



TOWN OF BLACK MOUNTAIN

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

Date: December 13, 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.**

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

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

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

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

1. CALL TO ORDER

- Welcome
- Prayer
- Pledge of Allegiance
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

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

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 the November 8, 2021 Regular Session Meeting, and the November 4, 2021 Agenda Meeting.*

B. Resolution to Authorize Signers of Checks

Motion: *To approve Resolution R-21-25 as presented.*

C. Approval of the North Carolina State Archives 2021 Records Retention and Disposition Schedule

Motion: *To approve Resolution R-21-25 as presented*

D. Resolution and Budget Amendment Fines & Forfeitures Special Revenue Fund #R-21-27

Motion: *To approve Resolution R-21-27 and the budget amendment as presented*

E. Budget Amendment Golf Course Golf Carts

Motion: *To approve the budget amendment as presented.*

F. Budget Amendment Insurance Proceeds

Motion: *To approve or deny the budget amendment.*

G. Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor Courts #O-21-20

Motion: *To call for a public hearing to add text for mobile food vendors and mobile food vendor courts to be held on Monday, January 10, 2022, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

H. Resolution of Support for MPO Application for Blue Ridge Road Modernization #R-21-28

Motion: *To approve Resolution R-21-28 as presented.*

I. Resolution of Support for MPO Application for Fonta Flora State Trail Connection #R-21-29

Motion: *To approve Resolution R-21-29 as presented.*

J. Resolution of Support for MPO Application for Traffic and Circulation Study #R-21-30

Motion: To approve Resolution R-21-30 as presented.

K. Budget Amendment Community Outreach

Motion: To approve or deny the budget amendment.

Consent Motion: To approve consent items A-K 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

8. NEW BUSINESS

A. Board Appointments

Greenways Commission – (1) 3-year terms ending June 30, 2024

Motion: To appoint _____ to fill a 3-year term ending June 30, 2024 by a vote of _____ for and _____ against.

At their regular October meeting the Greenway Commission reviewed the application from Mike Sobol. Mr. Sobol attended the meeting. The Commission voted unanimously to recommend Mr. Sobol to fill the current vacancy. An application from Pete Peery was received by the Town Clerk after the meeting and the Commission reviewed the application at their November meeting and chose to not make a recommendation on the additional applicant and to keep their recommendation of appointing Mike Sobol to the vacant term.

ABC Board – (1) 3-year terms ending June 30, 2024

Motion: To appoint _____ to fill a 3-year term ending June 30, 2024 by a vote of _____ for and _____ against.

One application was received for the ABC Board seat vacated by Mr. Harwood. The ABC Board is not meeting in December, but Board Chair Roger Hibbard expressed the board's full support of Sharon Tabor's application via phone to the Town Clerk.

B. Contract for EB-5547B section A

Motion: *To approve the contract as presented.*

C. Update Greenway Commission Ordinance #O-21-18

Motion: *To approve and adopt Ordinance #O-21-18 as presented [or as amended].*

D. Post Construction Residential Stormwater Inspection Text Amendment #O-21-19

Motion: *To approve and adopt Ordinance #O-21-19 as presented [or as amended].*

E. Adoption of the schedule for the Town Council Workshop and Regular Session Meetings for 2022.

Motion: *To adopt the 2022 schedule of regular meetings of the Black Mountain Town Council as presented [or as amended].*

F. Carver Center Solar Project

Motion: *To approve bid amount as presented.*

9. PUBLIC HEARING

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.

A. Public Hearing for Text Amendments to Add Definitions for Murals, Premises, and Temporary Signs and Amend the Definition of Signs

Motions for Consideration:

- 1. To open the public hearing for Ordinance #O-21-16 for amendments to add definitions for murals, premises, and temporary signs and amend the definition of signs.*
- 2. To close the public hearing.*
- 3. To adopt Ordinance #O-21-16 as presented [or as amended].*

- B.** Public Hearing to Repeal the Existing Sign Ordinance and Replace with the New Sign Ordinance

Motions for Consideration:

1. *To open the public hearing for **Ordinance #O-21-17** to repeal the existing sign ordinance and replace with the new sign ordinance.*
2. *To close the public hearing.*
3. *To adopt **Ordinance #O-21-17** as presented [or as amended]*

10. COMMUNICATION FROM STAFF

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

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION

- A.** Closed session to discuss personnel matters as permitted by North Carolina General Statute 143-318.11(6).

13. ADJOURNMENT



Josh Harrold



PUBLIC NOTICE **NOTICIA PÚBLICA**

BLACK MOUNTAIN TOWN COUNCIL

AGENDA WORKSHOP MEETING **CITA DE PLANIFICACIÓN DE LA AGENDA**

Thursday, December 9, 2021 at 5:00 p.m.
Jueves 4 de Diciembre de 2021 a las 5:00

The Black Mountain Town Council monthly Agenda Workshop Meeting will be held on **Thursday, December 9, 2021 at 5:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public. Masks are required.
La cita está abierta al público. Se requieren máscaras.

Savannah M. Parrish
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9300 or by email at townclerk@townofblackmountain.org

Estamos comprometidos a proporcionar instalaciones, programas y servicios accesibles para todas las personas de conformidad con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o una adaptación en particular para esta reunión, comuníquese con Savannah Parrish, secretaria municipal al 419-9300 o por correo electrónico a townclerk@townofblackmountain.org

Please visit www.townofblackmountain.org to obtain agenda packets and other meeting information.
Visite www.townofblackmountain.org para obtener paquetes de la agenda y otra información.

Posted to the Town Bulletin Board 11/19/21



PUBLIC NOTICE **NOTICIA PÚBLICA**

BLACK MOUNTAIN TOWN COUNCIL

REGULAR SESSION MEETING **CITA DEL AYUNTAMIENTO**

Monday, December 13, 2021 at 6:00 p.m.
Lunes 13 de Diciembre de 2021 a las 6:00 p.m.

The Black Mountain Town Council will meet for their monthly Regular Session Meeting on **Monday, December 13, 2021 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public. Masks are required.
Está abierta al público. Se requieren máscaras.

Savannah M. Parrish
Savannah Parrish
Town Clerk

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Posted to the Town Bulletin Board 11/19/21



TOWN OF BLACK MOUNTAIN

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

Date: **November 8, 2021**

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

Regular Session Minutes

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

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Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

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

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

The following staff members were present:

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

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Pastor David Taylor of Christ Community Church Montreat offered an invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris read proclamations in honor of Arbor Day and Veterans Day.

3. CITIZEN COMMENTS

Weston and Kiersten Hall, 100 Portmanvilla Road - Like many others we have a lot of questions about this new Stormwater Tax and the new position created.

Our involvement with town issues began years ago because of stormwater problems that we personally were facing and still do to this day.

Our property has an extremely large volume of stormwater dumped on it that comes from ditches and pipes from several town roads that turn and direct the stormwater to our private property. With heavy development, that has happened in our neighborhood the past four years, our private ditch is maxed out and we now have to sandbag areas of our side yard despite a gravel driveway, rain barrels, French drains, catch gardens and berms to direct water to the ditch. We feel developers and the Town have taken advantage of us as there has not been any assistance with the large volume of stormwater directed to us by the town except for a 3-inch curb put along the road by our private ditch.

1. Developers need to be held accountable and we need to enact more Green building in our ordinances and codes.
2. STOP building on flood plains, steep slopes, and wetlands.
3. Property owners such as ourselves need to be recognized for the load they are carrying.....taking on extra stormwater due to development, having lots of pervious surfaces on property, rain barrels, ditches, rain gardens and special grading etc.... ***We can list a lot of people in this town that have been devastated by stormwater issues and most of it has been caused by construction/development and poor run-off systems. There should be an incentive plan for property owners to downsize their stormwater tax by implementing stormwater control measures.
4. We hope to see more detailed information on how exactly all this stormwater tax money is going to be allocated and how this new position will bring more solutions and action rather than just talk and plans on paper.

Anna Marcel de Hermanas, 404 S. Oconeechee Avenue - Given that more and more of the town's homes are selling to out of town buyers for vacation rentals, I hope that the council will consider licensing and regulating vacation rentals to aid in understanding and managing not only the rentals themselves but also the impact on residents, potential residents, affordable housing, and infrastructure.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

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.

Manager Harrold presented the consent agenda to the Town Council.

A. Adoption of Minutes

Motion: *To adopt the minutes of the October 11, 2021 Regular Session Meeting, the October 7, 2021 Agenda Meeting, and the October 11, 2021 Closed Session Meeting.*

B. Golf Equipment Lease Resolution

Motion: *To approve Resolution R-21-23 as presented.*

C. Revision to the Uniform Guidance Policy

Motion: *To approve the revision to the Uniform Guidance Policy as presented.*

D. Call for Public Hearing for Text Amendments to Add Definitions for Murals, Premises, and Temporary Signs and Amend the Definition of Signs #O-21-16

Motion: *To call for a public hearing for text amendments to add definitions for murals, premises, and temporary signs and to amend the definition of signs to be held on Monday, December 13, 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 to Repeal the Existing Sign Ordinance and Replace with the New Sign Ordinance #O-21-17

Motion: *To call for a public hearing repeal and replace the sign ordinance to be held on Monday, December 13, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Vice Mayor Ryan Stone moved to approve consent items A-E as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

Michael Neder, 608 8th Street – addressed the Town Council concerning stormwater control and Lake Tomahawk.

7. UNFINISHED BUSINESS - NONE

8. NEW BUSINESS

A. Board Appointments

Greenways Commission – (1) 3-year terms ending June 30, 2024

Motion: To appoint _____ to fill a 3-year term ending June 30, 2024 by a vote of _____ for and _____ against.

The Commission voted unanimously to recommended Mr. Sobel to fill the current vacancy. The day after the Commission's meeting an application from Leanne Cunningham was received by the Town Clerk. The Chair of the Commission was provided a copy of the application and a policy for appointing new members. The Chair decided not to review the application either by special meeting or by holding their recommendation until the next regular meeting. Ms. Cunningham withdrew her application just prior to the meeting; however a third application was received by the Town Clerk on the morning on November 8th, 2021 from Pete Peery.

The Town Council tabled the Greenways Commission appointment until the application from Mr. Peery can be reviewed by Greenways Commission.

Recreation Commission – (1) vacancies/ 3-yr terms ending June 30, 2024

Motion: To appoint Nathan West to fill a 3-year term ending June 30, 2024 by a vote of 3 for and 2 against. The ballots are included and made part of these minutes.

- B.** Resolution and Budget Amendment for Police Department Community Outreach Special Revenue Fund
#R-21-24

Council Member Archie Pertiller moved to approve the Resolution #R-21-24 and budget amendment as presented. The motion was approved by a vote of 5-0.

- C.** Approval of ABC Board stipend increase

Council Member Bill Christy moved to approve a stipend increase of \$100 per month for the ABC Board. The motion was approved by a vote of 5-0.

Council Member Christy thanked Rick Harwood for his years of service to the ABC Board in light of his anticipated resignation from the board.

- D.** Discussion of the Town Manager's 2021-2022 work plan

Mayor Harris stated that the manager's work plan is a guiding document to inform the public of the manager's focus for the 2022 year. Council made no additional comment. No action was taken.

- E.** Oath of Office for Police Chief Steve Parker

Mayor Harris administered the Oath of Office to Chief Parker.

9. PUBLIC HEARING - NONE

10. COMMUNICATION FROM STAFF

Town Manager Josh Harrold reminded the public of the meet and green for Chief Parker, taking place at Town Square at 10 a.m. on November 9, 2021. He also gave brief updates on the status of FEMA assistance, the CVS sidewalk, and thanked Kiersten Hall for her work to earn Bear Wise status for her neighborhood.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member King announced to the public that Buncombe County Board of Commissioners voted to maintain the Buncombe County Libraries in their current facilities, including Black Mountain. The Board of Commissioners also directed staff to explore enhancements at the current locations.

Council Member King reminded the public of the volume of garbage being taken each month to the landfill and encouraged composting.

Mayor Harris thanked all Veterans for their service.

12. ADJOURNMENT

There being no further business Mayor Larry B. Harris adjourned the meeting at 6:42 p.m.

ATTEST:

Savannah M. Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
AGENDA WORKSHOP AND SPECIAL MEETING MINUTES
November 4, 2021**

THE BLACK MOUNTAIN TOWN COUNCIL held an agenda workshop Thursday, November 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, November 8, 2021 at 6:00 p.m.

1. CALL TO ORDER

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

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

The following staff members were present:

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

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

Council Member Archie Pertiller moved to add Agenda Item 8C - Approval of ABC Board stipend increase and Item 8D - Discussion of the Town Manager's 2021-2022 work plan. The motion was approved by a vote of 5-0.

Council Member King requested a proclamation be read in honor of Veterans Day at the regular session meeting on November 8, 2021.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:09 p.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor



December 2, 2021
Special Call Meeting

**BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
December 2, 2021**

THE BLACK MOUNTAIN TOWN COUNCIL held a special called meeting on Thursday, December 2, 2021 at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting is for the Town Council to hear a presentation from the Land of Sky Regional Council concerning Federal Infrastructure Projects.

CALL TO ORDER

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

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

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to Manager/Town Clerk
Jessica Trotman, Planning Director
Jamey Matthews, Public Works Director
Josh Henderson, Recreation and Parks Director

Mayor Larry B. Harris called the meeting to order at 8:30 a.m. Erica Anderson the Director of Economic and Community Development from Land of Sky Regional Council began the presentation by explaining the purpose of Councils of Government.

Tristian Winkler, French Broad River Metropolitan Planning Organization (MPO) Director, presented information concerning the responsibilities of the MPO, a regional view of the transportation challenges facing Black Mountain and the larger region. He explained transportation funding streams, processes, and prioritization. Mr. Winkler reviewed funded and planned SPOT and TIP projects for the Town of Black Mountain.

Erica Anderson gave an overview of Comprehensive Economic Development Strategy (CEDS). She also reviewed the high priority issues, High Speed Broadband Access, Transportation, Housing Options, and Workforce Solutions.

**December 2, 2021
Special Call Meeting**

Tristan Winkler and Erica Anderson responded to questions from the Mayor and Council Members. No action was taken.

The presentation is included in and made part of these minutes.

There being no further business, Mayor Harris adjourned the meeting at 9:38 a.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION #R-21-25

RESOLUTION OF THE TOWN COUNCIL AUTHORIZING SIGNERS OF CHECKS

BE IT RESOLVED by the Town Council of the Town of Black Mountain, that
Section 1: The Town Council does hereby authorize Mayor Larry B. Harris, Town Manager Josh Harrold, Finance Director Tammy Holland, and Town Clerk Savannah Parrish to sign payroll and accounts payable checks, with signatures by any two of the four required to be placed on each check.

Council Member

READ, APPROVED AND ADOPTED, this the 13th day of December 2021.

ATTEST:

Larry B. Harris, Mayor

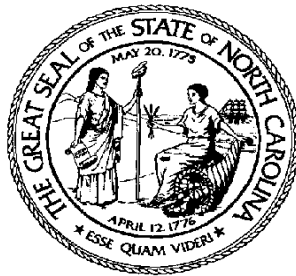
Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

Tammy Holland, Finance Director

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

2021 General Records Schedule: Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 General Records Schedule: Local Government Agencies**:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

“(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.”

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends*.” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends*.” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends*.”

Record Copy

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”¹ The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

¹ Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”²

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

² Ibid.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Municipal/County Clerk or Manager
Title: _____


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____


D. Reid Wilson, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

Effective: October 1, 2021

EXECUTIVE SUMMARY

- ✓ Some records are covered by the Local Agency Program Retention and Disposition Schedules. See the appendix for Related Records Series Found in Local Agency Program Schedules.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.



**TOWN OF BLACK MOUNTAIN
TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: November 8th, 2021**

SUBJECT: Resolution and Budget Amendment Fines and Forfeitures Special Revenue Fund

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 5D
Department: Finance
Contact: Tammy Holland, Finance Director
Presenter: Josh Harrold, Town Manager

BRIEF SUMMARY:

Resolution creating a Fines and Forfeitures Special Revenue Fund to track and manage revenue and expenses related to the collection of various legal fines and forfeiture the Town is required to remit to Buncombe County School Board.

With the implementation of GASB 84 fines and forfeitures will need to be budgeted, accounted for, and reported in a special revenue fund.

There will be no financial impact to the Town for this Fund but with the new requirements we must establish a budget each year. Revenues received currently into this account consist mostly of late list penalties assessed on property tax bills.

Budget Impact:

Increase Fines and Forfeitures Expenses	Expenses	\$10,000.00
Increase Fines and Forfeitures Revenue	Revenues	\$10,000.00

MOTION FOR CONSIDERATION: To approve or deny the budget amendments

ATTACHMENTS: Budget Amendment

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



Resolution # R-21-27

**RESOLUTION
FOR CREATION OF THE FINES AND FORFEITURES SPECIAL REVENUE FUND**

WHEREAS, The Town of Black Mountain can collect various legal fines and forfeitures that the Town is required to remit to the Buncombe County Board of Education; and

WHEREAS, A result of GASB statement 84 fines and forfeitures assessed that are required to be remitted to the Board of Education are now required to be reported as a governmental fund type. The Town of Black Mountain has chosen to report these funds in a special revenue fund; and

WHEREAS, A Special Revenue fund will be established to provide more accountability, transparency, and a more efficient means to track and manage the expenses and revenues related to Fines and Forfeiture activities; and

WHEREAS, all transactions related to Fines and Forfeitures will be kept in a special revenue fund that is not co-mingled with other funds to prevent the accidental inclusion of non-Fine and Forfeiture transactions; and

NOW, THEREFORE, BE IT RESOLVED BY THE BLACK MOUNTAIN TOWN COUNCIL:

- Establishment of Special Revenue Fund. There is hereby established the Fines and Forfeiture Special Revenue.
- The Finance Director is hereby directed to maintain within the Special Revenue project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable

Duly adopted by the Town Council of Black Mountain on this the 13th day of December, 2021.

Larry B. Harris
Mayor

ATTEST:

Savannah Parrish
Town Clerk



BUDGET AMENDMENT REQUEST FORM

DATE:

11/17/21

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
43-00-0000-350	Penalties Fines and Forfeitures		\$10,000.00
43-00-5000-200	Buncombe County Board of Education	\$10,000.00	
Total:		\$10,000.00	\$10,000.00

REASON FOR BUDGET AMENDMENT

Establish budget for new fines and forfeitures fund

Entered by:

Department Head signature:

Budget Adjustments must be approved by the Department Head before being submitted to Finance



TOWN OF BLACK MOUNTAIN

Agenda Item Summary

Meeting Date: December 13th, 2021

SUBJECT: Budget Amendment Golf Course Golf Carts

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5E
Department: Finance
Contact: Tammy Holland, Finance Director
Presenter: Tammy Holland, Finance Director

BRIEF SUMMARY:

Budget Amendment to recognize the revenue received from the trade in of the older golf carts on the purchase of the new golf carts.

Budget Impact:

Increase Sale of Capital Assets Revenue	50-92-3805-800	\$183,600.00
Increase Capital Outlay Expense	50-92-6310-730	\$183,600.00

MOTION FOR CONSIDERATION: To approve or deny the budget amendments

ATTACHMENTS: Budget Amendment

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



BUDGET AMENDMENT REQUEST FORM

DATE:

11/01/21

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
50-92-3805-800	Sale of Capital Asset		\$183,600.00
50-92-6310-730	Capital Outlay	\$183,600.00	
Total:		\$183,600.00	\$183,600.00

REASON FOR BUDGET AMENDMENT

Recognize income received from the trade in of golf carts toward purchase of the new golf carts

Entered by:

Department Head signature:

Budget Adjustments must be approved by the Department Head before being submitted to Finance



TOWN OF BLACK MOUNTAIN

Agenda Item Summary

Meeting Date: December 13th, 2021

SUBJECT: Budget Amendment Insurance Proceeds

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5F
Department: Finance
Contact: Tammy Holland, Finance Director
Presenter: Tammy Holland, Finance Director

BRIEF SUMMARY:

Budget Amendment to recognize the insurance proceeds received for the equipment shed replacement and vehicle damage

Budget Impact:

Increase Insurance Proceeds Revenue	10-00-3840-800	\$29,800.00
Increase M&R Truck Expense	10-30-5800-170	\$10,000.00
Increase Capital Outlay Expense	10-30-5800-730	\$19,800.00

MOTION FOR CONSIDERATION: To approve or deny the budget amendments

ATTACHMENTS: Budget Amendment

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



BUDGET AMENDMENT REQUEST FORM

DATE:

11/19/21

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
10-00-3840-800	Insurance Proceeds		\$29,800.00
10-30-5800-170	M&R Trucks	\$10,000.00	
10-30-5800-730	Capital Outlay	\$19,800.00	
Total:		\$29,800.00	\$29,800.00

REASON FOR BUDGET AMENDMENT

Insurance proceeds received for damaged building and vehicle

Entered by:

Department Head signature:

Budget Adjustments must be approved by the Department Head before being submitted to Finance

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor Courts
#O-21-20

AGENDA INFORMATION

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

BRIEF SUMMARY: The Town currently does not have any regulations for mobile food vendors or mobile food vendor courts. The proposed text provides a list of requirements to operate as a mobile food vendor or mobile food vendor court and the districts in which they are allowed. The Planning Board recommended the amendment at their November 22nd meeting with a vote of 6-0.

MOTION FOR CONSIDERATION: To call for a public hearing to add text for mobile food vendors and mobile food vendor courts to be held on Monday, January 10, 2022, 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-21-20*

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, January 10, 2022, or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, January 10, 2022, at 6:00 p.m.

The Black Mountain Town Council will meet on **Monday, January 10, 2022, at 6:00 p.m.** in the Council Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing to add text for mobile food vendors and mobile food vendor courts.

The meeting is open to the public.

Savannah Parrish
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9310 or by email at townclerk@townofblackmountain.org.

Posted to the Town Bulletin Board 12/15/2021
Published in the Black Mountain News 12/23/2021 and 12/30/2021

www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Resolution of Support for MPO Application for Blue Ridge Road Modernization
#R-21-28

AGENDA INFORMATION

Agenda Location:	CONSENT
Item Number:	5H
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Blue Ridge Road will experience increasing traffic volume, including large trucks, after the interchange with Interstate 40 is completed. Blue Ridge Road should be modernized to accommodate a change in conditions for the safety of residents in the area and vehicle travel. The Blue Ridge Road small area plan adopted in 2018, including separated bike and pedestrian facilities. When Blue Ridge Road is improved, NC DOT's Complete Street Policy will require these improvements to be included in the process. Modernization of Blue Ridge Road will create significant connections for active transportation through the area. This project is an effective way to advance a variety of transportation safety and connectivity goals.

This resolution is of support only and includes no financial obligation. If funded, the estimate project cost is estimated to be \$100,000 (20% town match of \$20,000) A of commitment for the match requirement will be required by July 1, 2022.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: *Resolution #R-21-28*

MANAGER'S COMMENTS AND RECOMMENDATIONS:

RESOLUTION #R-21-28

RESOLUTION OF SUPPORT FOR FUNDING APPLICATION TO MPO FOR BLUE RIDGE ROAD MODERNIZATION

WHEREAS, the Black Mountain Town Council intends to apply for funding allocation to the French Broad River Metropolitan Planning Organization for a corridor study of Blue Ridge Road, and

WHEREAS, Black Mountain supports the safety improvements for Blue Ridge Road for motorists, cyclists, and pedestrians in the adopted Blue Ridge Road Small Area Plan in response to increasing traffic upon completion of the Interstate 40 interchange, and

WHEREAS, these applications require additional planning to advance successful requests for construction in the future,

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT the Town Council supports the application for the corridor study to be submitted.

I move the adopt of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this 13th day of December 2021.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Resolution of Support for MPO Application for Fonta Flora State Trail Connection
#R-21-29

AGENDA INFORMATION

Agenda Location:	CONSENT
Item Number:	5I
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Fonta Flora State Trail will connect Morganton and Asheville. It represents an economic development opportunity for the Town of Black Mountain. In order to bring FFST through town limits, a feasibility study needs to take place to determine how the trail will connect, beginning at the eastern Town boundary. This resolution is of support only and includes no financial obligation. If funded, the estimate project cost is \$35,000 (20% match of \$7,000). A letter of commitment for the match requirement will be required by July 1, 2022.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: *Resolution #R-21-29*

MANAGER'S COMMENTS AND RECOMMENDATIONS:

RESOLUTION #R-21-29

RESOLUTION OF SUPPORT FOR FUNDING APPLICATION TO MPO FOR FONTA FLORA STATE TRAIL FEASIBILITY STUDY

WHEREAS, the Black Mountain Town Council intends to apply for funding allocation to the French Broad River Metropolitan Planning Organization for a feasibility study connecting Fonta Flora State Trail from the eastern town limit to previous designated sections of trail, and

WHEREAS, Black Mountain supports the advancement of Fonta Flora State Trail to serve the community and increase economic development opportunities, and

WHEREAS, these applications require additional planning in to advance successful requests for engineer and construction in the future,

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council supports the application for the feasibility study to be submitted.

I move the adopt of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this 13th day of December 2021.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Resolution of Support for MPO Application for Traffic and Circulation Study

#R-21-30

AGENDA INFORMATION

Agenda Location:	CONSENT
Item Number:	5J
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Changes in conditions created by infill commercial development and the addition of local bike and pedestrian improvements connecting to EB-5547 at NC-9/Sutton have prompted staff consider a variety of improvements to intended to integrate the block into the downtown pedestrian grid, improving safety, prompting local economic growth, while maintaining the area's unique neighborhood feel. It is an opportunity to develop to create traffic calming conditions and increasing available on street parking. More information is needed to inform typologies and budget needs. Staff has walked the area and initially reviewed concepts with traffic engineers are TPD.

This resolution is of support only and includes no financial obligation. If funded, the estimate project cost is estimated to be \$45,000 (20% town match of \$9,000) A of commitment for the match requirement will be required by July 1, 2022.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: *Resolution #R-21-30*

MANAGER'S COMMENTS AND RECOMMENDATIONS:

RESOLUTION #R-21-30

**RESOLUTION OF SUPPORT FOR FUNDING APPLICATION TO MPO FOR
TRAFFIC AND CIRCULATION STUDY**

WHEREAS, the Black Mountain Town Council intends to apply for funding allocation to the French Broad River Metropolitan Planning Organization for small area traffic study to include traffic and circulation of Ridgeway Avenue to Sutton Avenue, intersection analysis of Richardson Boulevard and State Street, and parking assessment; and

WHEREAS, Black Mountain supports the safety improvements and economic opportunities made available by integrating the area into the existing downtown pedestrian network; and

WHEREAS, this effort requires additional information to develop future improvements to the area;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, THAT the Town Council supports the application for the traffic and circulation and parking assessment study to be submitted to the French Broad River Metropolitan Planning Organization.

I move the adopt of the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this 13th day of December 2021.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN

Agenda Item Summary

Meeting Date: December 13th, 2021

SUBJECT: Budget Amendment Community Outreach

AGENDA INFORMATION

Agenda Location: CONSENT AGENDA
Item Number: 5K
Department: Finance
Contact: Tammy Holland, Finance Director
Presenter: Tammy Holland, Finance Director

BRIEF SUMMARY: A budget amendment is needed to increase the revenue budget within the Police Department Community Outreach Donation Line and to increase the expenditure budget within the Fire Department to appropriate the amount of the donations to enable staff to use the donation as the donors specified

Budget Impact:

Increase Donations Revenue	50-92-3805-800	\$4,000.00
Increase Community Outreach Expense	50-92-6310-730	\$4,000.00

MOTION FOR CONSIDERATION: To approve or deny the budget amendments

ATTACHMENTS: Budget Amendment

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



BUDGET AMENDMENT REQUEST FORM

DATE:

11/19/21

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
41-00-0000-330	Donations		\$4,000.00
41-00-5100-500	Community Outreach Expense	\$4,000.00	
Total:		\$4,000.00	\$4,000.00

REASON FOR BUDGET AMENDMENT

Recognize donations received during the current month.

Entered by:

Department Head signature:

Budget Adjustments must be approved by the Department Head before being submitted to Finance

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Board and Commission Member Applications

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8A
Department:	Administration
Contact:	Savannah Parrish, Town Clerk
Presenter:	Savannah Parrish, Town Clerk

BRIEF SUMMARY: At their regular October meeting the Greenway Commission reviewed the application from Mike Sobol. Mr. Sobol attended the meeting. The Commission voted unanimously to recommend Mr. Sobol to fill the current vacancy. An application from Pete Peery was received by the Town Clerk after the meeting and the Commission reviewed the application at their November meeting and chose to not make a recommendation on the additional applicant and to keep their recommendation of appointing Mike Sobol to the vacant term.

One application was received for the ABC Board seat vacated by Mr. Harwood. The ABC Board is not meeting in December, but Board Chair Roger Hibbard expressed the board's full support of Sharon Tabor's application via phone to the Town Clerk.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: Applications from Mike Sobol and Pete Peery; and Sharon Tabor.

MANAGER'S COMMENTS AND RECOMMENDATIONS:



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

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

TDD 800-735-2962

www.townofblackmountain.org



The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

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

APPLICANT INFORMATION

NAME: Charles Michael Sobol DATE: 9-17-2021

PREFERRED NAME: Michael

HOME ADDRESS: 48 Blue Ridge Assembly Dr

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

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

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

PHONE NUMBER(S): MAIN 828-669-2017 (H) EMERGENCY Cell 828-777-0881

ADVISORY BOARD/COMMISSION PREFERENCE

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

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

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

If additional space is needed please attach a separate sheet.

It's time we get this project completed. We need new
focus and new energy to get the greenway, that I helped
start in 1994, finished

EDUCATION & CERTIFICATIONS

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

UNC - Chapel Hill '71 chemistry degree

Charles D Owen High '67

EXPERIENCE & CIVIC INVOLVEMENT

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

No present commissions - My past experience of starting the greenway project, helping to get the greenway commission, being an Alderman for 10 years & Mayor for 4 years, plus my time on the MSO Board as vice chairman gives me the experience and contacts that we need!

CERTIFICATE OF APPLICANT

This application is a public record.

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

C Michael Sobel
Applicant's Signature

9/17/2021
Date

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

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

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APPLICANT INFORMATION

NAME: Albert G. Peery, Jr. "Pete" DATE: 7 November 2021

PREFERRED NAME: Pete Peery

HOME ADDRESS: 31 Reunion Hill Lane, Black Mountain, NC 28711

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

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

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

PHONE NUMBER(S): MAIN 828-280-2523 EMERGENCY Same

ADVISORY BOARD/COMMISSION PREFERENCE

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

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

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

If additional space is needed please attach a separate sheet.

I believe the development of robust greenways will enhance Black Mountain's economic base
make the town more safe for pedestrians, bike riders and drivers,
encourage care for the environment, and
add to the wonder of this great community.

EDUCATION & CERTIFICATIONS

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

St. Andrews University, BA in Politics

Union Presbyterian Seminary, D. Min.

EXPERIENCE & CIVIC INVOLVEMENT

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

Former Board Member, Habitat for Humanity, Matthews, NC

Former Board Member, Habitat for Humanity, Asheville, NC

Former Board Member and Chair of Board of Trustees, St. Andrews University

Former Board Member, Johnson C. Smith Theological Seminary

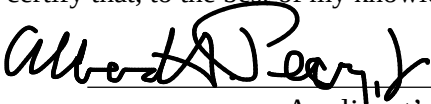
Former President, Montreat Conference Center

Retired Presbyterian pastor

CERTIFICATE OF APPLICANT

This application is a public record.

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



Applicant's Signature

7 November 2021

Date

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

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APPLICANT INFORMATION

NAME: Sharon Tabor DATE: 11/5/21

PREFERRED NAME: Sharon

HOME ADDRESS: 141 N. Fork Rd.

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, Nc, 28711

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

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

PHONE NUMBER(S): MAIN 828-793-0930 EMERGENCY _____

ADVISORY BOARD/COMMISSION PREFERENCE

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

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

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

If additional space is needed please attach a separatesheet.

- 1) 30+ years retail/loss prevention/budgeting/accounting experience
- 2) Instrumental in moving Cove City, Ky from moist to wet status
- 3) Familiar with alcohol licences/permitting/oversight
- 4) Knowledgeable of Open Records & Meeting laws
- 5) 30+ years human resources/personnel management

EDUCATION & CERTIFICATIONS

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

BS Western Kentucky University Business Administration

EXPERIENCE & CIVIC INVOLVEMENT

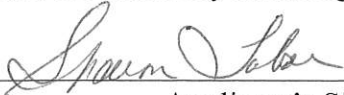
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Rotary
Kwan's
First Baptist Asheville Finance Committee

CERTIFICATE OF APPLICANT

This application is a public record.

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



Applicant's Signature

11/5/21

Date

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

The Handbook and additional information may be viewed on the Town's website at www.townofblackmountain.org

Sharon Tabor

141 N. Fork Rd. ▪ Black Mountain, NC ▪ 828-792-0930 (cell) ▪ stabornc@gmail.com

Core professional competencies:

- Budgeting, Forecasting & Planning
- Public Relations
- Advertising and Marketing
- Proficient in Microsoft Office (Excel, Powerpoint, Word)
- Event Planning and Implementation
- Contract negotiation
- Executive Presentation and Public Appearance
- QuickBooks Pro
- WordPress

EXECUTIVE DIRECTOR

July 2019 - present

Black Mountain Swannanoa Chamber of Commerce – Black Mountain, NC

RECRUITING ASSISTANT

U.S. Census Bureau

January 2019 – June 2019

- Responsible for a five-county area recruiting applicants to assist in 2020 census preparation and follow-up.
- Meet 100% of goals in each county and census tract 10 weeks ahead of schedule in western Kentucky.
- Recruiting techniques include social media, job fairs, organizational presentations, and meetings with local influencers.

EXECUTIVE DIRECTOR

Cave City Tourist & Convention Commission— Cave City, KY

October 2012- July 2018 (retired)

- Increased Convention Center income 8% , with 24% increase in occupancy in 12 month period through upgrade and repairs of neglected physical plant and marketing strategies including social media, website, digital and print marketing
- Led Convention Center to two record years in occupancy and revenue in 37 year operational history
- Utilized Kentucky Revised Statutes to develop professionalism and legality of board membership and management
- Reduced non-payment and slow pay accounts by 95% through reorganization of bookkeeping practices to acceptable Accounting Standards and Practices for \$620,000 plus revenue generating facility
- Increased hotel and restaurant revenue by 16% over 5-year period through strategic planning and implementation of marketing, community promotion, event planning, and trade show presence. Social media, and travel app.
- Initiated and developed regional organization (Cave Country Trails, Inc.) promoting outdoor adventure and establishing Kentucky Trail Town community status through collaboration with state, local, and regional government, tourism, health and private entities in Barren, Edmonson, Warren, Hart and Allen County, KY.
- Presented a session at the Mid-America Trails and Greenways conference in Columbus, OH, on the collaborative relationships during the development of the five county Cave Country Trails, Inc. organization.
- Worked collaboratively with City and County officials to create a more cohesive, open, and positive relationship between government and tourism leaders.
- Met monthly with government leaders and board of directors to keep them abreast of current issues and achievements
- Participated in Kentucky Travel Industry Association, Caveland Marketing, and Southern Kentucky Film Commission Legislative events and communicate, creating open dialogue to educate state legislative leaders on issues impacting the tourism and film commission.
- Organized and recruited volunteers within the ten county Barren River Area Development District for the Vietnam Veterans Wall, which required collaboration with Kentucky State Police, Veterans of Foreign Wars, local police, ROTC, Kentucky Veterans Affairs, American Legion

- Kentucky Travel Industry Association Bronze Traverse Award for Visitor Guide (2014-2017) and Website Design (2016)
- Increased brochure demand from 100,000 annual travel guide printing to 150,000 within twenty-four (24) month period

EXECUTIVE DIRECTOR

May 2007 – October 2012

Friends of L&N Depot, Inc. d/b/a Historic RailPark & Train Museum – Bowling Green, KY

- Instituted and developed human resource policies, procedures, training, and recruitment programs for volunteers and paid staff members to ensure positive guest experience and company growth
- Developed financially self-sustaining tourism attraction in five year recessionary era generating over 40,000 in facility visitation
- Established museum curatorial and exhibit collections policies and procedures using museum and collection management practices via American Association of Museums, American State & Local History Association, and Smithsonian Associate standards
- Increased children's programming attendance by 2500% in 4 years, and adult program attendance by 400% within six months through public relations, social media and community partnerships
- Led thirteen member Board of Directors to establish goals, strategies and standards for emerging innovative tourism venue
- Responsible for financial stability and growth development strategies for multiple revenue streams, including sponsorships, grant funding, retail, venue attendance, facility event rental, and tenant lease programs generating annual revenue exceeding \$325,000
- Accounting and fiscal management oversight included preparation and presentation of monthly, quarterly and annual reports for Board of Directors, governmental agencies and grant funders
- Served as media and community spokesperson
- Generated \$350,000 in grant revenue over five year period from over seven foundations or federal funding sources for museum technology, exhibits and railcar restoration
- Monthly presentations to Board of Directors and City/County Depot Committee
- Developed multiple fundraising events that involved collaboration of community theater troupes, partner non-profits, university and community leaders.
- Worked with City, County, State and National government leaders in gaining support of federal grant funds.
- Served as media and community spokesperson, often appearing on morning and mid-day television and radio programs; presenting to civic organization such as Rotary and Kiwanis.

OWNER

September 1995-June 2006

Acorn Cottage Bed & Breakfast– Asheville, NC

- Owned and operated 4 bedroom unique lodging establishment providing exceptional hospitality and property accommodations to international clientele exceeding \$100,000 annual revenue
- Achieved record occupancy rate over 72% via internet and print media marketing strategies, online reservation program, and exceptional customer service

RETAIL MANAGER

February 1991- August 1995

Cracker Barrel Restaurants – Lexington, NC

- Played key role in new store planning, setup, and operations implementation for retail and restaurant front of house
- Trained 100 member staff to provide superior standards of customer service maximizing restaurant and gift shop sales resulting in consistent annual 5% sales and profitability growth
- Prepared and developed inventory control procedures resulting in higher inventory turn, reduced cost of goods sold, increased gross margin and return on investment, and reduced inventory shrinkage to less than 2% through superior customer service techniques
- Maximized visual merchandising techniques to increase sales and reduce shrinkage for annual revenue over \$250,000

- Mentored new store management within 60 mile radius developing cohesive support systems resulting in increased sales and staffing development

BUYER/ ASSISTANT DIRECTOR OF STORES

April 1981-January 1991

Belk Department Stores- Greensboro, NC

Peebles Department Stores— South Hill, VA

Snyder's Department Stores – Louisville, KY

- Reported to Divisional Merchandise Manager, Senior Vice-President of Merchandising, Vice-President of Stores, CEO and/or President in multi-unit diversified retail operations
- Utilized visual merchandising standards of display to reduce shrinkage and increase sales
- Implemented and communicated product assortment and presentation, store plan-o-grams, and profitability standards via store visits, departmental communiqué and regional training programs
- Identified revenue opportunities through market analysis, vendor negotiations, and product development to maximize volume and profitability for \$2,000,000 revenue stream
- Worked closely with New York office and regional advertising agencies to develop company ad campaigns.

PERSONAL/ PROFESSIONAL DEVELOPMENT

Supervisory Certification

Warren County Industrial Training Consortium

Tourism Certification

Kentucky Travel Industry Association

Board of Directors (Past and Current)

Kentucky Museum & Heritage Alliance - Pres.

Greensboro Preservation Society

Southern KY Film Commission

Cave City Chamber of Commerce

Glasgow Chamber of Commerce

Caveland Marketing Association

Cave Country Trails Initiative - Treas.

Kentucky Historical Society

Society of Govt. Meeting Planners – KY Chapter – Treas.

North Carolina Bed & Breakfast Inns – Treas.

Memberships (Past and Current)

Allen County Kentucky Historical Society

Kentucky Historical Society

Professional Marketing Association

Caveland Marketing Association

Bowling Green Rotary

American Association of Museums

Cave Country Trails, Inc.

Bowling Green Lodging Association

Kentucky Travel Industry Association

Kentucky Assoc. of Convention & Visitors Bureau

Kentucky Society of Association Executives

Kentucky Museum and Heritage Association

Fountain Square Players (Bowling Green, KY)

Kentucky Hotel & Lodging Association

Kentucky Association of Convention and Visitor Bureau

Professional Assoc. of Innkeepers International

EDUCATION

Masters of Arts: Business Administration

Western Kentucky University, Bowling Green, KY

21 hours completed

Bachelor of Arts: Business Administration/Textiles & Merchandising

Western Kentucky University, Bowling Green, KY

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2021

SUBJECT: Contract for EB-5547B section A

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8B
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: This is a contract with Michael Baker International for EB-5547 and reflects preliminary engineering for sections A& B. The costs are \$375,084.97 in total, which is an additional \$119,209.68 for section A. Section B was approved \$255,875.29 at the November meeting.

MOTION FOR CONSIDERATION: To approve the contract as presented.

FUNDING SOURCE: NCDOT 80% Local Match 20%

ATTACHMENTS: Standard Client Agreement, Scope of Services

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve as presented

Amendment No. 1 to Client Agreement

THIS AMENDMENT No. 1 ("Amendment") is made and entered into this _____ day of **December 2021**, by and between Michael Baker Engineering, Inc. (hereinafter "**MICHAEL BAKER**") with offices at 797 Haywood Road, Suite 201 Asheville, NC 28806 and Town of Black Mountain, NC, a municipal government (hereinafter, "**CLIENT**"). Michael Baker and Client may be individually referred to as a "Party" and collectively referred to as the "Parties" herein.

WHEREAS, the Parties entered into a Client Agreement dated January 14, 2019 (the "**Agreement**"), pursuant to which Agreement Michael Baker is performing engineering and technical services for Client described in the Scope of Work set forth in Exhibit "A" to the Agreement, and which services are in connection with the project referred to as RIVERWALK GREENWAY PHASE III - NCTIP #EB-5547 (the "**Project**");

WHEREAS, subsequent to the execution of the Agreement, the CLIENT would like to modify the Scope of Work; and

WHEREAS, it is the intention of the Parties to amend certain provisions and the Scope of Work for the Agreement as set forth in this Amendment.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other valuable consideration, the sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, the Parties agree that the Agreement is hereby amended as follows:

1. **RECITALS.** The above noted recitals are true and correct and are hereby incorporated into this Amendment by reference.
2. **SCOPE OF WORK.** The Scope of "Work" as defined in paragraph 1 of the Agreement and as set forth in Exhibit "A" to the Agreement is hereby revised and replaced with the attached Exhibit "1" hereto. It is agreed that Michael Baker shall perform such engineering and technical services as are described in the attached Exhibit "1", including any additions or modifications mutually agreed upon and incorporated therein (hereinafter, "**Work**"). As referenced in the attached Exhibit "1", the name of the Project is hereby revised to the following: "NCTIP #EB-5547".
3. **COMPENSATION.** It is agreed that CLIENT shall compensate MICHAEL BAKER for the revised Work described in Exhibit "1" in the amount of \$375,084.97. It is further agreed that the attached Exhibit "2" hereby revises and replaces Exhibit "B" to the Agreement. All other billing, compensation, and payment terms shall remain the same.
4. **CONFLICTS.** Except as modified by this Amendment, the terms and conditions of the Agreement shall remain unchanged and continue in full force and effect. In the event of any conflict between the terms and conditions of this Amendment or in the Agreement, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have caused this Amendment No.1 to the Agreement to be executed and delivered as of the day and year first above written.

WITNESS:

Michael Baker Engineering, Inc.

Name: _____

Title: _____

WITNESS:

Town of Black Mountain, NC

Name: _____

Title: _____

EXHIBIT 1

AMENDED TASK ORDER 1
FOR
CONSULTANT ENGINEERING SERVICES

NCTIP #EB-5547
Section 'A' and 'B' (Oaks Connector)

Submitted to:

Town of Black Mountain, NC

By:

Michael Baker Engineering, Inc.

797 Haywood Rd

Asheville, NC 28806

11/19/21

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Project Background

The Riverwalk Greenway was identified in the 2002 Greenway Master Plan as the "PARK CONNECTOR". Since 2002, iterations of this corridor have been identified in several studies, including the Buncombe County Master Plan (2012), US 70/Swannanoa River Greenway Feasibility Study (2010), the Black Mountain Comprehensive Plan (2014), and most recently, Black Mountain Bike Plan (2016) in which the Riverwalk Greenway consistently ranked as the highest priority of all other potential projects identified.

Preliminary engineering and submittal to a 30% level which included the 'B' Section (Oaks Connector) of the project has been completed. After the 30% submittal, subsequent flood modeling was conducted, and it was determined that one occurrence (proposed bridge) located within the northern section of the project was not able to pass the required NCDOT H&H criteria.

An additional section was added to the project referred to as 'A', which connects from section 'B' northward into downtown via Black Mountain Avenue, Vance Avenue, and Hwy 09, terminating at the intersection of Hwy 09 and Sutton Ave.

Section 'A' is a newly defined segment and will require 30% submittal. A 30% submittal has already been provided for Section 'B'.

It is anticipated that the project will be advertised, let, and construction will be administered/overseen by NCDOT.

Project Description

Michael Baker Engineering, Inc. (Consultant) will be providing preliminary engineering services used to guide the construction of the Riverwalk (EB-5547).

Section 'A', Preliminary engineering and submittals of 30%, 60%, 90%, and 100% completion levels. Section 'A' will include sidewalk improvements to meet ADA compliance, bike lanes along NC 9 between the Norfolk Southern crossing and Vance Avenue, and sharrows along Vance Avenue between NC 9 and Black Mountain Ave, and along Black Mountain Ave between Vance Ave and Terry Estate Dr. New sidewalk is also proposed along Terry Estate Drive from Black Mountain Ave to the public parking lot behind Mellie Mac's Garden Shack. New crosswalks are proposed across two legs of the Black Mountain Rd at Vance Ave intersection, connecting the proposed sidewalk upgrades. New crosswalks are also proposed across three legs of the signalized intersection of NC 9 at Sutton Ave/Norfolk Southern Railroad Crossing. A full signal upgrade is proposed for this signalized intersection to accommodate new pedestrian signals and upgrade to current standards. The length of the 'A' section of the project will total approximately 0.3 miles.

Section 'B', Preliminary engineering and submittals of 60%, 90%, and 100% completion levels. Section 'B' will include on-road bicycle treatments of Terry Estates Drive, a combination of on-road bicycle treatments, sidewalk improvements to accommodate ADA compliance, and a sidewalk extension for Vance Avenue (from the Terry Estates Drive intersection), and a Shared Use Path (SUP) section along the second half of Vance Avenue to connect to the existing Oaks Trail. Intersection improvement designs will include Terry estates Drive and Vance Avenue, a crossing

of Vance near the Montreat College sports field access, and a crossing of Vance at the existing bulb (to connect to the Oaks Trail). The length of the Oaks Connector project will total approximately 0.7 miles.

Temporary construction, or permanent utility easements may be needed, otherwise, the entire project is anticipated to remain within NCDOT, and Town of Black Mountain Rights of Way.

Project Goal

The Goal of EB 5547 is to finalize Preliminary Engineering plans, gain regulatory approvals, and gain rights of ways/easements (if necessary) so that the project will be ready to advertise for construction services.

In general, milestones of are:

- Complete Section 'A' for 30% submittal and review
- Complete Sections A & B to 60% level for submittal and review
- Gain right of way appraisals (if applicable)
- Coordinate and attend public meetings (as required)
- Complete A & B to 90% level plans for submittal and review
- Complete A & B to 100% level Construction Plans
- Gain necessary permitting approvals

The Consultant will either self-perform or utilize sub-Consultant teaming partners for Tasks 1 through 8.

Approximate Timeline

A detailed timeline to reflect project milestones with input from Client will be developed upon Notice to Proceed (NTP).

Duration of Project: 18 months from NTP

Detailed Scope of Services

The scope below describes services anticipated to provide complete preliminary engineering services for Section 'A' and Section 'B' (Oaks Connector) of the Black Mountain Riverwalk project. Tasks are not necessarily listed in chronological order.

1. PLANNING

1.1 Project Startup

Upon receipt of a Notice to Proceed, the Consultant will prepare a work plan outlining a project management plan, milestones, and project schedule. Progress report and invoice formats will be created during this task. The startup will also involve a client kickoff meeting to establish timelines, critical milestones, and review responsibilities.

1.2 Agency Coordination

The Consultant will engage with NCDOT. A meeting will be held with regulatory agency representatives including, but not limited to, North Carolina Department of Environmental Quality (DEQ), NCDOT division 13 representative, and the Town of Black Mountain to verify necessary process and permits that will be required for construction.

The Consultant will attend one (1) Small Group meeting, to be held in Black Mountain with Town of Black Mountain Staff, and NCDOT Divisional Staff.

Specific Activities include the following:

- Review existing information and submittals
- Review conditions of the funding source, and LAPP
- Discuss project phasing and financing
- Establish a schedule for submittals
- A summary of the meeting will be developed.

1.3 Public Involvement

Public Meetings/ Local Officials Informational Meetings

The Consultant will hold a pre-public meeting with the client to review public meeting maps and preparations and one post-public meeting with the client to address public comments. This includes time for scheduling, preparing an agenda, attendance, and preparing minutes.

The Consultant will conduct one (1) open house style public meeting to provide information and solicit comments. The Consultant will also conduct a local officials informational meeting following the public meeting. Approximately 100 handouts are assumed to be printed, in addition to wall-mounted aerials, and graphics of the project area that enable stakeholders to identify areas of concern. The Consultant will prepare a summary to record overall comments, issues, concerns, and questions collected during the meeting. Staffing of the meeting will

include two (2) Consultant Planning Staff. The Consultant will develop one (1) draft project newsletter, process client comments, and then develop one (1) final newsletter for the project. The Consultant will generate and provide a digital copy of the newsletter to the Town, who will be responsible for distribution.

1.4 Client Coordination Meetings and Administration

This task order assumes that the above tasks will be completed within an eighteen (18) month timeframe after receipt of the Notice to Proceed (NTP) (August 2021 – November 2022). With respect to this timeframe, the Consultant assumes the following:

- Project Progress Meetings
 - The Project Manager will meet with the Town project staff in proximity to the project every other month for the 18-month project schedule (for a maximum of 9 meetings) to discuss project progress and to make project decisions. These meetings will last a maximum of 1.5 hours each.
 - For each Project Progress Meeting, Michael Baker will produce an agenda ahead of time, lead the meeting, take meeting notes, and produce and distribute meeting summaries electronically to Town Project Manager and other attendees, as needed.
- *Telephone and e-mail coordination* with the Client's project manager, and
- *Monthly progress reports* to the Client.

Assumptions:

- Coordination meetings will include the development of one meeting summary per meeting that will encapsulate the meeting into bullet points and record designated responsibilities for parties at the meeting.
- The Consultant's Project Manager will be at the meeting with no other Consultant personnel proposed.
- Telephone and e-mail time are assumed to be cumulative 0.5 days per month.

Michael Baker will maintain a media file for the project during project schedule, making copies available to the Town if requested.

1.5 Categorical Exclusion Document Update

- A Categorical Exclusion document was provided with Task 1. This document will be revised (or appended) to reflect the bifurcated project. It is anticipated that although the newly defined end point of the project is not included in the design reflected in this task, coordination of the new end point will be included in finalization of the revised Categorical Exclusion Document.

2. Landowner Outreach (PDEA-HES-Public Involvement)

During 60% design efforts, the Consultant will coordinate with the Right of way Specialist to review documentation, offer guidance, and to convey landowner considerations prior to right of way negotiations. See Task 4.

3. Greenway Corridor (Bike and Ped)

The alignment for the Riverwalk Greenway from US Highway 70 to the Oaks Trail was defined during the 30% level of the project. The design for the 'B' Section of the Riverwalk Greenway (referred to as the "Riverwalk Oaks Connector") will be designed to connect from the Black Mountain Avenue to The Oaks Greenway. In addition, the 'A' Section will be designed to provide connectivity between the Black Mountain Central Business District and Riverwalk Greenway. Through this contract the plans will be generated for levels of required NCDOT review including: 30% (for 'A' Section only), 60%, and 90% submittals, followed by final 100% (signed and sealed) plan submittals. Refinements will be made for each subsequent submittal related to factors including, but not exclusive of, alignments, right of ways, and utilities.

Beyond Section 'A' 30% submittal, subsequent submittals will involve both Section 'A' and Section 'B' will be provided at 60% (Right of Way), 90%, and 100% levels and will be reviewed by NCDOT.

Authorizations to proceed will be needed prior to initiation of each subsequent submittal.

All designs will be in accordance with the current NCDOT, AASHTO, and MUTCD guidelines and standards, as well as per applicable accessibility standards.

30% Plan Submittal

A 30% submittal will be made for the 'A' Section of the project which will include a conceptual layout of the proposed improvements. The Consultant will submit PDF roll plots of the project area and one hard copy roll plot.

- 30% design plans will include:
 - Horizontal roll plot reflecting the proposed alignment
 - Typical cross sections of the various segments of the greenway
 - Identification of signal improvements needed for the project

60% Plan Submittal

Submittal will consist of refining the 30% design for Section 'A' and Section 'B' (Oaks Connector) portions of the Riverwalk Greenway. The Consultant will submit PDFs of the submittal package and one (1) half size hard copy set of the plans.

- Refinement of 30% plans including:
 - Title Sheet
 - Horizontal plan sheets-Plans will be provided reflecting locations of greenway alignment, railings, retaining walls, grading limits, existing right-of-way and property lines, proposed right-of-way (including proposed easements), curve data, limits of construction, and reference data for both traverse and construction control points. Stationing will be referenced on alignment plans indicating locations cross sections, and profile views. Location of possible off-road amenities as required for the project, i.e. landscaping, streetscaping, multi-use paths, pedestrian lighting, decorative crosswalks, etc. will be identified.

- Profile Sheets with Vertical Design for SUP Alignments –Profiles of the proposed SUP indicating Vertical curve data, existing ground, and proposed centerline alignment.
 - Typical cross sections- These will include: Preliminary cross sections which will be shown for all proposed construction provided per 100’ along the SUP portions of the project reflecting greenway corridor to reference elements such as paved section, shoulders, ditches, cut and fill slope treatments. Station labels will be provided below the cross-section templates. Cross sections will contain grid lines at (5 or 10) foot intervals.
 - Critical location cross sections-for select critical locations along the corridor that may fall between the 100’ marks such as special conditions or intersections. Cross sections will reflect critical elements such as: SUP, super-elevations, proposed grade, existing ground, approximate existing utilities reflecting elevations (if provided in field survey), and existing and proposed structures.
 - Corridor modeling reflecting limits of disturbance (slope staking)
 - Draft Planting Plan
 - Preliminary earthwork calculations
 - Preliminary Right of Way and Easements
 - Vertical clearance calculations (if applicable)
 - A Preliminary Construction Phasing Concept in a Narrative format
 - A Project Coordination Checklist (if applicable)
 - A Review List for Preliminary Plans
 - The Phase Submittal Form
 - Cost Estimate
 - Signage locations
 - Representative details related to typical greenway construction such as: paving sections, fencing, signage, vehicle exclusion devices, etc.
 - Right of Way Plan Distribution Submittal – The Consultant will submit PDFs and one hard copy set of the plans with cross sections and will provide all electronic files needed to review and reproduce a hard copy set of plans and the associated engineer’s estimate. The Consultant will submit a right of way estimate which reflects the revisions noted from the 25% review submittal. The Consultant will not begin the Final Plan Design Phase until authorized.
 - Right of Way Revision and Design Revision Submittals (As needed) - The Consultant will submit PDFs of the plans and will provide all electronic files needed to review and reproduce a hard copy set of plans. The Consultant will submit the necessary Right of Way Revisions in accordance with the requested letter and submit revised Plan Sheet(s) to the State within 14 calendar days. The Consultant will make plan revisions including revisions to the proposed right of-way and/or easements, owners’ names, etc. as requested. When revisions are made to the Right-of-Way plans, the Consultant will place a descriptive revision note in the revisions block of the sheet that will be formatted per the following example: ROW REV. - February 14, 2015 - Revised the TCE along Parcel 5. (Initials of Engineer). These notes will remain on all subsequent plans until the 100% Plan Submittal.
- Graphics- visual simulations and renderings of the project including products such as:
 - one (1) photo mockup,

- one (1) revised master plan graphic (focused on Sections 'A' & 'B'),
- revised cross sections of applied typologies.

90% Plan Submittal

The Consultant will submit PDFs of the submittal package and one (1) half size hard copy set of the plans.

- 90% submittal package will include the following:
 - All items listed for previous submittals
 - Summary of Drainage Items
 - Summary of Pavement Removal
 - Earthwork Summary Sheet
 - Special Detail Request
 - Parcel Index Summary, if more than two plan sheets.
 - Written Documentation Outlining the Comments Made and a Detailed Explanation on How Comments were Addressed.
 - A Project Coordination Checklist (if Applicable)
 - A Review List for Final Plans
 - The Phase Submittal Form
 - Draft specification package
 - Cost Estimate
 - Refined earthwork calculations
 - Revised signage locations
 - Revised Planting Plan
 - Revised representative details related to typical SUP construction such as: fencing, furnishings, signage, vehicle exclusion devices, etc.

100% Final Plans (signed and sealed)

Final Plan Production will consist of addressing any comments provided from the 90% review, and packaging of the plans as a final sealed set. The Consultant will submit PDFs of the submittal package, one full size hard copy set of the plans, and will provide electronic files needed to review and reproduce a hard copy set of plans and the associated engineer's estimate. The Consultant will prepare Final Sealed Plans addressing the comments from Plan Checking and provide them to the Town within 6 calendar days from receiving the comments from Plan Checking. The Consultant will also provide a written response to each comment from Plan Checking describing how the plans were revised. If the sealed, signed and dated PDFs cannot be submitted before returning them to Plan Checking, the Consultant will coordinate delivery with the Town and NCDOT.

- The Consultant shall prepare 100% Plans to include the following:
 - *All items listed for previous submittals*
 - *Quantity Calculations and Estimate*
 - *List of General Notes, List of Standard Details and Index of Sheets* – These will be submitted as 8.5" by 11" Word™ or Excel™ documents and will be transferred to the 1-A Sheet only after review by Contracts and Proposals with any necessary revisions incorporated.

- o *List of Special Provisions*
- o *Cost Based Estimate Quantity Breakdown*
- o *Determination of Lump Sum Grading Warrants*
- o *Written Documentation Outlining the Comments Made and a Detailed Explanation on How Comments were Addressed.*
- o *A Project Coordination Verification Checklist (if Applicable)*
- o *A Review List for Final Plans*
- o *The Phase Submittal Form*
- o *Quantity Computations* – These will be completed on the State's standard *Calculation of Quantity* forms as found on the NCDOT Contracts Resources website
- o Plan reflecting limits of disturbance
- o Cost Estimate
- o Final earthwork calculations
- o Final signage locations
- o Final Planting Plan
- o Final details related to typical SUP construction such as: fencing, furnishings, signage, vehicle exclusion devices, etc.

4. Right of Way

****It is assumed that the 'A' Section and the 'B' Section (Oaks Connector) will be located within Town right of way. If parcels or appraisals are needed, they will be invoiced at the per parcel prices.***

The Consultant's right of way Sub-Consultant will provide an estimate of value for each parcel at the direction of the Town. It is our recommendation that all settlements be attempted with a Right of Way Claim Report if the estimated Value is under \$10,000. Should settlement not be reached using a Right of Way Claim Report the Town would then obtain an appraisal.

Appraisal Formats

- Sub-Consultant, using current market data, will provide a spreadsheet showing approximate per square foot values for each parcel on the project. This approach would be the equivalent of an NCDOT Right of Way Claim Report.
- Sub-Consultant will provide a Right of Way Transmittal Summary on any parcel as directed by the Town.
- Sub-Consultant will provide a Full Narrative Appraisal on any parcels as directed by the Town.
- Using the approved appraised value Sub-Consultant will negotiate and secure a signed easement agreement on all parcels and hand deliver the original to the Town.
- A minimum of 3 attempts to settle with each property owners will be made.
- In the event a property owner refuses to settle, or negotiations reach an impasse, Sub-Consultant will deliver to the Town a written recommendation to acquire the property through condemnation along with a detailed negotiation diary and all other information regarding the attempted settlement.
- Sub-Consultant will be available to the Town for any questions, meetings, or public involvement throughout the life of this project.

- Sub-Consultant will perform all work in accordance with LAPP regulations and 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.

5. Traffic Engineering Plans

The Consultant will develop traffic engineering plans consisting of:

- Maintenance of Traffic (MOT) Plan
 - The Consultant will provide a traffic control plan to address how traffic and pedestrians will be accommodated during construction.
- Proposed Signing and Pavement Marking Plans
 - These traffic engineering plans will only address pedestrian and bicycle signing and pavement marking of the 'A' Section and for the 'B' Section along Terry Estate Dr between Black Mountain Ave and Vance Ave. All other greenway locations are not considered part of this scope of work.
- Signal Upgrade and Modification Plans
 - A full signal design will be completed for the upgrade of the existing signal at the intersection of NC 9 at Sutton Ave/Norfolk Southern Railroad Crossing (Sig ID 130509). This design will include new signal poles, signal heads and detection. The existing cabinet will remain. Pedestrian signals will be added for each crosswalk proposed, and the existing railroad pre-emption will be maintained.
 - A signal modification is proposed for the intersection of NC 9 at Vance Ave (Sig ID 130303) to provide ADA compliant pedestrian pushbutton stations in the NE corner of the intersection.
 - Existing signal communications will also be maintained for the signals within the project limits.

All Traffic Engineering plans will be developed using NCDOT accepted methods, guidelines, and standards. As per the NCDOT Guidelines for the Preparation of Traffic Signal Plans, Signal Plans will include Metal Pole Design, Pedestrian Signal Design, Preemption Design, Electrical Details, Configuration Files, Summary of Quantities and Project Special Provisions.

The Traffic Engineering Plans will be submitted as follows:

- Two (2) PDF review submittals; at 60% and 90% completion
- One (1) final sealed PDF plan submittal

Exclusions:

- Traffic counts, Pedestrian counts (assumed available from NCDOT), Pedestrian surveys, Traffic analysis, Signal Phasing Recommendations/Modifications
- User costs analysis

6. Hydraulics

Impacts to regulated waterways are not anticipated as part of the Oaks Connector Project.

Task 1: Stormwater Management Plan

The CONSULTANT will perform a hydraulic field reconnaissance and photo document the site. The CONSULTANT will identify off-site drainage impacting the project, review existing drainage structures, identify potential for debris, and generally become acquainted with conditions and constraints at the site. All hydraulic design and documents will be in compliance with NCDOT's Guidelines for Drainage Studies and Hydraulic Design, November 21, 2016 edition. The CONSULTANT will calculate flows to existing drainage structures and culverts and determine the impact of proposed construction. Drainage design will also involve curbing design for locations where added. Drainage design will be performed for 60% plans, and final plans.

Task 2: Prepare Permit Drawings

Sediment and Erosion Control design will be in accordance with North Carolina Sedimentation Control Law. The CONSULTANT will prepare drainage and erosion control designs and plans utilizing Best Management Practices selected and designed per NCDOT Erosion and Sediment Control Field Guide, Special Provisions and Standard Details. The CONSULTANT will prepare NCDEQ – Land Quality and subsequent NPDES permits for the project site and disturbed areas. The CONSULTANT will coordinate with NCDEQ and make any necessary revisions based on the permit reviewers Comments.

7. Utility Coordination

The Utility Coordinator will assist the Utility Owners in identifying conflicts and developing relocation plans that meet NCDOT requirements.

The Utility Coordinator will coordinate proactively with the SUP project designers (Roadway, Structures, Hydraulics, Traffic, etc.) to avoid or reduce utility conflicts. The following tasks are included:

Kick-Off Meeting

- Schedule and conduct a follow-up meeting with Utility Owners.
 - Discuss utility conflicts, PUE needs, relocation time frames, cost responsibilities, and relocation packages.
 - Provide minutes of the meeting.
- Provide electronic files (.dsn and .pdf) and paper copies of the highway project plans to the utility companies.
- Identify SUE needs to the Project Manager.
- Coordinate possible conflict resolution with the Design Team.
- Utility relocations should be designed and performed by the Utility Owner's staff or by Utility Owner contracts.
- Determine preliminary utility alignments and relocation schedules.

- Utility relocations should be scheduled to occur prior to the SUP project advertisement if possible.
- Estimate cost if requested by the Town of Black Mountain.
- Review Utility Owners' relocation plans for conflict resolution and constructability.

PUE's

- Provide PUE needs to the Design Team.
- After review and concurrence with the Utility Owners, send the preliminary utility relocation plans to all utility owners and the Team for review and comments.

UbO's and UEPD

- Prepare Utilities by Others plans and Special Provisions to the Team and the Town of Black Mountain.
- Determine utility environmental permit needs in collaboration with Utility Owner representatives and the Team. Verify environmental permits can be obtained to meet utility relocation schedules.
 - Provide environmental permit needs using Utilities by Others plans along with an environmental narrative to the Design Team.

Utility Authorizations

- Assist Utility Owners in the development of their Utility Relocation Packages.
- Receive and review Utility Relocation Package.
- Determine reimbursement eligibility for utilities with conflicts, obtain written property right documentation.

DELIVERABLES

- All submittals and deliverables shall follow the guidance and be in the format currently issued by NCDOT at the time of the submittal.
- Make all submittals to The Town of Black Mountain electronically.
- Provide all deliverables in searchable .pdf format.
- Additionally, provide Special Provisions and reports in .docx format.

8. Survey

Survey (Location Surveys):

Survey will be provided as described below for the proposed Section 'A'. Section 'A' is comprised of approximately 400 LF of Hwy 09 (Sutton Avenue to Vance Avenue), 400 LF of Vance Avenue (Hwy 09 to Black Mountain Avenue), and 300 LF of Black Mountain Avenue (Vance to Terry Estates Road). All survey services for this project shall be performed in accordance with, and shall conform to, accepted Surveying and Engineering general practices and procedures with the detailed scope of work as set forth and described below.

Section 'A' survey will be combined with previously surveyed Section 'B'

1. Property Research/Document Retrieval

The Surveyor shall obtain current deeds, maps, plats, and easement documents of record according to the current information of the online Tax Records in the GIS database, for all parcels adjacent to the project and for which right of way acquisition are anticipated to be required. Investigations will be made of private developments along the corridor, through the Town Planning Department, to properly represent existing, dedicated easements in the project plans.

The Engineer shall request record plans, and other right of way information from the Town of Black Mountain to assist in the establishment of existing right of way for the roads within the project limits. Surveyor will utilize record plans and other right of way information to perform research, analysis, and calculations necessary to survey the rights of way of NC Hwy. 09, Vance Avenue, and Black Mountain Avenue. The Surveyor will provide all property information compiled during this task in format appropriate for submittal to the Town.

A complete title opinion is not included in this scope of services. Property owners are to be notified by the Town and obtain a Right of Entry to all properties before commencement of surveys. Notification of property owners will be performed by the Town.

2. Establish Horizontal and Vertical Control Network

The Surveyor shall provide a horizontal and vertical traverse throughout the entire Project. Horizontal Control shall be referenced to North Carolina Geodetic Survey datum, NAD83 2011 adjustment. Vertical Control shall be based upon United States Geodetic Survey NAVD88 datum. Control shall consist of a "random baseline traverse" monumented by 60D nails with plastic washer set flush with the ground, or MAG pavement nails where appropriate. Each control point shall have x, y, and z coordinate values.

Digital Terrain Model

Surveyor will collect topographic and DTM data by conventional field surveys for use in determining earthwork and property impacts. Width of collection will be approximately 50 feet in width centered on the proposed alignment provided by the Landscape Architect in areas away from the NCDOT right of way. All final DTM and survey control shall be provided to the Engineer in Autocad format. Publicly available topographic data (LIDAR) beyond the surveyed corridor will be clipped the boundaries and integrated into a seamless surface to extend an additional 100 feet +/- beyond the survey corridor on all sides. Note that LIDAR will be incorporated in the surface but will not be certified to its accuracy.

3. Planimetric Mapping

Surveyor will field locate and map planimetric information throughout the project limits as described above. Said information shall include, but is not limited to the following:

- 1) Wetlands as delineated by others within the survey corridor and prior to commencement of survey. Additional fee will apply if wetlands are to be surveyed after field survey is completed
- 2) Rock outcroppings
- 3) Drives - location, type, and width

- 4) Buildings - location, type, size, and front corners if within 50 feet of survey corridor.
- 5) Parking Lots - location and layout
- 6) Landscape areas, woods lines, and all trees in landscaped areas greater than 6" dia, large and ornamental trees 2" and above. Surveyed trees as described, exceptionally large trees, and ornamental trees of apparent high value shall be located by species and size.
- 7) Signs - location, type, and size
- 8) Fences - location, type, and size
- 9) Utilities*
 - a. Storm drainage - location, size, type, top and invert elevations, inlet and outlet location both inside, and one structure outside planimetric limits.
 - b. Gravity sanitary sewer - location, size, type, top and invert elevations.
 - c. Water - valves (including top of nut elevations where accessible), meters, hydrants, wells, and associated appurtenances.
 - d. Gas - valves, meters, vents and associated appurtenances.
 - e. Telephone – above ground appurtenances such as poles, pedestals, manholes and vaults (to include subsurface footprint where determinable).
 - f. Overhead utilities - location, poles, guys, markers, pedestals, pole number, equipment, and type to include power, telephone, cable TV, traffic signal and other telecommunications and communication lines.
 - g. Fiber optics-above ground appurtenances such as poles, pedestals, manholes and vaults (to include subsurface footprint where determinable).

* Gravity utility (drainage and sanitary sewer) location will be based on above ground appurtenances and visual inspection and depth measurements to determine invert elevations that may be accomplished from the surface. The Surveyor will not enter the manhole to determine inverts. Confined space investigation shall be considered Additional Services (Article II).

4. Boundary Ties and Existing Boundary Mapping

Surveyor will survey existing property boundaries and apparent public rights of way within the survey corridor and as available from the Buncombe County GIS. Additional visibly apparent easements will be surveyed as discovered by surveyor or referenced in the subject deed for the individual properties within the survey corridor. NCDOT record plans will be used to establish right of way for the NCDOT roads within the project and Town of Black Mountain roadway plans or existing plats will be used to establish right of way on Town owned or maintained roads. A complete title opinion or obtaining a Right of Way Abstract from NCDOT or the Town is not included in this scope of services.

Recon and locate a sufficient number of property corners on 8± properties to show the affected property boundary limits in accordance with the recorded deeds and plats.

Complete boundary surveys required on any parcel shall be considered Additional Services anticipated for Future Phases of work

5. Easement Platting

- Obtain final greenway alignment and easement alignments from Michael Baker
- Update legal references for the property ownership to current owners, if any changes since initial route survey
- Field crew to obtain additional property line ties as necessary
- Prepare ten (9) separate plats across ten (9) properties, mapped on 18" x 24" or 24" x 36" size sheets
- Send preliminary plats to OWNER'S Consultant for review
- Address comments
- Send final plats to Michael Baker for final review
- Upon approval of final plat, record in the Buncombe County Register of Deeds Office
- Deliver digital files in pdf of recorded plats

[Note: Any re-establishment and/or staking of more than three points of the initial control traverses and alignments lost due to project delays, periods of inactivity, vandalism or construction associated with this project, so long as these causes are outside the control of the Surveyor, shall be considered additional services and compensated in accordance with hourly rates.]

See list below of current policies and limits:

Auto \$1,00,000 combined single limit each accident

Professional Liability \$1,000,000 each claim / \$1,000,000 aggregate

General Liability \$2,000,000 per occurrence / \$2,000,000 aggregate

Worker's Comp \$1,000,000 each accident

9. Exclusions

The Consultant can provide the following exclusions as needed through approved additional task orders with an associated fee adjustment:

- Structural design: Structural design is not anticipated for the Riverwalk Greenway.
- Trailhead specific design: No trailheads are anticipated in the Riverwalk Greenway.
- Geotechnical Exploration: No geotechnical exploration is anticipated for the Riverwalk Greenway. If deemed necessary, paving design and possible underlayment/subsurface recommendations, particularly along the SUP section of Vance, may apply. If deemed necessary, the client will be notified, and geotechnical services will be coordinated with the Town of Black Mountain.
- Electrical/lighting design
- Roadway services: It is understood that the corridor will be located within Town right of way, and that no temporary roadways, or related services will be required
- Bid Package Preparation and Support
- Water and Sewer design

- Any work resulting in significant deviations (beyond the surveyed boundary) due to conditions such as, but not limited to, landowner consent, utility conflicts, floodplain encroachments, client direction, etc.
- Stream Restoration and Stabilization services
- Wayfinding Signage plans
- Construction Management, construction oversight, shop drawings, construction engineering and/or inspections
- SUE level 'A'
- Lane closures, or other special traffic control associated with any SUE work.
- Railroad survey and coordination
- NS right of entry

Client Responsibilities:

- Coordinate, contact and provide general project oversight,
- Establish and maintain a project record,
- Gain rights of entry, or at minimum notify landowners, to access properties for field work,
- Designate one staff person as the Town's Project Manager/Administrator,
- Review Consultant deliverables in a timely manner,
- Submit deliverables via NCDOT process in a timely manner,
- Provide consolidated written review comments,
- Clarify direction in the case on any conflicting comments from different Town reviewers,
- Provide project related Town data, reports and correspondence, if available,
- Write Grant Applications and Apply for Grants,
- Negotiate agreements with NCDOT for easement or encroachments
- Distribution of material and advertisements of public meetings,
- Meet with Consultant Team and affected property owners along greenway alignment.

EXHIBIT 2 – COMPENSATION AND PAYMENT

Town of Black Mountain, NC / Michael Baker Engineering, Inc.

BAKER will perform the services as described in Exhibit 1 (Scope of Work) in exchange for the following fee:

CLIENT will pay a lump sum of \$ \$375,084.97 (three hundred seventy-five thousand, eighty-four dollars and ninety-seven cents).

BAKER will submit monthly invoices to CLIENT on a percent complete basis. Invoices shall be remitted to:

Michael Baker Engineering, Inc.
P. O. Box 360451
Pittsburgh, PA 15251-6451

Please reference "Project number: 166798" on payments

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Update Greenway Commission Ordinance

#O-21-18

AGENDA INFORMATION

Agenda Location:	NEW BUSINESS
Item Number:	8C
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The Greenway Commission ordinance was outdated and needed to be revised to improve clarity and reflect best practices for appointed bodies. Staff worked with other cities and developed a draft ordinance. The Commission revised the staff-edits and voted to recommend their version of the ordinance to Town Council. Both versions of the ordinance are included for your review and consideration.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-21-18*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-21-18*** (staff version) and ***Ordinance #O-21-18*** (greenway commission version)

MANAGER’S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-21-18*** as presented.

**ORDINANCE NO. #O-21-18
(STAFF VERSION)**

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 8, GREENWAYS COMMISSION, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December, 1993 and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January, 2010; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 2, Article III, Division 8, Greenways Commission, of the Town of Black Mountain Code of Ordinances, be amended to the following:

DIVISION 8. – ~~GREENWAYS COMMISSION~~ ACTIVE MOBILITY ADVISORY COMMISSION

Sec. 2-231. – Creation and establishment.

~~There is hereby established a town greenways commission under the authority of G.S. 160A-400.1 et seq.~~ **There is hereby established the Active Mobility Advisory Commission under there authority of G.S. 160A-146, to “Promote the orderly and efficient administration of city affairs...”.**

Sec. 2-232. – Purpose.

~~The greenways commission exists to advise the board of aldermen about greenways development and management, to work with staff to develop the greenways system, and to actively promote public education and awareness of the benefits of greenways.~~ **There is hereby created the Active Mobility Advisory Commission (hereinafter “Commission”). The purpose of the Commission is to advise Town Council in form of comment or recommendations as needed on matters related to active modes of transportation. While the Commission serves in an advisory capacity, the town council makes the final decision on transportation and development issues.**

Sec. 2-233. – Membership; appointment; composition; terms; reimbursement.

- (a)** The greenways commission shall consist of seven members appointed by the **Town Council** ~~board of aldermen~~. All members shall reside within the **corporate** limits of the **Town of Black Mountain** ~~East Buncombe Fire District~~. ~~Candidates for membership should demonstrate special interest, experience, or education about greenways. Also, experience with grant writing and landscaping would be considered an asset to the work of the greenways commission.~~ **When making recommendations to the town council for Commission members, the mayor will seek candidates who have the following backgrounds or experiences:**
- (1) Active transportation commuting.**

- (2) Recreational cycling, walking, and/or running.
 - (3) Transportation planning and policy.
 - (4) Advocacy for accessibility for people with disabilities.
 - (5) Transportation issues affecting minority, low-income, and limited-English proficiency residents.
- (b) ~~The greenways commission may appoint advisory bodies and committees as appropriate.~~
- (e) (b) Members of the ~~greenways~~ commission shall serve terms of three years. Terms shall be staggered. Appointments shall be limited to two consecutive three-year terms, and any member who has served two consecutive three-year terms may not be reappointed until he has been off the commission for at least one full year. If a member of the ~~greenways~~ commission has served more than two-thirds of a full term after being appointed to complete the term of a previous board member, his or her service during the completion of that term shall be considered a full term for purposes of determining his eligibility to serve successive subsequent terms. The Town Council ~~board of aldermen~~ may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a single six-month period without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon or complaint by the ~~greenways committee~~ commission chairperson, a member of the ~~greenways~~ commission, or on the Town Council ~~board of aldermen's~~ own motion. A member must attend 50 percent of a meeting in order to be considered in attendance for the purposes of this policy. On January 1st of each year, a member of any board or commission appointed by the mayor or Town Council ~~board of aldermen~~ may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year.
- (d) (c) Members of ~~greenways~~ commission shall serve without compensation.

Sec. 2-234. Officers; meetings.

- (a) The commission shall select a chairperson from among its members. It shall also select from among its members a vice chairperson and secretary, elected annually by the commission. ~~The finance officer of the town shall serve as treasurer of the funds of the commission. The board of aldermen or the town manager shall approve all expenditures for the commission in accordance with the requirements of law controlling the expenditure of town funds. The commission shall meet regularly at least once per month. Special meetings may be called by the chairperson or, in his absence, by the vice-chairperson; and special meetings shall be called upon the request of a majority of the members of the commission or upon the request of the board of aldermen.~~
- (b) The commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of ~~its resolutions, discussions, findings, and~~ recommendations, and such record shall be a public record. ~~The commission shall set a regular schedule for meeting.~~
- (c) A majority of the members of the commission shall constitute a quorum, and a majority vote of those present shall be required to constitute action of the commission. The presiding members of the commission may vote on any matter considered by the commission.

- (d) **The Commission shall hold regular quarterly meetings. Special meetings will be called by the chair to respond to time sensitive request of the Town Council as necessary.** ~~The commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose, the committee to be discharged upon the completion of the duties assigned to it, unless it is a permanent committee.~~
- (e) ~~The commission is authorized to appoint committees from its membership whose function shall be fixed by the commission at the time of appointment. The committees may be standing committees and shall perform the duties as may be assigned by the commission.~~

Sec. 2-235. – Staff support; liaison members.

Staff support to the greenways commission shall be provided by the planning director or his or her designee, as appropriate. ~~The board of aldermen may appoint one of its members to serve as a liaison member to the greenways commission.~~

Sec. 2-236. – ~~Powers, duties, and functions.~~ **Functions.**

- (a) It shall be the function and duty of the greenways commission to perform the following:

At the request of Town Council, review the following items that may impact the safety and mobility of those who travel by foot, bicycle or other active mobility device, to ensure consistency with established town goals to improve and promote active transportation opportunities. These items reflect the usual tools and mechanism used to advance Town goals and objectives:

- a. **Plans**
- b. **Projects**
- c. **Policies**
- d. **Programs**
- e. **Grant applications**

- (1) ~~Advise the board of aldermen on the safe and accessible walkability of the town, interconnectedness of town facilities, and pertinent decisions regarding the accessibility of natural areas and open space.~~
 - (2) ~~Coordinate with the planning board and other committees or boards as appropriate to ensure that the greenways system is integrated with the town's overall transportation network.~~
 - (3) ~~Receive public input and give voice to public demand for greenways.~~
- (b) **From time to time the Town Council may request specific input from the Commission regarding the best interest for advancing active transportation.** ~~Coordinate with town staff and the board of aldermen to set priorities for spending funds allocated for greenways projects.~~
- (1) ~~Identify outside funding sources to support greenways and actively pursue those opportunities.~~

- ~~(2) Maintain liaisons with groups of similar interest and intent within the region, in an effort to explore opportunities for connections that expand the greenways network.~~
- ~~(3) Provide outreach and education activities to promote the benefits of greenways to the local population.~~
- ~~(4) Work with town staff to recruit and coordinate volunteers to support greenways development and maintenance.~~
- ~~(5) Assist staff with maintenance and revision of the greenways master plan as needed, in coordination with the board of aldermen.~~

(c) The Commission may subject a report to the Town Council once per year making recommendations to the advancement of active transportation opportunities.

~~Sec. 2-237. Promotion of recommendations.~~

~~—The greenways commission shall have the authority to promote public interest in and an understanding of its recommendations, and, to that end, it may publish and distribute copies of its recommendations and employ such other means of publicity and education as it may determine to be necessary.~~

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 13th day of December, 2021.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

**ORDINANCE NO. #O-21-18
(GREENWAYS COMMISSION VERSION)**

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 8, GREENWAYS COMMISSION, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES

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Sec. 2-231. – Creation and establishment.

~~There is hereby established a town greenways commission under the authority of G.S. 160A-400.1 et seq.~~ **There is hereby established the Active Mobility Advisory Committee under there authority of G.S. 160A-146, to “Promote the orderly and efficient administration of city affairs...”.**

Sec. 2-232. – Purpose.

~~The greenways commission exists to advise the board of aldermen about greenways development and management, to work with staff to develop the greenways system, and to actively promote public education and awareness of the benefits of greenways.~~ **There is hereby created the Active Mobility Advisory Commission (hereinafter “Commission”). The purpose of the Commission is to advise Town Council in form of comment or recommendations as needed on matters related to active modes of transportation. While the Commission serves in an advisory capacity, the town council makes the final decision on transportation and development issues.**

Sec. 2-233. – Membership; appointment; composition; terms; reimbursement.

- (a)** The greenways commission shall consist of seven members appointed by the **Town Council** ~~board of aldermen~~. All members shall reside within the limits of the East Buncombe Fire District. ~~Candidates for membership should demonstrate special interest, experience, or education about greenways. Also, experience with grant writing and landscaping would be considered an asset to the work of the greenways commission.~~ **When making recommendations to the town council for Commission members, the mayor will seek candidates who have the following backgrounds or experiences:**
- (1) Active transportation commuting.**
 - (2) Recreational cycling, walking, and/or running.**

- (3) Transportation planning and policy.
 - (4) Advocacy for accessibility for people with disabilities.
 - (5) Transportation issues affecting minority, low-income, and limited-English proficiency residents.
- (b) ~~The greenways commission may appoint advisory bodies and committees as appropriate.~~
- (c) **(b)** Members of the greenways commission shall serve terms of three years. Terms shall be staggered. Appointments shall be limited to two consecutive three-year terms, and any member who has served two consecutive three-year terms may not be reappointed until he has been off the commission for at least one full year. If a member of the greenways commission has served more than two-thirds of a full term after being appointed to complete the term of a previous board member, his or her service during the completion of that term shall be considered a full term for purposes of determining his eligibility to serve successive subsequent terms. The board of aldermen may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a single six-month period without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon or complaint by the greenways committee chairperson, a member of the greenways commission, or on the board of aldermen's own motion. A member must attend 50 percent of a meeting in order to be considered in attendance for the purposes of this policy. On January 1st of each year, a member of any board or commission appointed by the mayor or Town Council ~~board of aldermen~~ may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year.
- (d) **(c)** Members of greenways commission shall serve without compensation.

Sec. 2-234. Officers; meetings.

- (a) The commission shall select a chairperson from among its members. It shall also select from among its members a vice chairperson and secretary, elected annually by the commission. ~~The finance officer of the town shall serve as treasurer of the funds of the commission. The board of aldermen or the town manager shall approve all expenditures for the commission in accordance with the requirements of law controlling the expenditure of town funds. The commission shall meet regularly at least once per month. Special meetings may be called by the chairperson or, in his absence, by the vice-chairperson; and special meetings shall be called upon the request of a majority of the members of the commission or upon the request of the board of aldermen.~~
- (b) The commission ~~shall adopt rules for transaction of its business and~~ shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, and such record shall be a public record. ~~The commission shall set a regular schedule for meeting.~~
- (c) A majority of the members of the commission shall constitute a quorum, and a majority vote of those present shall be required to constitute action of the commission. The presiding members of the commission may vote on any matter considered by the commission.

- (d) ~~The commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose, the committee to be discharged upon the completion of the duties assigned to it, unless it is a permanent committee.~~ **The Commission shall hold regular monthly meetings. Special meetings may be called by the chair to respond to time sensitive request of the Town Council as necessary.**
- (e) ~~The commission is authorized to appoint committees from its membership whose function shall be fixed by the commission at the time of appointment. The committees may be standing committees and shall perform the duties as may be assigned by the commission.~~

Sec. 2-235. – Staff support; liaison members.

Staff support to the **Active Mobility Advisory Commission** ~~greenways commission~~ shall be provided by the planning director or his or her designee, as appropriate. ~~The board of aldermen may appoint one of its members to serve as a liaison member to the greenways commission.~~ **One representative from the town council shall be designated to represent the Active Mobility Advisory Commission for all town council meetings.**

Sec. 2-236. – ~~Powers, duties, and functions.~~ **Functions.**

- (a) It shall be the function and duty of the greenways commission to perform the following:

Regularly review the following items that may impact the safety and mobility of those who travel by foot, bicycle or other active mobility device, to ensure consistency with established town goals to improve and promote active transportation opportunities. These items reflect the usual tools and mechanism used to advance Town goals and objectives:

- a. **Plans**
- b. **Projects**
- c. **Policies**
- d. **Programs**
- e. **Grant applications**

- (1) ~~Advise the board of aldermen on the safe and accessible walkability of the town, interconnectedness of town facilities, and pertinent decisions regarding the accessibility of natural areas and open space.~~
 - (2) ~~Coordinate with the planning board and other committees or boards as appropriate to ensure that the greenways system is integrated with the town's overall transportation network.~~
 - (3) ~~Receive public input and give voice to public demand for greenways.~~
- (b) **From time to time the Town Council may request specific input from the Commission regarding the best interest for advancing active transportation.**
~~Coordinate with town staff and the board of aldermen to set priorities for spending funds allocated for greenways projects.~~

- ~~(1) Identify outside funding sources to support greenways and actively pursue those opportunities.~~
- ~~(2) Maintain liaisons with groups of similar interest and intent within the region, in an effort to explore opportunities for connections that expand the greenways network.~~
- ~~(3) Provide outreach and education activities to promote the benefits of greenways to the local population.~~
- ~~(4) Work with town staff to recruit and coordinate volunteers to support greenways development and maintenance.~~
- ~~(5) Assist staff with maintenance and revision of the greenways master plan as needed, in coordination with the board of aldermen.~~
- (c) In addition to requested reports, the Commission may also submit an annual report to the Town Council once per year making recommendations for the advancement of active transportation opportunities.**
- (d) The Commission may offer other reports as needed for the advancement of active mobility in our community.**
- (e) The Commission may coordinate with town staff and council to recommend priorities for active mobility within the town.**
- (f) Other duties may include:**
 - (1) Identify outside funding sources to support Active Mobility and actively pursue those opportunities.**
 - (2) Maintain liaisons with groups of similar interest and intent within the region, in an effort to explore opportunities for connections that expand the greenways network.**
 - (3) Provide outreach and education activities to promote the benefits of greenways to the local population.**
 - (4) Assist staff with maintenance and revision of the greenways master plan as needed, in coordination with the town council.**

~~Sec. 2-237. Promotion of recommendations.~~

~~—The greenways commission shall have the authority to promote public interest in and an understanding of its recommendations, and, to that end, it may publish and distribute copies of its recommendations and employ such other means of publicity and education as it may determine to be necessary.~~

READ, APPROVED AND ADOPTED by a vote of ____ to ____ this the 13th day of December, 2021.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Post Construction Residential Stormwater Inspection Text Amendment
#O-21-19

AGENDA INFORMATION

Agenda Location: NEW BUSINESS
Item Number: 8D
Department: Planning
Contact: Jessica Trotman, Planning Director
Presenter: Jessica Trotman, Planning Director

BRIEF SUMMARY: Currently stormwater control measures installed pursuant to the post construction stormwater ordinance (part of the NPDES permit) demand an annual inspection. The stormwater utility has provided additional staff, which enables the town to take on some of the inspection responsibilities and reduce the burden on property owners. This amendment changes the requirement from one to every three years for single family and duplex parcels. Inspections will be made on the “off” years by the new stormwater technician. Staff made several proposals to the State and this schedule is the one the MS4 coordinator supported.

MOTION FOR CONSIDERATION: To approve and adopt ***Ordinance #O-21-19*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-21-19***

MANAGER’S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-21-19*** as presented.

ORDINANCE NO. #O-21-19

**AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8.2.18, THE PHASE II
STORMWATER ORDINANCE, OF THE TOWN OF BLACK MOUNTAIN LAND USE
CODE**

WHEREAS, the Black Mountain Code of Ordinances was adopted by the Town Council on the 13th day of December, 1993 and the Black Mountain Land Use Code was adopted by the Town Council on the 11th day of January, 2010; and

NOW, THEREFORE, BE IT RESOLVED that Chapter 8, Section 8.2.18, The Phase II Stormwater Ordinance, of the Town of Black Mountain Land Use Code, be amended to the following:

8.2.18 – General standards for maintenance of SCMS.

(A) *Function of SCMs as intended.* The owner of each structural SCM installed pursuant to this ordinance shall maintain and operate ~~it~~ **the device(s) in accordance with the approved Operation and Maintenance Plan** to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural SCM was designed.

(B) *Single Family and Duplex Maintenance Inspection and report.* SCMs installed to meet the needs of this ordinance shall submit to the stormwater administrator an inspection report every three years from either a NC professional engineer or landscape architect. The inspection report shall contain all of the following:

(1) The name and address of the landowner;

(2) The recorded book and page number of the lot of each structural SCM;

(3) A statement that an inspection was made of all structural SCMs;

(4) The date the inspection was made;

(5) A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and

(6) The original signature and seal of the engineer, ~~surveyor~~, or landscape architect

(B) *Residential developments and commercial properties* annual maintenance inspection and report. The person responsible for maintenance of any structural SCM installed pursuant to this ordinance shall submit to the stormwater administrator an inspection report ~~from one of the from either a NC professional engineer or landscape architect., surveyor, landscape architect.~~ The inspection report shall contain all the following:

(1) The name and address of the landowner;

(2) The recorded book and page number of the lot of each structural SCM;

(3) A statement that an inspection was made of all structural SCMs;

- (4) The date the inspection was made;
- (5) A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and
- (6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the stormwater administrator. An original inspection report shall be provided to the stormwater administrator beginning one year from the date of as-built certification and ~~at, date established and enforced by the planning department each year following~~ **annually thereafter.**

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 13th day of December, 2021.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN
2022
TOWN COUNCIL MONTHLY MEETING SCHEDULE

AGENDA WORK SESSION

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

JANUARY 6

FEBRUARY 10

MARCH 3

APRIL 7

MAY 5

JUNE 9

JULY 7

AUGUST 4

SEPTEMBER 8

OCTOBER 6

NOVEMBER 10

DECEMBER 8

REGULAR MEETING

2nd Monday - 6:00 p.m.

JANUARY 10

FEBRUARY 14

MARCH 8

APRIL 11

MAY 9

JUNE 13

JULY 11

AUGUST 8

SEPTEMBER 12

OCTOBER 10

NOVEMBER 14

DECEMBER 12

Other meetings called as necessary.

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

Savannah Parrish
Town Clerk/Assistant to Manager

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9300 or by email at townclerk@townofblackmountain.org

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2021

SUBJECT: Carver Center Solar Project

AGENDA INFORMATION

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

SUMMARY: The Town budgeted \$80,000 to fund a solar project for the Carver Center. The Town partnered with Buncombe County to perform the bid process. The low bidder came in above the budgeted amount. The bid amount to complete the solar project at the Carver Center is \$100,336. The County advised they could reject the bid if we are unable to fund the difference or the project could be scaled back to fit within the budgeted amount.

MOTION FOR CONSIDERATION: To approve bid amount.

FUNDING SOURCE: Fund balance appropriated

ATTACHMENTS: bid sheet

MANAGER'S COMMENTS AND RECOMMENDATIONS: N/A



Project Cost Summary



Entity

Buncombe County Government

Facility Name	Direct Purchase
East Asheville Library	\$ 176,377
Buncombe Firing Range	\$ 162,972
Total Cost	\$ 339,349

Town of Black Mountain

Facility Name	Direct Purchase
Carver Community Center	\$ 100,336
Total Cost	\$ 100,336

UNC Asheville

Facility Name	Direct Purchase
Reuters	\$ 72,601
Total Cost	\$ 72,601

Please Print and Sign This Worksheet and Return with Your Response

John Alvarado, VP Commercial

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Renu Energy Solutions, LLC
801 Pressley Road, Suite 100
Charlotte, NC 28217

SURETY:

(Name, legal status and principal place of business)

The Cincinnati Insurance Company

P.O. Box 145496

Cincinnati, OH 45250-5496

Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

Buncombe County Office of Sustainability
200 College Street 4th Floor
Asheville, NC 28801

BOND AMOUNT: 5% Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

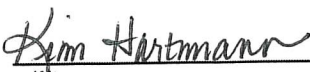
BUNCOMBE COUNTY, NORTH CAROLINA RENEWABLE ENERGY PROCUREMENT AND INSTALLATION FOR BID OF 4 PROJECTS. BID PERIOD 10/11/2021 to 11/12/2021. THIS BOND COVERS FIRING RANGE (81.7 KW) AND EAST ASHEVILLE LIBRARY (85.9 KW) FOR TOTAL OF 161.6 KW

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 12th day of November, 2021.


(Witness)

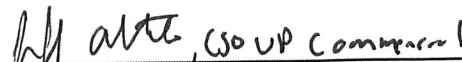
Renu Energy Solutions, LLC

(Principal)

(Seal)

By:

(Title)



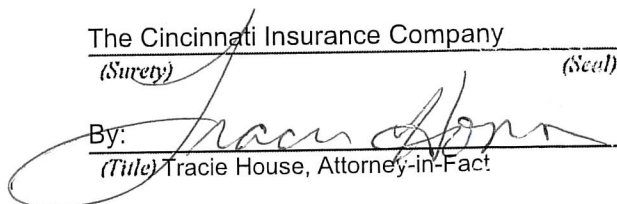
The Cincinnati Insurance Company

(Surety)

(Seal)

By:

(Title) Tracie House, Attorney-in-Fact





THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY and THE CINCINNATI CASUALTY COMPANY, corporations organized under the laws of the State of Ohio, and having their principal offices in the City of Fairfield, Ohio (herein collectively called the "Companies"), do hereby constitute and appoint **Tracie House** its true and legal Attorney-in-Fact to sign and deliver on behalf of the Companies as Surety, at any place within the United States, the following surety bond:

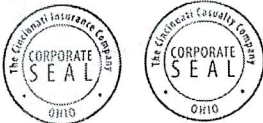
Surety Bond Number: Bid Bond
Principal: Renu Energy Solutions, LLC
Obligee: Buncombe County Office of Sustainability

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Ventre

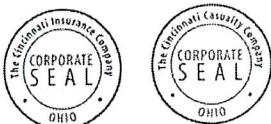
On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.



Keith Collett
Keith Collett, Attorney at Law
Notary Public - State of Ohio
My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 12th day of November, 2021.



Ed H.

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Renu Energy Solutions, LLC
801 Pressley Road, Suite 100
Charlotte, NC 28217

SURETY:

(Name, legal status and principal place of business)

The Cincinnati Insurance Company
P.O. Box 145496
Cincinnati, OH 45250-5496
Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

OWNER:

(Name, legal status and address)

UNC Asheville
1 University Heights Dr
Asheville, NC 28801

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: 5% Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

BUNCOMBE COUNTY, NORTH CAROLINA RENEWABLE ENERGY PROCUREMENT AND INSTALLATION FOR BID OF 4 PROJECTS. BID PERIOD 10/11/2021 to 11/12/2021. THIS BOND COVERS RETEURS CENTER AT 300 CAMPUS VIEW ROAD - 26 KW.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 12th day of November, 2021.


(Witness)

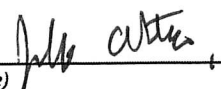
Renu Energy Solutions, LLC

(Principal)

(Seal)

By:

(Title)

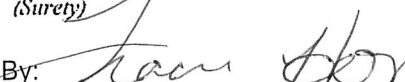
 CSO - VP Commercial

The Cincinnati Insurance Company

(Surety)

(Seal)

By:


(Title) Tracie House, Attorney-in-Fact



THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

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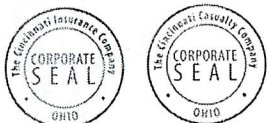
Surety Bond Number: Bid Bond
Principal: Renu Energy Solutions, LLC
Obligee: UNC Asheville

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Ventre

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.

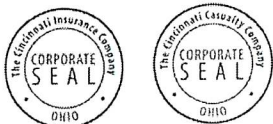


Keith Collett
Keith Collett, Attorney at Law
Notary Public - State of Ohio

My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 12th day of November, 2021.



Ed H.

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Renu Energy Solutions, LLC
801 Pressley Road, Suite 100
Charlotte, NC 28217

SURETY:

(Name, legal status and principal place of business)

The Cincinnati Insurance Company

P.O. Box 145496

Cincinnati, OH 45250-5496

Mailing Address for Notices

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

Town of Black Mountain
304 Black Mountain Avenue
Black Mountain, NC 28711

BOND AMOUNT: 5%

Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

BUNCOMBE COUNTY, NORTH CAROLINA RENEWABLE ENERGY PROCUREMENT AND INSTALLATION FOR BID OF 4 PROJECTS. BID PERIOD 10/11/2021 to 11/12/2021. THIS BOND COVERS CARVER COMMUNITY CENTER AT 101 CARVER AVE. (32.79 KW)

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

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When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 12th day of November, 2021.


(Witness)

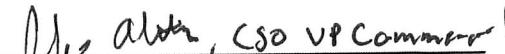
Renu Energy Solutions, LLC

(Principal)

(Seal)

By:

(Title)



The Cincinnati Insurance Company

(Surety)

(Seal)

By:

(Title) Tracie House, Attorney-in-Fact





THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY and THE CINCINNATI CASUALTY COMPANY, corporations organized under the laws of the State of Ohio, and having their principal offices in the City of Fairfield, Ohio (herein collectively called the "Companies"), do hereby constitute and appoint **Tracie House** its true and legal Attorney-in-Fact to sign and deliver on behalf of the Companies as Surety, at any place within the United States, the following surety bond:

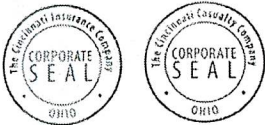
Surety Bond Number: Bid Bond
Principal: Renu Energy Solutions, LLC
Obligee: Town of Black Mountain

This appointment is made under and by authority of the following resolutions adopted by the Boards of Directors of The Cincinnati Insurance Company and The Cincinnati Casualty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the President or any Senior Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company.

RESOLVED, that the signature of the President or any Senior Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Vice-President and the Seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS WHEREOF, the Companies have caused these presents to be sealed with their corporate seals, duly attested by their President or any Senior Vice President this 16th day of March, 2021.



STATE OF OHIO)SS:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY
THE CINCINNATI CASUALTY COMPANY

Stephen A. Ventre

On this 16th day of March, 2021 before me came the above-named President or Senior Vice President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, to me personally known to be the officer described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of said Companies and the corporate seals and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporations.

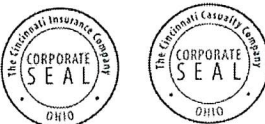


Keith Collett
Keith Collett, Attorney at Law
Notary Public - State of Ohio

My commission has no expiration date.
Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Vice-President of The Cincinnati Insurance Company and The Cincinnati Casualty Company, hereby certify that the above is the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Power of Attorney is still in full force and effect.

Given under my hand and seal of said Companies at Fairfield, Ohio, this 12th day of November, 2021.



Ed H



Renewable Energy Installation Services

Buncombe County Office of Sustainability

Friday, November 12th, 2021

Renu Energy Solutions LLC

801 Pressley Rd # 100,
Charlotte, NC 28217
United States

MATTHEW CULLEY Commercial Analyst

mculley@renuenergysolutions.com

Office: (704) 525-6767

Mobile: (704) 999-4469

PRESENTED TO:

Buncombe County
Office of Sustainability
Jeremiah P. LeRoy, PEM

200 College Street 4th Fl
Asheville NC 28801



Transmittal Letter

November 12th, 2021

Cover Letter

Renewable Energy Installation Services

Buncombe County Office of Sustainability,

Renu is excited to submit this proposal for Renewable Energy Installation Services for four facilities in Buncombe County. These four projects, totaling 330 kW, each have distinctive qualities and potential challenges that Renu is uniquely qualified to tackle.

Renu Energy Solutions is a local North Carolina solar company with over 10 years of experience installing solar systems for organizations across the Carolinas. Our knowledge, skills, and experience from installing over 50 commercial projects will enable Renu to deliver 4 excellent PV systems on time and on budget.

Within this proposal you will find Renu's per-project fee to construct the PV Systems in the RFP Drawings. Renu's goal for this RFP is to partner well with Buncombe County, UNC Asheville, and the Town of Black Mountain. We pride ourselves on emphasizing the Owner/Contractor relationship. We are looking to establish a healthy partnership and communicate effectively throughout the design, construction, and closeout processes.

Based in Charlotte and with significant public work experience, Renu is well-qualified to construct solar projects in Buncombe County. This proposal will include Renu's qualifications so the Buncombe County team can assess Renu's candidacy for the work. Renu possesses an unlimited NC GC License, an NC Electrical License, and a NABCEP PV Installation & Technical Sales certification.

I will serve as the primary point of contact for this RFP response. Please contact me with any questions or RFIs as you review our proposal. Thank you for the opportunity to provide a bid for this RFP. Renu would be honored to work with Buncombe County, UNC Asheville, and Town of Black Mountain on these PV Projects.

Thank you for your time and consideration,

Matthew Culley | Commercial Analyst, Renu Energy Solutions LLC

O: (704) 525-6767 C: (704) 999-4469

E: mculley@renuenergysolutions.com

TS-020521-33739

1 – Basic Qualifications

Provide the firm's history and experience with commercial renewable energy installation in the last 5 years;

- Commercial Installation Experience
 - Renu has designed and constructed over **50 commercial and non-profit projects**, totaling over **3 MW** of PV capacity.
 - In 2020, Renu designed and constructed over **4.6 MW** of solar across **446** residential and commercial projects.
 - Renu has over **80 full-time employees** and provides turn-key EPC service. Renu's services provided include procurement, design, construction, and ongoing service.

A complete list with brief descriptions of recent and relevant renewable installations the firm has participated in in the last 5 years;

- This list is not comprehensive but provides an idea of the breadth of systems Renu has installed:

Renu Commercial Construction Portfolio					
Project Name/Agency Name	Description	kW DC	Project Name/Agency Name	Description	kW DC
Carolina Center for Recovery LLC	Ballasted PV System	91.1	Inter Inventory Management	Flush-Mount PV System	34.5
NEEMF (City of Charlotte)	Ballasted PV System	100.3	Restroom Direct	Flush-Mount PV System	58
CMPD University (City of Charlotte)	Ballasted PV System	40	Norbord	Flush-Mount PV System	22.1
Eco Energy Augusta	Ground Mount PV System	137.5	Provence	Flush-Mount PV System	79.1
Eco Energy Cartersville	Ground Mount PV System	117.4	Shining Stars Academy	Flush-Mount PV System	30
CMPD HG (City of Charlotte)	Carport PV System	76.6	Anne Springs Close Greenway	Flush-Mount PV System	22.1
Unity Presbyterian Church	Flush-Mount PV System	57.3	B&M Lee Oil	Flush-Mount PV System	33
Charlotte Motor Speedway	Canopy PV System	247.4	Sisters of Mercy	Ballasted PV System	45.5
LeafSpring School	Flush-Mount PV System	80	Piedmont Cardiovascular	Ballasted PV System	30
Holly Oak Chemical Inc.	Multiple	65.6	Lancescape LLC	Multiple	30.24
Gavel & Dorn Engineering PLLC	Flush-Mount PV System	29.5	Wise Man Brewing	Ballasted PV System	33.9
Sedberry Construction Inc.	Multiple	84.7	Capizzi, MD	Ballasted PV System	30.4
Sum Bottles LLC	Flush-Mount PV System	76.4	David's Car Care	Flush-Mount PV System	56

1 – Basic Qualifications

Qualified firms must have a minimum experience of 5 years in commercial solar development and installation (residential installations will not count as qualified experience).

Renu Energy Solutions began operations in 2010. We installed our first commercial PV systems in 2011. 5 years ago, in 2016, we installed one of our largest systems – a 240 kW on a warehouse in Abingdon, Virginia. Renu has 10 years of commercial solar development and installation experience.

Qualified firms must have experience with turn-key solar development and installations on commercial facilities and have installed at least 3 MW of commercial solar in the previous 5 years; this experience should include ballasted flat rooftop systems, flush-mounted systems, and ground mount systems;

Over the past 5 years, Renu has developed and installed over 3 MW of commercial solar projects in the Carolinas. Renu's experience spans all types of PV – ballasted, flush-mount, ground-mount, and canopy. See example projects below:



Lee Roy's Wholesale, 240 kW, 2016



Eco Energy Augusta, 152 kW, 2021



CMPD Hickory Grove, 76 kW, 2019



CMPD University, 40 kW, 2021

1 – Basic Qualifications

Information describing the firm’s knowledge or experience coordinating with utilities and navigating applicable rebate and incentive programs;

Renu has extensive experience working on Duke Energy Progress projects and has submitted hundreds of projects for the Duke Solar Rebate since the program debuted in 2018.

The Duke Energy Rebate has two scheduled openings in 2022 – January 5th and July 6th. However, there is still non-profit capacity for the Rebate from previous launches. This means that any non-profit project with an active Unique ID # can apply for a Rebate Reservation. For non-profit customers with a project greater than 20kW, installation must be completed within 365 days of the date Duke Energy issues the rebate reservation or executes the interconnection agreements, whichever is later.

Renu believes that it is best practice to submit an Interconnection Application early in the project process in order to get a Unique ID #, and then to submit a Rebate Application early as well. Although there is open capacity for the program currently, it could easily change with the number of projects under development in North Carolina. Renu would pursue a Rebate Reservation for these four projects as quickly as possible.

Renu is currently working with the City of Charlotte on a portfolio of 10 projects. For these projects, Renu submitted the Duke Rebate Application on behalf of the City early in the project process in order to ensure a Rebate Reservation.

NABCEP Certified PV Installer on Staff – Provide documentation

Brandon Herman, *NABCEP PV Installation Professional PV-090919-017323*

Andrew O'Donnell, *NABCEP PV Installation Professional PV-041214-004426*



2 – Staff Qualifications

Provide an overview of the qualifications of your project manager and key project staff, including anticipated sub-contractors;

Andrew O'Donnell, Director of Construction

Andrew is the Director of Construction for Renu Energy Solutions and will be the Project Manager for these projects. Andrew is responsible for the execution of commercial and nonprofit solar and energy storage projects. Andrew joined Renu in 2014 and has 10 years of PV experience. Andrew has a Bachelor of Science from the University of Dayton in Civil Engineering and Engineering Mechanics and holds a **NABCEP PV Installation Professional Certification (PV-041214-004426)**.

Matthew Culley, Commercial Analyst

Matthew Culley is a Commercial Analyst for Renu. Matthew came to Renu in 2017 after graduating from the University of North Carolina at Chapel Hill with a Bachelor of Science in Environmental Science. Matthew has over 4 years of PV experience. Matthew's responsibilities for these projects will include project planning and development, permitting, interconnection, and procurement. Matthew holds a **NABCEP PV Technical Sales Certification (TS-020521-33739)**.

Simon Crider, Associate Project Manager

Simon Crider joined Renu in 2020 as an associate project manager and assists in pre-installation planning, managing onsite operations / crew, and facilitating inspections for system construction. Prior to Renu, Simon received a Bachelor of Science in Mechanical Engineering from the University of Florida and has 4 years of PV experience.



Andrew O'Donnell



Matthew Culley



Simon Crider

2 – Staff Qualifications

Provide an overview of the qualifications of your project manager and key project staff, including anticipated sub-contractors;

Renu Energy Solutions drafts all permit plansets and documentation in house, and then works with the two firms listed below to get electrical and structural plans stamped for an AHJ's permitting process. Renu has worked with these two firms and individuals for several years.

Structural Capacity, PC – Adrian Durham

Subcontractor's Scope: Review and seal pre- and post-installation structural letters for AHJ permit issuance and AHJ inspections.

Adrian S. Durham, SE, PE, LEED AP BD+C is the principal and owner of Structural Capacity, PC. Mr. Durham has over 12 years of noteworthy experience in the structural engineering industry. He has vast experience in the design and construction of building structures. He has overseen and been involved in numerous construction projects including retail offices, K-12 schools, higher education facilities, detention and correction facilities, religious facilities, multi-family residential and single-family residential structures.



Wilde Engineering, PLLC – Matt Lewis

Subcontractor's Scope: Review and seal permit planset for AHJ permit issuance and AHJ inspections.

Matt has over 7 years of experience within the engineering design field and has 3+ years in the field as an electrical apprentice. This field experience gives him better knowledge of how to design for a more efficient installation. Matt has designed over a dozen K12 facilities, 4 high schools, a handful of higher education projects and many renovations. Matt enjoys the client interaction side of this business as much as the engineering and designing.



Communication, Coordination, Client Relationships

2 – Staff Qualifications

Describe who will perform the various tasks and what will be their level of involvement and responsibilities and give their qualifications for this specific project; Indicate the location of the office that agent(s) will work out of while services will be performed.

Preconstruction

- **OAC Meetings** – Matthew Culley & Andrew O'Donnell
- **Site Survey** – Andrew O'Donnell & Ross Shapiro
- **Permit Planset Drafting** – Andrew O'Donnell & Bryan Moreno
- **Structural Engineering Drafting** – Andrew O'Donnell & Bryan Moreno
- **Stamped Permit Planset** – Matt Lewis, Wilde Engineering, PLLC
- **Stamped Structural Letter** – Adrian Durham, Structural Capacity PC
- **Permitting** – Matthew Culley
- **Interconnection** – Matthew Culley
- **Duke Rebate Submission** – Matthew Culley

Construction

- **Project Management & Safety** – Andrew O'Donnell
- **Rooftop Construction** – Simon Crider
- **Electrical Construction** – Michael Westhafer

Project Closeout

- **System Commissioning** – Andrew O'Donnell
- **Owner Training** – Simon Crider
- **Project Close-Out** – Matthew Culley

Andrew O'Donnell – Director of Construction, NABCEP PV IP, 10 Years PV Experience, Charlotte

Matthew Culley – Commercial Analyst, NABCEP PV TS, 4 Years PV Experience, Charlotte

Simon Crider – Associate PM, 4 Years PV Experience, Charlotte

Ross Shapiro – Site Survey Technician, Drone-Certified, 3 Years PV Experience, Charlotte

Bryan Moreno – AutoCAD Drafter, 2 Years PV Experience, Charlotte

Michael Westhafer – Lead Electrician, 3 Years PV Experience, Charlotte

2 – Staff Qualifications

Include resumes of individuals;

Andrew O'Donnell, Director of Construction (Project Manager)

Andrew is the Director of Construction for Renu Energy Solutions. He is responsible for the execution of commercial and nonprofit solar and energy storage projects. Andrew joined Renu in 2014. Andrew is a participating member of the SolarEdge Product Advisory Committee. Andrew has a Bachelor of Science from the University of Dayton in Civil Engineering and Engineering Mechanics and holds a **NABCEP Installation Professional Certification (PV-041214-004426)**.

Highlight projects in Andrew's career include a 247 kW Canopy at turn 4 of the Charlotte Motor Speedway (completed in 2019) and a 100 kW rooftop array near Pope Airfield at Fort Bragg (completed in 2016). Some other recent projects Andrew has constructed include LeafSpring School, Shining Stars Academy, CMPD Hickory Grove, and Unity Presbyterian Church. During his career in PV Construction, Andrew has directed several MW of projects in the Carolinas.

<i>Project Name</i>	<i>Location</i>	<i>kW DC</i>	<i>Role</i>
<i>Charlotte Motor Speedway</i>	<i>Concord, NC</i>	<i>247.4</i>	<i>Director of Construction</i>
<i>Hercules Gym (Fort Bragg)</i>	<i>Fayetteville, NC</i>	<i>100</i>	<i>Director of Construction</i>
<i>Lee Roy's Wholesale</i>	<i>Abingdon, VA</i>	<i>240</i>	<i>Director of Construction</i>
<i>LeafSpring Schools</i>	<i>Charlotte, NC</i>	<i>80</i>	<i>Director of Construction</i>
<i>Northeast Equipment Maint.</i>	<i>Charlotte, NC</i>	<i>100</i>	<i>Director of Construction</i>



Charlotte Motor Speedway



Eco Energy Cartersville

2 – Staff Qualifications

Include resumes of individuals;

Matthew Culley, Commercial Analyst (Permitting and Interconnection)

Matthew Culley came to Renu in 2017 after graduating from the University of North Carolina at Chapel Hill with a Bachelor of Science in Environmental Science. Matthew holds a **NABCEP PV Technical Sales Certification (TS-020521-33739)**.

Matthew's responsibilities at Renu include financial modeling, solar production modeling, project estimating, project planning and management, permitting, interconnection, and procurement. Some of Matthew's recent successful projects include Unity Presbyterian Church, CMPD Hickory Grove, Eco Energy, Restroom Direct, and Sisters of Mercy. Additionally, Matthew permitted Northeast Equipment Maintenance Facility and CMPD University's solar systems, which are currently under construction.

<i>Project Name</i>	<i>Location</i>	<i>kW DC</i>	<i>Role</i>
<i>Unity Presbyterian Church</i>	<i>Denver, NC</i>	<i>57.3</i>	<i>Commercial Analyst</i>
<i>CMPD Hickory Grove</i>	<i>Charlotte, NC</i>	<i>76.6</i>	<i>Commercial Analyst</i>
<i>Sisters of Mercy</i>	<i>Belmont, NC</i>	<i>45.5</i>	<i>Commercial Analyst</i>
<i>Restroom Direct</i>	<i>Mooreville, NC</i>	<i>58</i>	<i>Commercial Analyst</i>
<i>Helios Energy</i>	<i>Augusta/Cartersville, GA</i>	<i>254.9</i>	<i>Commercial Analyst</i>



Restroom Direct



Unity Presbyterian Church

3 – Approach to Project

Provide a general estimated timeline for completion.

December 2021 - April 2022: Preconstruction

- *Notice of Lowest Responsive, Responsible Bidder* – December 2021
- *Contract Execution* – December 2021
- *Site Surveys* – January 2022
- *60% Drawings* – February 2022
- *90% Drawings* – February - March 2022
- *Final approved drawings* – March 2022
- *Stamped drawings for permitting* – March - April 2022
- *Permitting* – April – May 2022
- *Interconnection* – April – July 2022
- *Duke Rebate Submission* – April 2022

May – July 2022 – Construction

- *Rooftop Construction* – May – July 2022
- *Electrical Construction* – May – July 2022

July 2022 – Project Closeout

- *Commissioning* – July 2022
- *Owner Training* - July 2022
- *Project Close-Out* – July 2022

4 – Examples of Work

References: Provide at least three (3) specific examples of your firm's projects.

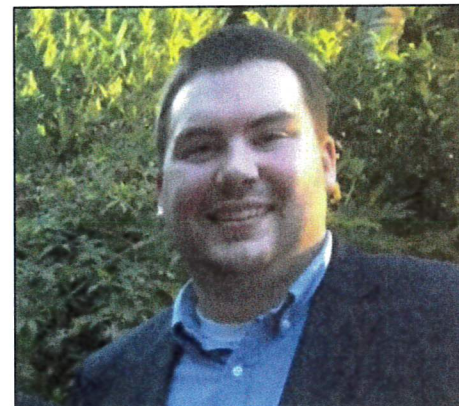
Reference #1 – Northeast Equipment Maintenance Facility

Trevor Powell

Project Manager, Southside Constructors, Inc.

(980) 214-3467

tpowell@southsideco.com



Project Information

System Size: 100.3 kW

Construction: February, 2021



Renue recently constructed a 100 kW ballasted PV system on the rooftop of the Northeast Equipment Maintenance Facility at 5801 General Commerce Drive in Charlotte. Southside Constructors is the General Contractor responsible for the overall building, and Trevor Powell is the PM at Southside.

This project is similar to the ballasted systems specified for the Firing Range and Carver Community Center. The module was REC380TP2SM72, the inverter was a SolarEdge SE100KUS, the optimizers were SolarEdge P860s, and the racking was PanelClaw. The roof is Sika Sarnafil PVC and the warranty was maintained through use of Sika slip sheets and a pre- and post-installation inspection.



During Construction, February 2021



After Construction, February 2021

4 – Examples of Work

Brief descriptions of three (3) similar prior project references with contact information.

Reference #2 – LeafSpring Schools

Parks Hunter
Owner, LeafSpring School
(804) 357-1717
parkshunter@yahoo.com

Project Information

System Size – 80 kW
Construction: 2018



Parks Hunter is a small business owner in the Charlotte area who owns two daycares - LeafSpring School at Matthews and LeafSpring School at Ballantyne. Parks had Renu install a 40 kW solar system on each of his daycares (80 kW total) in 2018. Parks is now currently developing a third LeafSpring School located in the greater Charlotte area. He is working with Renu to install a 58 kW solar system on the rooftop.

Parks will be able to discuss his ongoing partnership with Renu Energy (over 3 years) and how Renu has provided ongoing support for his existing systems. He'll also be able to speak to the collaborative approach Renu has taken to working with him, his architect, and his general contractor in the development of his 3rd daycare, which will be completed in the spring of 2022.



LeafSpring Ballantyne



LeafSpring Matthews

4 – Examples of Work

Brief descriptions of three (3) similar prior project references with contact information.

Reference #3 - Charlotte Motor Speedway Sun Deck

John Pitts

Director of Project Management, Speedway Motorsports Inc.

(704) 773-5877

jpitts@smicorporate.com

Project Information

System Size – 247 kW

Construction: 2019



In 2019, Renu Energy worked with the Charlotte Motor Speedway to install a 247 kW solar system at the racetrack. The 42,000-square-foot Turn 4 Sun Deck is powered by 773 solar panels that produce more than 315,000 kilowatt-hours a year, reducing energy costs at the track by \$25,000 annually. This solar investment not only saves money, but also demonstrates Charlotte Motor Speedway's long-term commitment to the local community and their environmental stewardship. Over the next 30 years, the system is projected to produce over 8,400,000 kWh of electricity. This is equivalent to avoiding 6,500 tons of carbon dioxide emissions.



FORM 1

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid
Attach to Bid

Identification of Minority Business Participation

I, Jeff Aliotta, VP Commercial, Renu Energy Solutions LLC
(Name of Bidder)

do hereby certify that on this project, we will use the following minority business enterprises
as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #
Category

Work type *Minority

Structural Capacity, PC	Design & Engineering	B
218 Westinghouse Blvd #203 (704)560-8324		

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A)
American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

The total value of minority business contracting will be (\$) \$64,500

Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid Attach to Bid
Attach to Bid

State of North Carolina AFFIDAVIT A - Listing of the Good Faith Effort

County of Rocky Mount

(Name of Bidder)

Affidavit of Jeff Aliotta, VP Commercial, Renu Energy Solutions LLC

I have made a good faith effort to comply under the following areas checked: **Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive** (1 NC Administrative code 30 1.0101)

- ☒ **1 - (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☐ **2 - (10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☒ **3 - (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☐ **4 - (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- ☒ **5 - (10 pts)** Attended prebid meetings scheduled by the public owner.
- ☒ **6 - (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ **7 - (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☐ **8 - (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☒ **9 - (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☐ **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon

scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d). Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 11/11/21 Name of Authorized Officer: Jeff Aliotta



Signature: Jeff Aliotta

Title: VP Commercial

State of North Carolina, County of Iredell
Subscribed and sworn to before me this 11th day of Nov 20 21

Notary Public Martin Blacker

My commission expires 10/1/2024

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Public Hearing for Text Amendments to Add Definitions for Murals, Premises, and Temporary Signs and Amend the Definition of Signs **#O-21-16**

AGENDA INFORMATION

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

BRIEF SUMMARY: To comply with the ruling of Reed v. Gilbert, the Town of Black Mountain is amending the sign ordinance and found that definitions are needed for murals, premises and temporary signs. The amendment also amends the current definition that is in place for signs. These definitions are in line with the rulings that came out of Reed v. Gilbert and will make it easier to interpret the ordinance. The Planning Board voted 7-0 at their October 25, 2021 meeting to recommend the definitions.

MOTION FOR CONSIDERATION:

1. To open the public hearing for ***Ordinance #O-21-16*** for amendments to add definitions for murals, premises, and temporary signs and amend the definition of signs.
2. To close the public hearing.
3. To adopt ***Ordinance #O-21-16*** as presented [or as amended].

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance # O-21-16***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-21-16*** as presented.

ORDINANCE #0-21-16

AN ORDINANCE TO AMEND SECTION 1.2.3, DEFINITIONS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD DEFINITIONS FOR MURAL, PREMISES, AND TEMPORARY SIGNS AND TO AMEND THE DEFINITION OF SIGNS

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it promotes and supports the recommended sign ordinance and supports the orderly and planned community goals of the comprehensive plan;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendment is consistent with the comprehensive plan and is reasonable and in the public interest because of the following findings:

- Promotes and supports the recommended sign ordinance and supports the orderly and planned community goals of the comprehensive plan.

WHEREAS, after notice duly given, a public hearing was held on December 13, 2021, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that section 1.2.3 of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Chapter 1

Section 1.2.3 – Definitions.

Mural: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic but excluding any commercial name, brand or message.

Premises: A building together with its immediate and adjacent grounds.

Sign: ~~Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.~~ Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of attracting attention or communicating a readable, comprehensive, legible message.

Temporary sign: A sign with or without a structural frame, not permanently attached to a building, structure, or ground and intended for a limited period of display.

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ on this the 13th day of December, 2021.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 13, 2021

SUBJECT: Public Hearing to Repeal the Existing Sign Ordinance and Replace with the New Sign Ordinance
#O-21-17

AGENDA INFORMATION

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

BRIEF SUMMARY: The Town has recently drafted a new sign ordinance to comply with the rulings of the Reed v. Gilbert court case. The new sign ordinance enforces time, place and size rather than the content of the signs. The existing sign ordinance needs to be repealed and replaced with the new sign ordinance. The Planning Board voted 7-0 at their October 25, 2021, meeting to recommend the sign ordinance as written.

MOTION FOR CONSIDERATION:

1. To open the public hearing for ***Ordinance #O-21-17*** to repeal the existing sign ordinance and replace with the new sign ordinance.
2. To close the public hearing.
3. To adopt ***Ordinance #O-21-17*** as presented [or as amended]

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance # O-21-17***

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve ***Ordinance #O-21-17*** as presented.

ORDINANCE #0-21-17

AN ORDINANCE TO AMEND CHAPTER 9, SIGNS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE BY REPEALING THE EXISTING SIGN ORDINANCE AND REPLACING WITH THE NEW SIGN ORDINANCE

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it reinforces the goal of supporting and fostering a vibrant economy and supporting independent businesses and supports wayfinding education to the consumer and increases public knowledge and helps direct traffic and find employment;

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendment is consistent with the comprehensive plan and is reasonable and in the public interest because of the following findings:

- It reinforces the goal of supporting and fostering a vibrant economy and supporting independent businesses and supports wayfinding education to the consumer and increases public knowledge and helps direct traffic and find employment.

WHEREAS, after notice duly given, a public hearing was held on December 13, 2021, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that Chapter of the Town of Black Mountain Land Use Code, be amended by repealing the existing sign ordinance and replacing with the following (additions are underlined in bold and deletions are shown as red struck text):

CHAPTER NINE - Signs.

9.1. Intent.

Signs are a necessary and beneficial use of property that contributes to our community's economic vitality and appearance. Reasonable sign regulations are necessary to protect public property and community aesthetics, encourage economic activity, and contribute to the overall appeal of the community. It is the intent of this section to regulate the use, size, layout, style, typography, legibility, and arrangement of signs to ensure that signs are compatible with their surroundings, appropriate to identify individual properties, occupants, and/or the community, and facilitate the safe and orderly flow of pedestrian and vehicular traffic. Specifically, this section is intended to:

- (a) Promote the public health, safety, and welfare of residents and visitors;
- (b) Provide an environment which fosters growth and development of a vibrant business community;
- (c) Protect commercial and industrial districts from visual clutter;
- (d) Protect property values;
- (e) Eliminate distractions which are hazardous to motorists and pedestrians;
- (f) Protect and enhance the natural beauty, cultural attributes, distinctive character, and visual environment of the Town of Black Mountain;
- (g) Protect the public's ability to identify establishments and premises in an orderly, readable and safe manner;
- (h) Protect the public's investment in public buildings, streets, roads, highways, and open spaces; and
- (i) Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

9.2. *Applicability.*

- A. No sign visible from the public right-of-way, whether exterior to or interior to a structure, shall be erected, displayed, or substantially altered on any lot zoned or used for non-residential use, except in accord with the provisions of this Chapter and until a zoning compliance permit has been issued for the sign.
- B. Pursuant to N.C.G.S. 160D-908, fence wraps displaying signage affixed to perimeter fencing at a construction site are exemption from the requirements of this chapter for up to 24 months or until the certificate of occupancy is issued for the final portion of construction, whichever is shorter. This exemption will not apply to fence wrap that displays advertising other than by a person or company directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.
- C. Recognizing that certain signs and messages are required to be displayed by federal or state law or regulation, and further recognizing the many benefits of certain commonly occurring signage that promote local economic activity, civic events and political discourse, many of which are of a temporary nature, the following types of signage are allowed in any district without need for obtaining a permit, provided that the specific requirements listed below, if any, are met:
 - 1. Any sign required by law, including emergency, safety, warning or traffic signs or any sign installed by, at the direction of, or with the approval of a governmental authority.
 - 2. Signs bearing only property identification numbers and names, post office box numbers, names of occupants of the premises on which the sign is located, provided that:
 - a. the sign is not illuminated and does not exceed 2 square feet in area per display surface, and
 - b. no more than 2 such signs are displayed on the zoning lot.

3. Flags having a total area of less than 24 square feet.
4. Signs erected and maintained by public agencies and governmental bodies.
5. Historical markers erected or placed by a historical nonprofit corporation or governmental authority.
6. Signs directing and guiding traffic and parking on private property on which the signs are located, provided that such signs:
 - a. are not illuminated,
 - b. bear no advertising, and
 - c. do not exceed 4 square feet in area per display surface.
7. Construction site identification signs whose message is limited to the project or building name, identification of architects, engineers, contractors, lenders and other individuals or firms involved with the construction, the intended purpose of the building and the expected completion date, provided that such signs:
 - a. may not exceed 4 square feet in area per display surface and 6 feet in height for single-family or duplex construction;
 - b. may not exceed 32 square feet in area per display surface and 8 feet in height for multifamily or non-residential construction;
 - c. such signs shall not be illuminated;
 - d. no more than one (1) such sign shall be allowed per construction site;
 - e. no such sign shall be erected prior to issuance of a building permit for the site; and
 - f. such sign must be removed within seven (7) days of the issuance of a certificate of occupancy.
8. Real estate signs advertising the sale, rental, or lease of the premises, provided that such signs:
 - a. Do not exceed 1 sign per street frontage and 4 square feet in area per display surface for property zoned residential; and
 - b. Do not exceed 1 sign per street frontage and 16 square feet per display surface for property zoned non-residential or located within an approved planned development; and
 - c. such signs shall not be illuminated.
9. Residential property management sign permanently affixed to the building façade, which includes contact information for the management company, provided that such signs:
 - a. Do not exceed 1 sign per building façade and 4 square feet in area per display surface; and
 - b. Are attached to a residential structure with seven (7) or fewer dwelling units.
10. Temporary political signs, provided that such signs:
 - a. Do not exceed four (4) square feet in area per display surface;
 - b. Are located on private property or within a public right of way;
 - c. When placed within a public right-of-way, must comply with the following

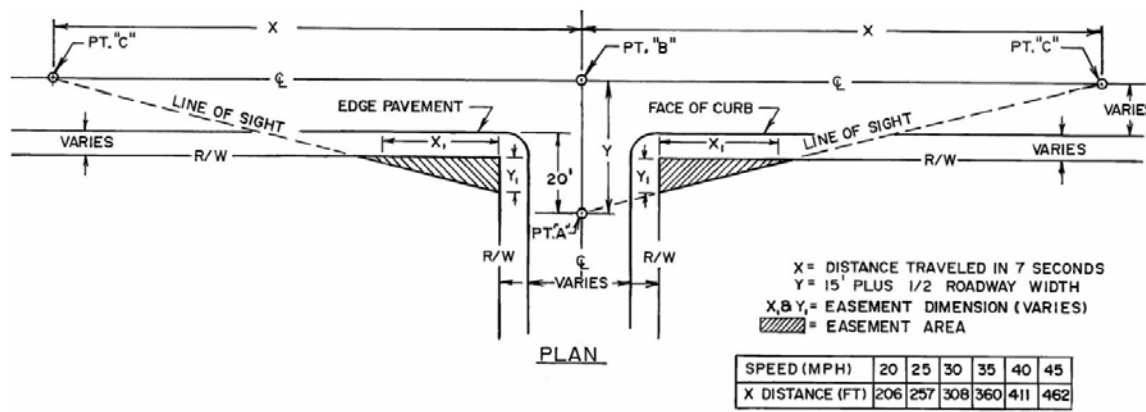
additional requirements:

- i. May not be placed more than 30 days before the beginning of early voting pursuant to N.C. Gen. Stat. § 163-227.2;
 - ii. The candidate must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where the sign would be placed;
 - iii. No sign is permitted within the right-of-way of a fully controlled access highway;
 - iv. No sign may obscure motorist visibility at an intersection;
 - v. No sign may be greater than 42 inches in height above the edge of the pavement of the road;
 - vi. No sign may be large than 18 by 24 inches;
 - vii. No sign may obscure or replace another sign.
 - d. Are removed within ten (10) days following the primary or general election, as applicable;
11. Signs announcing yard or garage sales, provided that such signs:
 - a. Do not exceed one (1) sign per site of the sale;
 - b. Do not exceed four (4) square feet in area per display surface; and
 - c. Are removed within 7 days of posting.
12. Announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs:
 - a. Do not exceed one (1) sign per site of such events or activities; and
 - b. Do not exceed 12 square feet in area per display surface; and
 - c. Are removed within 14 days of posting.
13. Information kiosks or bulletin boards erected by or on behalf of a governmental body on public property or rights-of-way in the Town Business Districts for the display of handbills or posters of community interest, provided such kiosks or bulletin boards:
 - a. Contain no more than 6 square feet in area per sign display surface and a maximum of 72 square feet per kiosk or bulletin board.
14. A sign held by or attached to a human, located in front of the business, during business hours, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This may also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.
15. Signs on registered, licensed vehicles that are parked in a manner that serves the purpose of advertising a business, is generally located in front of the business, and is parked in a standard size parking space.
16. Signs stating that a business (other than a home occupation) is open, provided that there is no more than one such sign per business establishment, any illumination is steady (does not blink or flash), and the sign does not exceed 2 square feet in display area.

9.3. Prohibited Signs.

The following types of signs are prohibited:

- A. *Moving signs.* Animated, rotating, or other moving or apparently moving signs, including vehicular billboards.
- B. *Digital changeable copy.* Digital changeable copy that scrolls, blinks, or flashes, including but not limited to LCD, LED and any similar technology, except as used to display time and temperature or gas price.
- C. *Traffic safety precautions.* Notwithstanding any other provision in this Chapter, the following restrictions shall apply to signs in order to preserve the safety of pedestrian, bicycle, and vehicular movement:
 1. No sign may make use of the words "STOP", "SLOW", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as is reasonably likely to be confused with traffic directional and regulatory signs.
 2. Except as used to display time and temperature, no sign may contain flashing lights.
 3. No sign, or part of a sign, may be located within a sight distance area established below.
 4. No sign may be erected so that by its location, color, nature or message it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.



9.4 General Standards.

- A. *Location.* Except where expressly exempted in this Section, all signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.
- B. *Cessation or vacation of use.* When the use or establishment to which a sign is related ceases or is vacated, any sign, including all of its supports, frames and hardware, must be removed within 4 months of the cessation or vacating of the use or establishment unless the sign is used by a new use or establishment on the premises in conformance with all current regulations of this Chapter.
- C. *Signs in the Right-of-Way.*
 1. Signs must not encroach into the public right-of way unless expressly allowed in this Chapter.
 2. Wall signs, awning signs, canopy signs, projecting signs, crown signs and shingle signs may encroach over the public sidewalk but must not encroach on or over any

streets or alleys. All signs must be a minimum of 24 inches inside the curb line or edge of pavement, whichever is greater.

3. No sign may be attached, affixed, or painted on any utility pole, light fixture, tree, rock or other natural object within the right-of-way.

D *Unified sign plan.*

1. Where a zoning lot contains more than 3 principal uses or establishments, the provisions of this Section apply to the zoning lot as a whole, and the owners of the zoning lot are responsible for allocating permitted signs and display surface area among the individual uses or establishments.
2. A unified sign plan is an overall plan for placement and design of multiple signs for a building or group of buildings on a zoning lot.
3. The unified sign plan submitted for a zoning lot must show all signs located or proposed on the zoning lot.
4. The unified sign plan must display harmony and consistency with regard to number and size of signs, placement of signs, materials and color, size and style of lettering, and type of sign illumination.
5. Unified Sign Plans are not required in Central Business or Mixed-Use Zoning Districts.

- E. *Address on ground signs.* The street address number must be included on all ground signs. Numerals must be at least 9" in height. The area of the address is not included in any calculation of total sign area.

- F. *Pre-existing, nonconforming signage.* Any sign in place prior to adoption of this Ordinance that does not comply with the standards of this Chapter for size, location, height or sign type is considered a pre-existing, nonconforming sign that may be continued, maintained, repaired, or replaced if damaged or destroyed, provided that the nonconformity is not in any way enlarged or intensified.

1. Any advertising sign or business identification sign which is not specifically prohibited and is permanently affixed to a building, structure or the ground, which is nonconforming because of its height, size, setback or location shall be allowed to continue and shall be maintained as provided for in the preceding sections, but shall not be:

- (a) Replaced with another nonconforming sign;
- (b) Structurally altered (except to meet safety requirements);
- (c) Altered so as to increase the degree of non-conformity of the sign;
- (d) Expanded;
- (e) Re-established after its discontinuance for 60 days;
- (f) Continued in use after cessation or change of the business or activity to which the sign pertains; or
- (g) Re-established after deterioration, damage, destruction or voluntary demolition if the cost of reconstruction exceeds 60% of the replacement cost of a sign of comparable quality.

9.5. Permitted Signs

Sign Type	UR-8, TR-4, CR- 1,SR- 2,NM U- 8	CB, HB- 8,T ND	HI0, OI- 6, LI- 8, IC D	Sign Area Allocation (max)
	P*	P	P	Maximum 5% of the building facade up to and including the fourth floor, for all of these sign types combined. No individual sign shall exceed 250 sq. ft. in area
	P*	P	P	
	P*	P	P	
	P*	P	P	
	P*	P	P	Based on sign area

	—	P	P	Maximum 2.5% of the building facade (in addition to other building signs)
	—	P*	P	Based on sign area
	P*	P	P	
	P*	P	P	
	P	P**	P	

KEY: P = Sign type permitted P* = For allowed
Wall sign. nonresidential uses only P** = For residential
 identification sign only — = Not Permitted A.



Description

A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, including signs affixed to or otherwise displayed on or through a facade window.

Standards

1. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof. No portion may extend above the lower eave line of a building with a pitched roof. The sign must not cover windows or architectural details.
2. Wall sign area includes signs visible from the outside that are located inside the building within 5 feet of the window.
3. For a cinema or theater, may be constructed as a marquee that extends less than 10 feet from the building and is at least 10 feet above the sidewalk (or finished grade where there is no sidewalk).
4. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions				
		CB,HB-8,TND	UR-8, TR-4, CR-1,SR2,NM U-8	HI-0,OI-6, LI-8, ICD
Ⓐ	Display surface, building identification (max)	16 SF	limited by 5.14.7	40 SF
Ⓑ	Display surface, each establishment (max)	—	—	15 SF
Ⓒ	Projection from building facade (max)	12"	12"	12"
Ⓓ	Raceway (max % of letter height)	35%	35%	35%
Ⓔ	Height (max)	54'	54'	54'
Ⓕ	% of each window area (max)	15%	15%	15%

Number of Signs

1. In the UR-8, TR-4, CR-1, SR-2, NMU-8 Districts, maximum 1 wall sign per street frontage.

2. In all other districts, maximum of 3 wall signs per individual establishment per street frontage. Window signage shall not be counted towards the maximum number of wall signs.
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B. *Awning Sign.*



Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

Standards

1. Sign must not extend outside the awning.
2. Signs are permitted on the sloping face of the awning.
3. Not allowed above the ground story.
4. May only be externally illuminated in accordance with Sec. 9.9.9.



Dimensions		
(A)	Display surface (max)	Limited by 5.14.7
(B)	Width (max % of awning width/depth)	75%
(C)	Height of message (max. on front or side; no limit on height on sloping valance)	12"
(D)	Clearance height above sidewalk (min)	10'
Number of Signs		
1. A maximum of 1 sign per front, side, or sloping valance.		

2. Awning sign may be on either: a) the front, side; or b) sloping valance.

C. *Canopy Sign.*



Description

A sign placed at the front edge of a canopy so that the display surface is parallel to the plane of the front building facade or parallel to the plane of the canopy.

Standards

1. Must not extend outside the overall length or width of the canopy, however, may extend above or below the canopy, provided the clear height is met.
2. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
3. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions		
Ⓐ	Width (max % of canopy width)	75 %
Ⓑ	Height of text and graphics (max)	2'
Ⓒ	Depth (max)	1'
Ⓓ	Raceway (max % of letter height)	35 %
Ⓔ	Clear height above sidewalk, canopy and sign (min)	10'
Number of Signs		
1. A maximum of 1 sign is permitted per canopy.		

D. *Projecting Sign.*



Description

A sign applied to or mounted to the wall or surface of a building or structure, with a display surface that projects 12 inches or more from the outside wall of the building or structure.

Standards

1. May be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation allowed per section 5.14.7, of sign area from both frontages may be used for a corner projecting sign, provided it does not exceed the allowed height and width.
2. No portion may extend above the roof line or above a parapet wall of a building with a flat roof. No portion may extend above the lower eave line of a building with a pitched roof.
3. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions		
Ⓐ	Height (max)	
	Mounted below 2nd floor	4'
	Mounted between 2nd and 3rd floor	8'
	Mounted between 3rd and 4th floor	12'
Ⓑ	Distance from building facade (max)	2'
Ⓒ	Projection width (max)	4'
Ⓓ	Depth (max)	12"
Ⓔ	Clearance height above sidewalk (min)	10'
Number of Signs		

1. Maximum 1 projecting sign per individual establishment per street frontage.
2. Must be located at least 25 feet from any other projecting sign or shingle sign.
3. Not allowed on a zoning lot with a commercial center or ground sign, unless signs are located on different street frontages.

E. *Shingle Sign.*



Description
A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.
Standards
1. Must be located within 5 feet of an accessible building entrance. 2. Hanging bracket must be an integral part of design. 3. Must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a 1-story building. 4. May be externally or internally illuminated in accordance with Sec. 9.9.9.

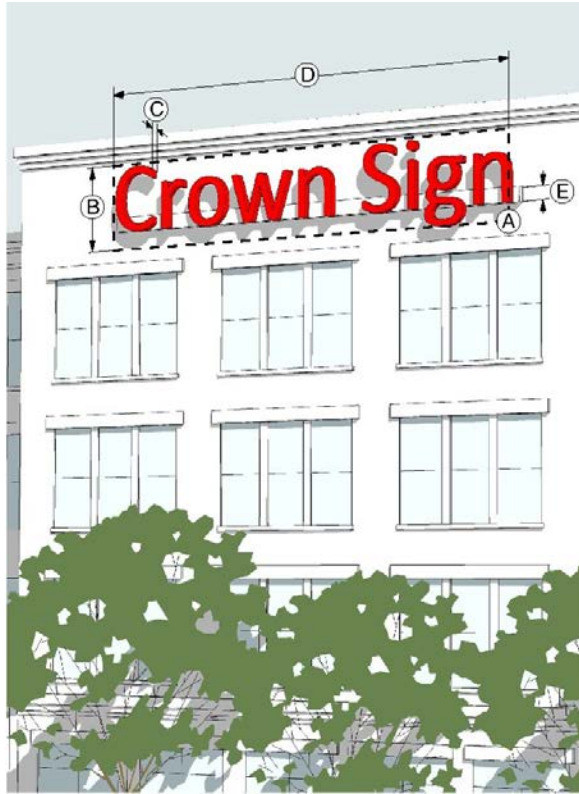


Dimensions		
Ⓐ	Display surface (max)	9 SF
Ⓑ	Height (max)	3'
Ⓒ	Spacing from building facade (min/max)	6"/12"
Ⓓ	Projection width (max)	3'
Ⓔ	Depth (max)	6"
Ⓕ	Clear height above sidewalk (min)	10'
Number of Signs		
1. Maximum of 1 shingle sign or projecting sign per individual establishment per street frontage. 2. A shingle sign must be located at least 25 feet from any other shingle sign or projecting sign.		

F. *Crown Sign.*



Description
A wall sign extending not more than 3 feet from the building facade located on the upper horizontal band of a building at least 55 feet and 4 stories in height.
Standards
1. Only permitted on buildings at least 55 feet and 4 stories in height. 2. Must not be placed below the start of highest floor or extend above the roof line. 3. Must not cover windows or architectural details. 4. May only be internally illuminated in accordance with Sec. 9.9.9.



Dimensions		
Ⓐ	Display surface (max)	250 SF
Ⓑ	Height (max)	8' 6"
Ⓒ	Projection - measured from building facade (max)	3'
Ⓓ	Width (max % of facade width)	75%
Ⓔ	Raceway (max % of letter height)	25%
Number of Signs		
1. No more than 1 sign per building facade and no more than 2 signs per building. 2. No more than 1 tenant or building may be identified on the sign per building facade.		

G. *Development Identification Sign.*



Description

A permanently affixed sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal that is used to identify entry to a development.

General Provisions

1. Signs taller than 6 feet must be set back at least 10 feet from the front property line and 15 feet from a side property line.
2. Must not conflict with any clear sight triangle.
3. Must be constructed of brick, stone, wood, metal or glass.
4. May contain the name and logo of the development and one anchor tenant.
5. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions				
		CB, HB - 8,T ND	UR-8, TR-4, CR- 1,SR2, NMU- 8	HI- 0,OI- 6,LI- 8, ICD
Ⓐ	Sign area (max, single side only)	16 SF	20 SF	40 SF
Ⓑ	Sign area (max each, if two sides)	8 SF	—	20 SF
Ⓒ	Sign area (max, for development with a cinema, single side only)	—	—	80 SF
Ⓓ	Height (max)	6'	6'	8'
Number of Signs				
1. In all other districts, 2 development identification signs are allowed per primary entrance, one on each side.				

H. *Commercial Center Sign.*



Description

A commercial center sign is a free-standing sign attached to a contiguous structural base or planter box permanently affixed to the ground. Commercial center signs do not include free-standing signs supported by poles.

Standards

1. Allowed for commercial centers, defined as a center with a minimum of 4 retail business tenants and 8,000 SF of retail business floor area.
2. The Commercial Center must have 100 feet of street frontage minimum. Street frontage for a zoning lot includes frontage on streets that are part of an approved master land use plan or special use permit and have speed limits of 35 mph or greater.
3. Sign must be located at least 250 feet from any other Commercial Center Ground Sign.
4. Minimum 9" letter height for all text.
5. The display surface area of the sign must be divided into individual tenant name panels. The panels within the display area may be of 2 different sizes and must be of a similar shape.
6. May be externally or internally illuminated in accordance with Sec. 9.9.9. Illumination of the sign is not permitted during nonbusiness hours.

Dimensional Deviations

1. A dimensional deviation of 12 inches or less may be applied to the Commercial Center Sign dimensional standards, provided the resulting sign does not exceed the maximum height and maximum display area standards.
2. For signs located at the edge of the right-of-way, the overall height of the base of a sign located along a roadway with a speed limit of 45 mph may be increased by 1 inch for every 2 feet the sign is set back from the edge of the closest travel lane. The overall height of the sign may not be increased beyond the maximum height limit by more than 3 feet.



Dimensions			
		CB,HB-8,TND, HI-0,OI-6, LI-8, ICD	
		Street up to 35 MPH	Street 35 MPH +
Ⓐ	Sign structure plus display surface (max)	120 SF	144 SF
Ⓑ	Display surface only (max)	50 SF	72 SF
Ⓒ	Height (max)	12'	14'

Ⓓ	Width (max)	10'	10'
Ⓔ	Thickness (max)	12"	12"
Number of Signs			
1. Maximum 1 commercial center sign per street frontage per Commercial Center.			

I. *Ground Sign.*



Description
A ground sign is a free-standing sign attached to a contiguous structural base or planter box the same width or greater than the message portion of the sign, permanently affixed to the ground. Ground signs do not include free-standing signs supported by poles.
Standards

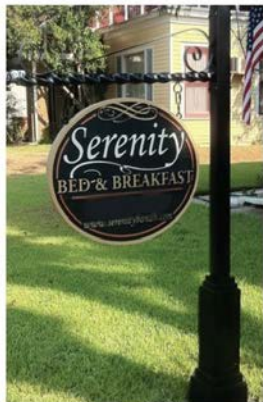
1. The commercial developments must have a minimum 100 feet of street frontage to qualify for a ground sign (for smaller lots, see Cantilevered Ground Sign). Lot must be accessible by automobile and contain off-street parking for the principal use.
2. Buildings housing principal uses must be located at least 20 feet back from abutting right-of-way.
3. Sign must be set back at least 10 feet from the front property line and 15 feet from a side property line.
4. Sign must be located at least ~~150~~ **100** feet from any other Ground Sign.
5. Minimum 9" letter height for all text.
6. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions				
	UR-8, TR-4, CR-1,SR-2,NMU-8		CB	All Othe r Distr icts
Ⓐ	Display surface (max)*	16 SF	8 SF	15 to 30 SF**

Ⓑ	Height (max)	6'	8'	8'
Ⓒ	Width (max)	10'	10'	10'
Ⓓ	Thickness (max)	12"	12"	12"
* Area associated with the text of a building name or address is exempt from maximum display surface calculation. * Display surface max. is per display area.				
Number of Signs				
1. In the UR-8, TR-4, CR-1, SR-2, NMU-8 Districts, maximum 1 ground sign per lot. 2. In all other districts, maximum 1 ground sign per street frontage. 3. No ground sign is permitted on the same zoning lot with a projecting sign, unless signs are located on different street frontages.				

J. *Cantilevered Ground Sign.*



Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by a post and the sign hangs from a bracket or support.

Standards

1. No minimum street frontage required.
2. Buildings housing principal uses must be located at least 20 feet back from abutting right-of-way.
3. Must be set back at least 5 feet from the front lot line and 5 feet from a side lot line.
4. Hanging bracket must be an integral part of design.
5. Sign must be located at least 25 feet from any other ground sign.
6. May be externally or internally illuminated in accordance with Sec. 9.9.9.



Dimensions

(A)	Display surface (max)	9 SF
(B)	Support height (max)	10'
(C)	Sign height (max)	6'
(D)	Display surface height, width (max)	3'

Number of Signs

1. 1 cantilevered ground sign per street frontage.
2. No cantilevered ground sign permitted on same zoning lot as a projecting sign.

9.6. Specialty Sign Types.

A *Sidewalk Sign*. A sidewalk sign is a movable sign not secured or attached to the ground or surface upon which it is located. This sign type is typically an A-frame or spring-mounted sign.

1. A sidewalk sign is permitted in the Central Business District and Highway Business.
2. A sidewalk sign must be no more than 42" tall and 36" wide. The sign face must be no more than 6 square feet in area.
3. There may be no more than 1 sidewalk sign per tenant, generally located adjacent to the primary facade in front of the business.
4. A sidewalk sign must not obstruct vehicular, bicycle or pedestrian traffic, and must comply with ADA clearance and accessibility requirements.
5. The sign must be removed and placed indoors at the close of each business day.
6. No illumination is permitted.



B. *Parking Lot Identification Banners.*

- a. Each parking lot identification banner must not exceed 4 square feet in display area, and must be limited to the name of the building or development.
 - b. One or two banners may be approved for display from each street light.
 - c. The colors, shape, materials, appearance and duration of display for such banners must be approved by the Town Manager.
- C. *Gas Stations.*

1. *Pumps.* Signs located on the top of gas pumps (pump toppers) must comply with the following standards:

- a. Gas stations may install one pump topper per pump.
- b. Pump toppers are limited to a maximum of 6 square feet per side and no more than 2 sides per pump.
- c. The base of the pump must be a neutral color, and must not contain any signage.
- d. No internal illumination of the pump or pump topper is allowed.

2. *Canopies.* Gas station canopy signs must comply with the following standards:

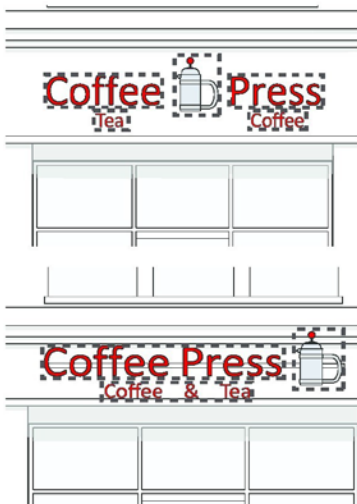
- a. The sign must be an integral component of the pump canopy (composed of lettering mounted, painted or otherwise affixed to the pump canopy, and not located on the top or bottom of the canopy).
- b. The features, materials, colors and designs used in the pump canopy must be similar to the principal structure. Such features are considered similar where the materials and colors of the canopy are the same as the predominant materials and colors of the principal structure.
- c. Each canopy sign may not exceed 4 square feet of display area. The maximum letter height or trademark height must not exceed 18 inches.
- d. Additional canopy sign area may be permitted by transferring building sign display area. If building sign display area is transferred, one canopy sign is permitted on each side of a canopy, up to a maximum of three sides.
- e. The canopy must not encroach upon any publicly dedicated rights-of-way.
- f. No internal canopy illumination is permitted.

3. *Digital Gas Price Display.* Gas prices may be displayed as digital (electronic) changeable copy.

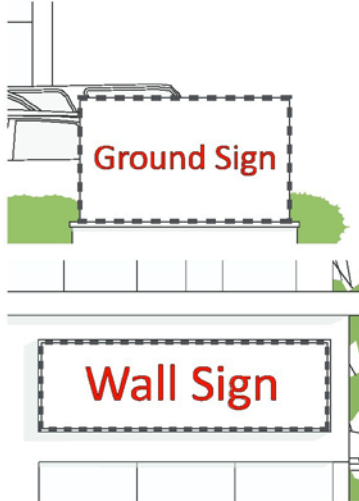
9.7. Sign Measurements.

A. *Computation of Sign Area.* The area of all signs is determined as follows:

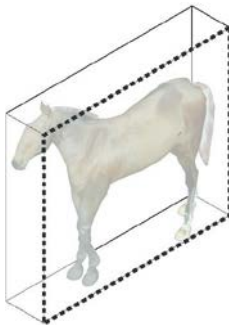
1. For wall signs, awning signs, canopy signs and crown signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses all the letters or logo.



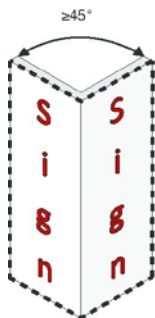
- For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Display surface includes the face of the structure that the message is affixed to. Display surface does not include any structural members not bearing advertisement.



- The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- The area for a sign with more than one face is calculated by adding the area of all sign faces that are 45 degrees or greater; where the sign face angle is less than 45 degrees only the area of the largest sign face is computed as part of the sign area.



B. *Measurement of Sign Height.*

- The total height of a sign is measured from the highest point of the sign or supporting structure to the top of the abutting sidewalk (or the crown of the adjacent roadway where no sidewalk exists).



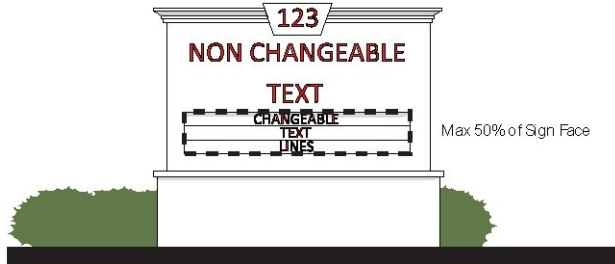
C. *Measurement of Sign Height: Commercial Center Sign.*

1. The height of a Commercial Center Sign is measured from the mean natural grade.
 2. Mean natural grade is measured along a line parallel to the street frontage for a distance of 100 feet on either side of the base of the sign, and along a line perpendicular to the street starting at the right-of-way for a distance equal to the width of the proposed sign.
 3. Where the proposed location of the sign is below the natural grade of the adjacent street frontage, the overall height of the base of the sign may be increased by up to 10 feet in order to achieve the maximum permitted height, as measured from the natural grade of the adjacent street frontage.
 4. Landscaping around the base of a sign must be shown on a landscape plan. The landscaping must buffer and screen that portion of the base of the sign located below the natural grade of the adjacent street frontage.
 5. The design of the base of the sign must complement the features and frame of the sign.
 6. In those situations where compliance with Federal Emergency Management Agency (FEMA) floodplain regulations prohibits the installation of a contiguous structural base, the Town Manager may approve an alternate base design. Landscaping and screening must be incorporated into the alternate base design.
- D. *Sign Setback.* Signs required to be set back are typically measured from the property line. However, in instances where the property line is adjacent to a drainage area or other right-of-way that may reasonably be anticipated to exist in the future, the Town Manager may allow the sign to be placed at the property line without any setback.
- E. *Sign Maintenance.* All signs must be maintained in good condition and present a neat and orderly appearance. Failure by the owner or tenant to remove poorly maintained signs may result in enforcement action by the Town. The Town Manager may cause to be removed (after due notice) any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.

9.8. *Changeable Copy.*

- A. *Defined.* A sign or portion of a sign that has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects (not consisting of an illumination device) that may be changed or re-arranged manually or mechanically without altering the face or the surface of the sign.

1. Manual changeable copy is allowed in conjunction with a permitted commercial center sign, groundsign or marquee wall sign only.
2. The manual changeable copy portion of the sign may be no greater than 50% of the total sign area on each display face.



3. No electronic or digital changeable copy is allowed, except for digital time and temperature signs and gas price signs at gas stations.

9.9. Sign Illumination.

A. *Prohibited Light Sources.* The following light sources are not permitted:

1. Blinking, flashing, chasing or scrolling.
2. Bare bulb illumination that exceeds 0.3 foot candles at the property line.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Direct reflected light that creates a hazard to operators of motor vehicles.

B. *Brightness.* The light from any illuminated sign must not be of an intensity or brightness that will interfere with the comfort, convenience and general welfare of residents or occupants of adjacent properties. Brightness must not exceed Town maximum foot-candle standards.

- ##### C. *Internal Illumination.*
1. Internal illumination is not allowed in the CR-1, NMU, SR-2, UR-8, TR-4 Districts.
 2. Channel letters may be internally lit, halo lit or back-lit.
 3. For internally illuminated signs, the background must be opaque or a substantially darker color than the sign message.
 4. Light emitting diodes (LED)'s are permitted as a light source only where the LED is behind acrylic, metal or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.
 5. Internal illumination for shingle and cantilever signs is limited to the text, letter or logo. The background may not be internally or externally illuminated.
 6. The letter or message of internally illuminated signs must consist of non-reflective materials.



External light sources



Internally lit channel letters



Back lit channel letters



Internally lit cabinet signs with darker background

D. External Illumination.

- (1) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (2) Flood lights or spotlights near the top of a sign must be focused downward onto the sign. Floodlights or spotlights must be aimed such that the entire beam falls within the intended area of the sign to be lit.

E. *Raceways and Transformers.*

- (1) If a raceway is necessary, it must not extend in width or height beyond the area of the sign.
- (2) Raceways must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (3) Visible transformers are not permitted.

9.10. *Guidelines for Administrative Adjustment of Signage Regulations.*

Intent: It is the intent of the Town of Black Mountain to allow the administrative adjustment of the Sign Ordinance standards to provide for flexibility that is compatible with the Town's character; to acknowledge the artistic creativity of sign makers, business owners, and individuals; to create visual harmony between the sign, structure, and site where the sign is located; and to enhance retail areas consistent with the Elevate Black Mountain Comprehensive Plan and subsequent small area plans, development agreements, and form-based district codes.

- A. *Adjustment Applications:* Adjustment applications shall be made on forms available from the Planning and Development Services office. An application shall consist of a completed application form; any necessary supporting documentation such as plot plans, building elevations, photographs or other information; and an application fee.
- B. *Review:* Adjustment applications shall be reviewed by the Director of Planning and Development Services and Planning staff. Applications are available for public review and comment.
- C. *Approval Criteria:* The standards in this chapter may be adjusted administratively when the Director of Planning and Development Services determines all the following criteria are met:
 1. The intent of the Sign Ordinance is better achieved with the administrative adjustment than by other alternatives allowed by this section;
 2. Sufficient reason is shown for the adjustment in order to address exceptional or extraordinary circumstances or conditions applicable to the property (including topographical issues), or intended use of the property, that are not contemplated or provided for by this chapter;
 3. The modification is compatible with the scale, character, and design of the building in which the use is located;
 4. The modification is compatible with the scale, character, design and lighting of the

adjacent neighborhood or focus area;

5. The modification is consistent with the purpose of this chapter and would not adversely affect the neighborhood in which the business is located; and
6. The modification is within the standards identified in the table below.

Allowable Administrative Adjustments

(up to the limits set forth in the table for the type of standard). If the modification exceeds these standards, the applicant may seek a variance from the Board of Adjustment

	Standard	Standard Sign Type	Allowable Max. Administrative Adjustment (up to)
a	Distance from building facade	Wall, Projecting, Shingle Crown	10%
b	Sign, height, display, area or dimensions	All	10%
c	Sign display area for building greater than 4 stories	Wall	10%
d	Height above sidewalk	Wall, Awning, Canopy, Projecting, Shingle	5%
e	Raceway - % of letter height	Wall, Canopy, Crown	5%
f	Sign depth	Awning, Canopy, Projecting, Shingle	10%
g	Distance from façade, entrances	Projecting, Shingle	20%
h	Distance between signs	Projecting, Shingle, Ground	20%

9.11. Enforcement and Penalties. In addition to the remedies provided in Chapter 1 of this Land Use Code for violations of the terms of a permit or development approval, the Planning

Director, or the Director's designee, may remove any illegally posted sign. Any such removed sign will be retained for seven days, during which period the sign may be retrieved by the owner upon payment of a \$25.00 storage fee. After those seven days and for a second or repeat offense, illegal signs removed by Town staff shall be disposed of or destroyed.

(Ord. No. 2007-02-26/O-3a, §§ 7, 8; Ord. No. 2007-02-26/O-5, §§ 11—13; Ord. No. 2011- 0425/O-3, §§ 1, 2; Ord. No. [2016-06-27/O-11](#), § I; Ord. No. [2016-12-05/O-5](#), § I; [Ord. No. 2020-1028/O-10](#), § 15; [Ord. No. 2020-11-04/O-1](#), § 1)

Footnotes:

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* http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_14/gs_14-190.1.html

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 13th day of December, 2021.

Larry Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk