 + \$250 Initiation Fee
Non Resident (60 Miles Away) \$1600 + \$250 Initiation Fee
Young Professional (39 years and younger) \$1600 + \$250 Initiation Fee

Cart Fees

\$23 Per Player (9 or 18)

Asheville Golf Course Membership (public)

Individual \$1250

Family \$1800

Senior Weekday Only \$900

Cart Fees

18 Hole Cart \$19

9 Hole Cart \$10

65 Prepaid carts \$1000 (Add \$1000 for family)

Connestee Falls (semi-private)

Individual \$2111

Family \$2942

Cart Fees

18 Hole Cart \$22

9 Hole Cart \$12

Rumbling Bald Resort (resort)

Individual \$3000

Family \$4920

Weekday (Monday thru Thursday) \$225 per month includes golf cart

Broadmoor Golf Membership (public)

Not Available – Daily Fee Only

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2021

SUBJECT: Golf Cart Purchase/Lease

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8C
Department: Golf
Contact: Brent Miller, Golf Operations Manager
Presenter: Josh Harrold, Town Manager

SUMMARY: The golf carts at the Black Mountain Golf Course are reaching the end of their useful life for the course. They are nearing 10 years old and need to be replaced soon. Staff has received two quotes. One from Yamaha and one from Club Car. Either vendor will purchase our existing carts in turn reducing the cost of new carts. Staff feels purchasing new carts instead of leasing is a better option financially.

MOTION FOR CONSIDERATION: To approve the purchase of new golf carts.

FUNDING SOURCE: Installment purchase

ATTACHMENTS: none

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION**

Meeting Date: April 12, 2021

SUBJECT: Town Square Use Policy

AGENDA INFORMATION

Agenda Location:	New Business
Item Number:	8D
Department:	Recreation and Parks
Contact:	Josh Henderson, Recreation and Parks Director
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: The Town Square Use Policy was developed and adopted in 2016, outlining proper and prohibited use on the grounds of Town Square Park. Recently introduced by the Chamber of Commerce are provisional amendments to the policy in an effort to expand the reach of the Sourwood Festival by moving certain elements of the festival to Town Square Park. In order to do this in the manner in which the Chamber of Commerce would prefer, certain amendments to this policy would need to be made and adopted.

MOTION FOR CONSIDERATION: To approve the Town Square Use Policy as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: The proposed Town Square Use Policy

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Black Mountain Recreation & Parks Town Square Use Policy

HOURS OF OPERATION: The restrooms are open daily from 8:30 am until dusk. The splash pad operates daily from 10:00 am to 8:00 pm May 1 through Sept 30.

ENFORCEMENT: Failure to abide by posted regulations governing the Town of Black Mountain's Town Square rules will subject offender to temporary or permanent exclusion, and/or criminal prosecution.

ALCOHOLIC BEVERAGES & TOBACCO: Alcoholic beverages are prohibited on Town Square property. No tobacco products are allowed in the park; this includes smoking, e-cigs, snuff, etc.

ANIMALS: All animals must be on a leash not exceeding six feet in length in the Town Square. No animals shall be allowed within the splash pad area or inside buildings. If animals are found to be disturbing or dangerous, their owners will be asked to remove them from Town Square. Service animals are permitted.

COMMERCIAL ENTERPRISES: No person shall offer, sell or solicit for sale, or solicit funds for any purpose, lease or rent any goods, merchandise or services within the Town Square. No person shall post, paste or affix any placard, notice or sign within the Park, without written permission.

PARKING: No overnight parking.

VEHICLES: All motorized vehicles, cars, trucks, motorcycles, skateboards and recreational vehicles and bicycles shall be confined to designated parking areas. No person shall operate a vehicle on any path, trail, service road, or in any other area of the Town Square not designated or customarily used for that purpose. Accessibility vehicles will be allowed as needed.

CAMPING: No camp shall be set-up or maintained in the Town Square.

FLORA, MINERALS AND STRUCTURES: No person shall cut, injure, deface, remove or disturb any tree, shrub, building, fence, bench, table, or any other structure, apparatus or property; or pick, cut, or remove any tree, shrub, flower or rock; or mark, write or carve upon any building, fence, bench, table or any other structure in Town Square.

FIREARMS: Unless otherwise provided by law, no person shall possess, carry, use or discharge any type of firearms, air guns, or any other weapon within Town Square.

FIRES: No person shall make, kindle or tend an open fire. No grilling or cooking is allowed on site.

FIREWORKS AND EXPLOSIVES: No person shall have, bring or set off in Town Square any fireworks or explosives of any type.

LITTER: No food waste or packaging should be disposed of in the restroom trash cans. No deposit of household garbage is allowed in Town Square provided receptacles.

POLLUTION: No person shall bathe self, dogs or any other animal, wash vehicles or clothing in any waters of Town Square. No person shall throw, deposit or discharge any substance, liquid or solid, which may result in the pollution of the streams, ponds, or other waters of Town Square.

DISORDERLY CONDUCT: No person shall use abusive, profane or insulting language, unreasonably disturb or annoy others, or do any act amounting to or with the intent to a breach of peace or conduct himself in any disorderly manner.

GAMBLING: Gambling or betting in any form is prohibited.

STRUCTURES: No structures of any kind are permitted to be erected on site without explicit written permission of the Town of Black Mountain. The following criteria is required to be considered for approval:

- a. Site plan with tent location.
- b. Tents shall be no larger than 10x10, except on splash pad which would accommodate a 10x20 tent/shade cover
- c. All tents/canopies/inflatables must be secured and anchored by weights only. No aperture may be staked into asphalt, lawn, and landscaped areas
- d. A maximum of five (5) 10x10 tents will be allowed on lawn.
- e. Tents shall be in use for a maximum of 5 hours with an additional hour allowed for setup and breakdown.
- f. Town Square shall be left in the same condition as received prior to the event. Event planner/permit applicant shall agree to pay for any damage to lawn or landscape.
- g. Only one event per month will be held in Town Square.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____, this the ____ day of _____, 20____.

Town Manager

Town Clerk

**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION**

Meeting Date: April 12, 2021

SUBJECT: Babe Ruth MOU

AGENDA INFORMATION

Agenda Location:	New Business
Item Number:	8E
Department:	Recreation and Parks
Contact:	Josh Henderson, Recreation and Parks Director
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: The Charles D. Owen Babe Ruth organization has partnered with the Town in recent years to provide little league baseball and softball to members of the Swannanoa Valley community. As a part of this partnership, an MOU was established some years ago and was last updated in 2016. Since 2016 various changes have taken place within the structure of the Town and what we are able to provide this organization. This current draft of the MOU outlines what reasonable services that the Town can provide as well as reasonable expectations of the Charles D. Owen Babe Ruth organization.

MOTION FOR CONSIDERATION: To approve the memorandum of understanding as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Memorandum of Understanding

MANAGER'S COMMENTS AND RECOMMENDATIONS:

MEMORANDUM OF UNDERSTANDING

Between

CHARLES D. OWEN BABE RUTH and THE TOWN OF BLACK MOUNTAIN

30 days

1. The Town of Black Mountain will provide Charles D. Owen Babe Ruth with access to baseball/softball fields at Veteran's Park for practices and games for the duration of their season at no cost.
2. Scheduling – Charles D. Owen Babe Ruth will provide notice of season start and end dates no less than 60 days before first official practice. Charles D. Owen Babe Ruth will provide a full schedule of practices and games no less than 30 days before first official game. Full schedule should include dates and times for practices, games and rain dates.
3. Field Maintenance/management - All field maintenance/management responsibilities will be assumed by Black Mountain Public Works. These responsibilities include: Fertilizing, seeding, top dressing, mowing, dragging, outfield painting, infield prep (batter's boxes and pitchers mounds), dragging infield, base placement. Charles D. Owen Babe Ruth ~~will have the responsibility to line the infields for their games but~~ does not have the authority to add, or remove any kind of surface to the field such as dirt, clay, grass, or any other material that may alter the integrity of the fields. The fields at Veteran's Park are property of the Town of Black Mountain and any amendments to the physical integrity of those fields shall only be performed by employees within the Black Mountain Public Works Department or Recreation and Parks Department. When any other maintenance issues arise the Recreation and Parks Department should be contacted during normal business hours (Monday-Friday, 8am-5pm) in order to submit the proper work orders. Any alterations to the physical integrity of the ballfields or facilities will result in termination of this agreement and access to park usage.
4. Structures – The Black Mountain Public Works Department will be responsible for the following structures: Backstops, outfield fences, bleachers, lighting, scoreboard, and maintenance on the score-booth and concession stand. Charles D. Owen Babe Ruth will be responsible for score-booth & concession stand cleaning, cleaning restrooms (game days & practices), portable pitcher's mound storage, installation & removal. There will be no site storage provided by the Town of Black Mountain. Charles D. Owen Babe Ruth is not permitted to construct or install any type of physical structure on Town of Black Mountain Property.
5. Garbage/Litter pick-up – The Black Mountain Public Works Department will be responsible for all parking lot litter pick-up and emptying of all parking lot trash cans. Charles D. Owen Babe Ruth will be responsible for all ball field area litter and emptying of ball field area trash cans on game days and practice days. The Town of Black Mountain will charge Charles D. Owen Babe Ruth \$50 per hour for clean-up and litter pick-up that is not done by them on their scheduled days of practice or games. The third offense of this type will result in the termination of Charles D. Owen Babe Ruth's use of the park.

15 days

This should include lining of the field too.

6. Vehicle/Equipment Usage - Charles D. Owen Babe Ruth will not have access to use the Gator, drags and tractors.
7. Game Day and Practice Operations - Charles D. Owen Babe Ruth agrees to have a supervisor on-site during hours of facility use. In the event of an emergency Charles D. Owen Babe Ruth should contact emergency personnel (police, fire, EMT) first and contact the Recreation and Parks on-call staff.
8. Parking – During games and practices all vehicles must park in designated parking areas. No vehicles may block entrances, exits, ingress or egress.
9. Participation Reporting - Charles D. Owen Babe Ruth will provide a detailed report of participation in each one of their baseball and softball leagues at the end of the season. This report should include counts of Black Mountain Residents vs. Non- Residents, males vs. females, and scholarship totals.
10. Financing – The Town of Black Mountain budgets \$9,000 (GF 10-20-5650-151) each fiscal year for field upkeep and maintenance, as well as \$1,000 (GF 10-20-5650-330) for ballfield supplies. These line items are used to purchase materials and maintain the ballfields. ~~Any additional supplies or maintenance that is needed or requested by Charles D. Owen Babe Ruth that exceeds the cost of the funds budgeted will be charged to Charles D. Owen Babe Ruth at the conclusion of that season.~~
11. Insurance - Charles D. Owen Babe Ruth is required to have an insurance policy naming the Town of Black Mountain as an additionally insured.
12. Charles D. Owen Babe Ruth hereby agrees and undertakes to save and hold harmless The Town of Black Mountain, Black Mountain Public Works, and Black Mountain Recreation & Parks, from any and all claims for damages to person or property that may arise out of the use of the facility and special equipment, without regard to whether the damage, personal or otherwise is brought about or caused by the negligence of the applicant, The Town of Black Mountain, Black Mountain Public Works and, Black Mountain Recreation & Parks, or any other person, firm, or corporation. Charles D. Owen Babe Ruth will be responsible for, and agree to pay for, damages done to the property and equipment of The Town of Black Mountain, Black Mountain Public Works, and Black Mountain Recreation & Parks exclusive of ordinary wear and tear.
13. Inclement Weather – In the event of inclement weather Black Mountain Public Works and/or Recreation and Parks will be responsible for making a determination concerning the playability and field conditions for games and practices. Decisions concerning inclement weather will be made by 3pm on the day of said practice or game. In the event that flooding occurs at Veteran's Park and the field conditions are deemed unplayable by The Town of Black Mountain, Black Mountain Public Works, or Black Mountain Recreation and Parks, game play and practices will be forfeited at Veteran's Park and Charles D. Owen Babe Ruth will be responsible for finding an alternative location.
14. Charles D. Owen Babe Ruth will do extensive background checks on all volunteer coaches and officers of leagues.

3 pm

15. Charles D. Owen Babe Ruth will acknowledge The Town of Black Mountain as a partner in press materials and grant materials related to the leagues and use of Veteran's Park.
16. This agreement will be revisited and revised annually at the end of each season so that the partnership may continue in a mutually beneficial matter.

Charles D. Owen Babe Ruth Representative

Date

Town of Black Mountain Representative

Date

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: April 12, 2021

SUBJECT: Consideration of Charter Update

AGENDA INFORMATION

Agenda Location: Public Hearing
Item Number: 9A
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Harrold, Town Manager

SUMMARY: The town charter has not been updated for several decades, although there have been amendments. The proposed updated town charter is to be considered, modified as deemed appropriate by the town council, and, if approved, submitted to our delegation in the state legislature for approval and adoption

MOTION FOR CONSIDERATION:

1. To open the public hearing for the proposed charter amendments.
2. To close the public hearing.
3. To approve the charter amendments as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: Updated Charter.

MANAGER'S COMMENTS AND RECOMMENDATIONS: Adopt as presented.

CHARTER
BLACK MOUNTAIN, NORTH CAROLINA

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ARTICLE I. – CORPORATE POWERS

SECTION 1.1. INCORPORATION AND CORPORATE POWERS

The inhabitants of the Town of Black Mountain, North Carolina, shall continue to be a body politic and corporate under the name of the “Town of Black Mountain” and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property, real and personal, within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, shall have and may exercise all municipal powers, functions, rights, privileges and immunities conferred upon municipal corporations by general law of this state.

SECTION 1.2. EXERCISE OF POWERS

The corporate powers of the Town of Black Mountain shall be vested in and exercised by a mayor, town council and town manager as hereinafter provided, subject to such limitations as may be hereinafter imposed. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the town council.

SECTION 1.3. CORPORATE LIMITS

The boundaries of the Town of Black Mountain shall be those existing at the time of the passage of this act [Charter], with such alterations as may be made from time to time in the manner provided by law.

ARTICLE II. – TOWN COUNCIL

SECTION 2.1. CREATION

(A) Except as otherwise provided in this charter all powers of the town shall be vested in a town council comprised of (5) members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The mayor and members of the council shall be qualified voters and residents of the town.

(B) Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the town shall be entitled to vote on such ballots. Results shall be determined using the plurality election method in accordance with N.C.G.S. § 163-292, as the same may be amended or renumbered from time to time. Elections shall be held and conducted in accordance with the general laws governing elections for county municipalities.

(C) The term of office of the mayor and councilmembers shall be four years and until their successors are elected and qualified and shall begin on the first Monday of December next following their election. In 2022, and quadrennially thereafter, the mayor and two councilmembers shall be elected to serve four-year terms. In 2024, and quadrennially thereafter, three councilmembers shall be elected to serve four-year terms.

(D) The mayor or any councilmember ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit office.

SECTION 2.2. FILLING OF VACANCIES

If the elected mayor or an elected councilmember shall fail or refuse to be qualified, or if the holder of any elective office is unable to discharge the duties of such office, or if a vacancy shall otherwise occur in any elective office, such vacancy shall be filled by the remaining members of the council. In the event such vacancy occurs within 135 days of the next general election, the person appointed by the council to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next general election and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term.

SECTION 2.3. COMPENSATION OF MAYOR AND COUNCILMEMBERS

The mayor and each councilmember shall receive a salary, the amount of which shall be prescribed by ordinance. No ordinance fixing or changing the salary of the mayor or any councilmember shall become effective during the current term of office of the councilmembers enacting such ordinance.

SECTION 2.4. MEETINGS OF THE TOWN COUNCIL

At 6:00 p.m. o'clock on the second Monday of December following a regular municipal election, the town council shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Before entering upon the duties of their offices, the newly elected mayor and/or councilmembers shall severally make oath before the town clerk or some other person authorized by law to administer oaths to perform faithfully the duties of their respective offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the council. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the council shall be open to the public and the rules of the council shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; provided, however, that the council may, by a two-thirds vote of all the members, authorize an executive meeting, which may be closed to the public as authorized by law.

SECTION 2.5. MAYOR AND MAYOR PRO TEM.

(A) The mayor shall preside at meetings of the council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. The mayor shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for the purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the council, take command of the police, maintain order and enforce the law.

(B) At its first meeting in the month of December following a regular municipal election, the council shall choose one of its members as vice mayor, who shall act as mayor pro tem. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability of the mayor.

SECTION 2.6. RULES OF THE TOWN COUNCIL

The council shall determine its own rules and order of business and keep a journal of its proceedings.

SECTION 2.7. QUORUM

A majority of the members elected to the council shall constitute a quorum to conduct business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member, including the mayor, shall be disqualified from voting except on matters involving the consideration of his or her own official conduct or when his or her financial interests are involved.

SECTION 2.8. ORDINANCES AND RESOLUTIONS

(A) Ordinances and resolutions shall be introduced to the council in writing.

(B) All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title.

(C) Ordinances making appropriations shall be confined to the subject of appropriations.

(D) The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Black Mountain."

(E) Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative offices or directing administrative action shall take effect at the time indicated therein. Except as

otherwise prescribed in this charter, all other ordinances and resolutions passed by the council shall take effect at the time indicated therein, but not less than ten days from the date of their passage.

(F) Upon final passage, each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the council may prescribe.

ARTICLE III. – COUNCIL-MANAGER PLAN OF GOVERNMENT

SECTION 3.1. COUNCIL-MANAGER PLAN OF GOVERNMENT

(A) The plan of government shall be the council-manager plan, with all administrative responsibility and authority vested in a town manager and all legislative and policy making decisions vested in the town council, with the responsibilities and duties of each to be as hereinafter set out.

(B) The council shall appoint a town manager to serve at its pleasure. The town manager shall be appointed solely on the basis of executive and administrative qualifications and need not be a resident of the town or state at the time of appointment. The office of town manager may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Section 9, of the Constitution of the state of North Carolina.

(C) The town manager shall be the chief administrator of the Town of Black Mountain and shall be responsible to the council for the proper administration of all municipal affairs placed in the manager's charge by the council and shall:

1. shall, in accordance with such general personnel rules, regulations, policies or ordinances as the council may adopt, appoint, suspend or remove all town officers, department heads, and employees whose appointment or removal is not otherwise provided for by law, provided that the manager shall report each appointment or removal to the council at its next meeting unless the council has provided otherwise by resolution;

2. direct and supervise the administration of all departments, offices and agencies of the town, subject to the general direction and control of the council, except as otherwise provided by law;

3. attend all meetings of the council and recommend measures to be acted upon by the council;

4. ensure that all laws of the state, the town charter, and the ordinances, resolutions and regulations of the council are faithfully executed;

5. prepare and submit the annual budget and capital program to the council;

6. annually submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year.

7. make any other reports that the council may require concerning the operations of town departments, offices and agencies subject to his or her direction and control.

8. perform any other duties that may be required or authorized by the council.

(D) The manager may, by letter filed with the town clerk, designate a qualified person to exercise the powers and perform the duties of manager during the temporary absence or disability of the manager. Designation of such acting manager shall be subject to the approval of the council and the council may, during the absence or disability of the manager, revoke that designation at any time and appoint another person to serve until the manager returns or the manager's disability ceases.

(E) When the position of town manager is vacant, the council shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled.

(F) Neither the mayor or any member of the council shall be eligible for appointment as manager or as acting or interim manager.

(G) The town manager shall be allowed to perform the duties of the office without interference from the mayor, the council, or individual members of the council.

(Amendment adopted by electorate 4-14-86)

SECTION 3.2. DEPARTMENTS AND DEPARTMENT HEADS

(A) The council shall by resolution establish and designate departments of the city and may, from time to time, upon recommendation of the town manager, abolish, restructure, reestablish and otherwise change such departments to promote efficiency in the administration of the town government.

(B) The head of each department shall be known as the director thereof and shall have supervision and control of such department and the activities thereof.

SECTION 3.3. COMPENSATION OF PERSONNEL

(A) The council shall fix or approve the schedule of pay, expense allowances, and other compensation of all personnel, and may adopt position classification plans; any compensation or pay plan may include provisions for payments to personnel on account of sickness or disability.

(B) The town manager shall be responsible for preparing position classification and pay plans for submission to and adoption by the council and for administration of adopted plans.

(C) The council may purchase life, health, and any other forms of insurance for the benefit of all or any class of employees, including employees' spouses and dependents, and may provide other fringe benefits for town personnel.

(D) The council may provide for enrolling town personnel in the Local Government Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, or the Firemen's Pension Fund, and may supplement from local funds the benefits provided by such plans.

SECTION 3.4. TOWN CLERK

There shall be a town clerk, selected by the town manager, who shall keep the records of the council, give notice of meetings of the council, keep a journal of the proceedings of the council, and perform such other duties as may be required by law or by the council.

SECTION 3.5. DUTIES OF TOWN ATTORNEY

The council shall appoint a town attorney to serve at its pleasure who shall be its chief legal adviser. The attorney so appointed must be licensed to practice law in the state of North Carolina. The attorney shall attend meetings of the council when requested; give advice in writing, when so requested, to the council, the manager or the director of any department; prosecute or defend all suits or cases to which the town may be a party; prepare all contracts, bonds and other instruments in writing in which the town is concerned and endorse approval of the form and correctness thereof; and perform such other duties of a legal nature as the council may require.

SECTION 3.6. BONDS REQUIRED

Officers and employees of the Town of Black Mountain shall give bonds for the faithful performance of their duties as the council shall by resolution require in amounts adequate to protect the town from loss. The premiums of such bonds shall be paid by the town.

SECTION 3.7. BOARDS AND COMMISSION

The council may by resolution establish, designate, abolish, restructure, reestablish and otherwise change boards and commissions to carry out such duties or functions as the council may require and, unless otherwise provided by general law, shall appoint, suspend and remove members of such boards and commission.

SECTION 3.8. ISSUANCE OF BONDS

The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

SECTION 3.9. RULES GOVERNING TOWN FINANCES

The council shall, by ordinance or resolution, make rules and regulations governing the receipt and handling of moneys payable to the Town of Black Mountain from all sources and the deposit of such moneys in designated depositories.

SECTION 3.10. INDEPENDENT AUDIT

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the council, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

ARTICLE IV. – MISCELLANEOUS PROVISIONS

SECTION 4.1. OATH OF OFFICE

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me God."

SECTION 4.2. SEVERABILITY

Determination by a court of competent jurisdiction that a provision of this charter is unconstitutional or otherwise invalid shall apply only to such provision and the remaining provisions of this charter shall remain in effect.

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 12, 2021

SUBJECT: Public Hearing to Close Portion of Unopened, Platted Right-of-Way Terminating at Fairway Drive and Tomahawk Avenue Intersection

#R-21-02

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9B
Department:	Planning & Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Jerry Jackson has filed a petition to close a portion of a right-of-way between Fairway Drive and Tomahawk Avenue. The properties that abut the right-of-way are 99999 Hiawasse Avenue, 99999 Hiawasse Avenue, 99999 Tomahawk Avenue, and 603 Tomahawk Avenue. The requested closure is approximately 75feet in the length and 8 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION:

1. To open the public hearing for **Resolution #R-21-02** to Close Unopened, Platted Right-of-Way Terminating at Fairway Drive and Tomahawk Avenue intersection.
2. To close the public hearing.
3. To approve **Resolution #R-21-02** for the right-of-way closure.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution **#R-21-02** and map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve **Resolution #R-21-02** as presented.

RESOLUTION #R-21-02

RESOLUTION TO CLOSE A PORTION OF AN UNOPENED, PLATTED RIGHT-OF-WAY TERMINATING AT FAIRWAY DRIVE AND TOMAHAWK AVENUE INTERSECTION

WHEREAS, the Town of Black Mountain has received a request from the adjoining property owners to close that unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection; and

WHEREAS, the Planning Board for the Town of Black Mountain did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEING all that portion of the alley running through center of Block 35, Plate Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins at a point located North 1° 30'' East 15 feet from the southeast corner of Lot 18, Block 35, as shown on that plat recorded in Plat Book 154 at Page 193, Buncombe County Registry; and runs thence along the eastern boundaries of Lots 18, 17 and 16, Block 35, Plat Book 154 at Page 193, North 1° 30' East to the southern edge of the right-of-way of Fairway Drive and the southeast edge of the right-of-way of Tomahawk Avenue.

WHEREAS, the Town Council of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 8th day of February, 2021 and for good cause shown, the Town Council declared its intent to close the described unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue; and

WHEREAS, a copy of the resolution adopted by the Town Council at their February 8, 2021 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection was posted at two prominent places along said street no later than March 4, 2021; and

WHEREAS, a public hearing was held to receive public comment at the regular meeting of the Town Council in the Board meeting room in the Town Hall Building on Monday, April 12, 2021 at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Town Council that closing the described unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection would be hereby deprived of reasonable means of ingress or egress; but

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

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

I move the adoption of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, this the 12th day of April, 2021.

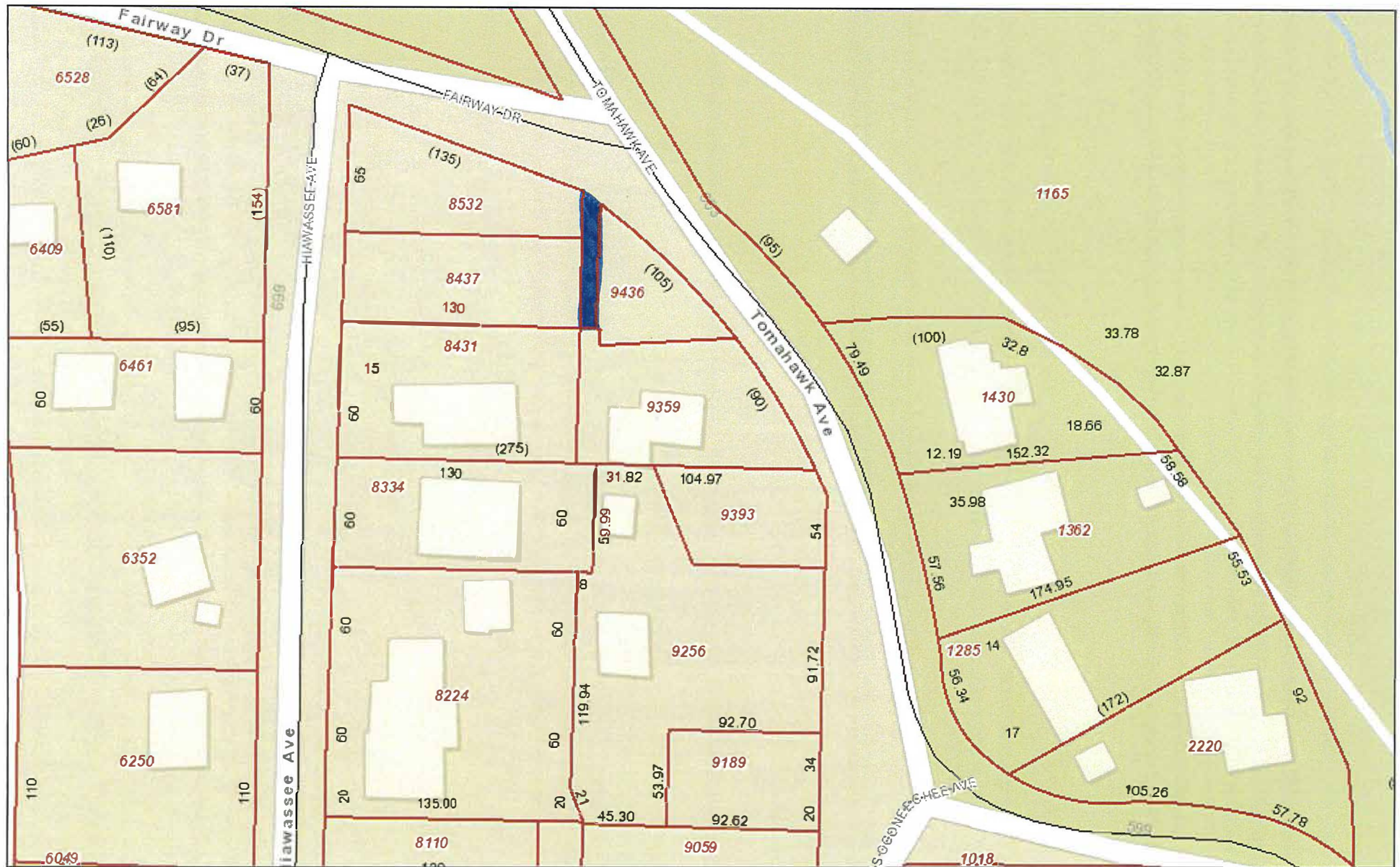
ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

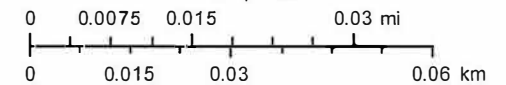
Josh Harrold, Town Manager

Fairway Dr/Tomahawk Ave Right-of-Way Closure Request



January 6, 2021

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: April 12, 2021

SUBJECT: Public Hearing to Close Portion of Unopened, Platted Right-of-Way Parallel and Between Hiawassee Avenue and S. Oconeechee Avenue

#R-21-05

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9C
Department:	Planning & Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Becki Janes, Brandon and Abigail Moffitt, Toby and Sarah Broughton-Ives, Darla Sublette, Eric and Erica Christopher, Phillip Abernathy, Caitlin Hettich and Casey Sharpe, and Don and Dorinda Blankenship have filed a petition to close a portion of a right-of-way between Hiawassee Avenue and S. Oconeechee Avenue. The properties that abut the right-of-way are 402 Hiawassee Avenue, 400 Hiawassee Avenue, 312 Hiawassee Avenue, 312B Hiawassee Avenue, 99999 Hiawassee Avenue, 304 Hiawassee Avenue, 300 Hiawassee Avenue, 216 Hiawassee Avenue, 206 Hiawassee Avenue, 104 Hiawassee Avenue, 207 S. Oconeechee Avenue, 209 S. Oconeechee Avenue, 301 S. Oconeechee Avenue, 305 S. Oconeechee Avenue, 309 S. Oconeechee Avenue, 313 S. Oconeechee Avenue, 401 S. Oconeechee Avenue, and 403 S. Oconeechee Avenue. The requested closure is approximately 759 feet in the length and 8-10 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION:

1. To open the public hearing for ***Resolution #R-21-05*** to Close Unopened, Platted Right-of-Way Parallel and Between Hiawassee Avenue and S. Oconeechee Avenue.
2. To close the public hearing.
3. To approve ***Resolution #R-21-05*** for the right-of-way closure.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution #***R-21-05*** and map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Resolution #R-21-05*** as presented.

RESOLUTION #R-21-05

RESOLUTION TO CLOSE A PORTION OF AN UNOPENED, PLATTED RIGHT-OF-WAY PARALLEL AND BETWEEN HIAWASSEE AVENUE AND S. OCONEECHEE AVENUE

WHEREAS, the Town of Black Mountain has received a request from eight property owners to close that unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue; and

WHEREAS, the Planning Board for the Town of Black Mountain did recommend that the street be closed; and

WHEREAS, the Town of Black Mountain has the authority to close dedicated streets within its jurisdiction on its own motion pursuant to N.C.G.S. 160A-299; and

WHEREAS, the unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue to be closed is more particularly described as follows:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

Segment 1

BEING all portion of the alley running through center of Block 18, Plat Book 154 at Page 193, Buncombe County Registry, which is bounded on its western edge by the eastern boundaries of Lots 17 and 18, Block 18, Plat Book 154 at Page 193, Buncombe County Registry, with its southern end being the northern edge of the right-of-way of Hickory Street, formerly known as Sixth Street.

Segment 2

BEING all that alley running through center of Block 13, Plat Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins in the southern edge of the right-of-way of Hickory Street, formerly known as Sixth Street, at the northeastern corner of Lot 8, Block 13, Plat Book 154 at Page 193, Buncombe county Registry, and runs South 1° 30' West 420 feet to a point in the northern edge of Poplar Street, formerly known as Fifth Street, at the southwest corner of Lot 14, Block 13, Plat Book 154 at Page 193, Buncombe County Registry.

Segment 3

BEING all that portion of the alley running through center of Block 10, Plat Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins at a point in the southern edge of the easement of Poplar Street, formerly known as Fifth Street, said point being the northwest corner of Lot 8, Block 10, Plat Book 154 at Page 193, Buncombe County Registry, and South 1° 30' West 180 feet to the southeast corner of Lot 10, Plat Book 154 at Page 193, Buncombe County Registry.

WHEREAS, the Town Council of the Town of Black Mountain considered the above referenced request at its regular meeting at 6:00 p.m. on the 8th day of February, 2021 and for good cause shown, the Town Council declared its intent to close the described unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue; and

WHEREAS, a copy of the resolution adopted by the Town Council at their February 8, 2021 meeting was published in the Black Mountain News for four (4) consecutive weeks; and

WHEREAS, notice of the adoption of the resolution of intent and the public hearing on the closing of the described unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue was posted at two prominent places along said street no later than March 4, 2021; and

WHEREAS, a public hearing was held to receive public comment at the regular meeting of the Town Council in the Board meeting room in the Town Hall Building on Monday, April 12, 2021 at 6:00 p.m.; and

WHEREAS, it appears to the satisfaction of the Town Council that closing the described unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue is not contrary to the Town, and that no individual owning property in the vicinity of said unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue would be hereby deprived of reasonable means of ingress or egress; but

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

1. Pursuant to the North Carolina General Statute Section 160A-299, that unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue described shall be permanently closed to public use.
2. The closing is subject to the retention by the Town of easements for any existing water, sewer, or other existing utility lines.
3. Pursuant to North Carolina General Statute Section 160A-299, a certified copy of this resolution and order shall be filed in the Office of the Register of Deeds for Buncombe County, North Carolina, if and at such time as the contingencies set out above are met.

I move the adoption of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, this the 12th day of April, 2021.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

Hiawassee/S Oconeechee Right-of-way Closure Request



January 6, 2021

