



TOWN OF BLACK MOUNTAIN

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

Date: **March 14, 2022** Time: **6:00 p.m.**

Regular Session Agenda (**Amended**)

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

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

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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 – *Dr. David Phillips, First Baptist Church*
- Pledge of Allegiance
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

A. Mayor's Monarch Pledge

3. CITIZEN COMMENTS

Individuals wishing to address the Council are asked to sign in at the entrance to the Council room, indicating the topic(s) or agenda item(s) you wish to discuss, so that the chair may group speakers according to topic. The chair will recognize individuals requesting to address the Council. **Comments by any one speaker shall be limited to three (3) minutes.**

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

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. Presentation Regarding the Asheville-Buncombe Sports Complex – *Chip Craig*
- B. Citizens Climate Lobby Presentation - *Steffi Rausch*
- C. Pickleball Presentation – *Libba Fairleigh*

D. Black Mountain Library Board Presentation – *Jud Dougherty*

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 March 5, 2022 Strategic Planning Workshop, February 14, 2022 Regular Session Meeting, the February 14, 2022 Closed Session Meeting, and the February 10, 2022 Agenda Meeting.*

B. Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor Courts

Motion: *To call for a public hearing to add text for mobile food vendors and mobile food vendor courts to be held on Monday, April 11, 2022, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

C. Budget Amendment for trade of used firearms for Police Department

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

D. Black Mountain Police Department Off-Duty Fee Schedule

Motion: *To approve and adopt the Police Department Fee Schedule presented.*

E. Recreation Fee Schedule Amendment (Pool)

Motion: *To approve the addition of the group rates for the Black Mountain pool in recreation fee schedule as presented*

F. Resolution By the Town of Black Mountain In Support of the Asheville-Buncombe Sports Complex **#R-22-02**

G. Resolution By the Town of Black Mountain In Support of Ukraine **#R-22-03**

H. Summer Camp Temporary Employee Pay Increase

Consent Motion: *To approve consent item A-H 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**](mailto:Comments@townofblackmountain.org). The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

- A. Resolution **R-22-01** to Adopt an Updated Code of Ethics for the Governing Body of the Town of Black Mountain.

Motion: To approve R-22-01 as presented.

- B. Administration Agreement with NCDOT for Ninth Street Bridge

Motion: To approve the contract as presented

- C. Pet and Other Waste Ordinance and Definition

Motion: To approve the ordinance as presented.

- D. Board Appointments

Zoning Board of Adjustment – One (1) 3-year terms ending June 30, 2025

Motion: To appoint _____ to fill a 3-year term ending June 30, 2025 by a vote of _____ for and _____ against.

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 Rezoning of 713 NC 9 Hwy **#Z-O-22-01 – continued from February 14, 2022**

Motions for Consideration:

1. To open the public hearing to rezone 713 NC 9 Hwy from TR-4 to HB-8.
2. To close the public hearing.
3. To adopt Zoning Ordinance #Z-O-22-01 (statement of consistency included) to rezone 713 NC 9 Hwy from TR-4 to HB-8

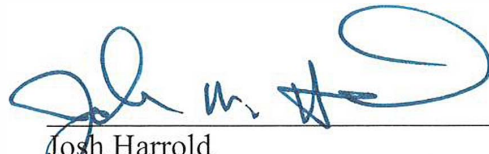
10. COMMUNICATION FROM STAFF

A. Town Attorney – Ron Sneed

B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. ADJOURNMENT



Josh Harrold
Town Manager



PUBLIC NOTICE

BLACK MOUNTAIN TOWN COUNCIL

JUNTA DEL AYUNTAMIENTO

Thursday, March 10, 2022 at 5:00 p.m.
Jueves 10 de Marzo de 2022 a las 5:00 p.m.

The Black Mountain Town Council will meet for their monthly Agenda Workshop Meeting on **Thursday, March 10 at 5:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC.

The meeting is open to the public.
Está abierta al público.

Savannah Parrish
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

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 02/18/2022



PUBLIC NOTICE **NOTICIA PÚBLICA**

BLACK MOUNTAIN TOWN COUNCIL

REGULAR SESSION MEETING **JUNTA DEL AYUNTAMIENTO**

Monday, March 14, 2022 at 6:00 p.m.
Lunes 14 de Marzo 2022 a las 6:00 p.m.

The Black Mountain Town Council will meet for their monthly Regular Session Meeting on **Monday, March 14, 2022 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.
Está abierta al público.

Savannah Parrish
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Town Clerk

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Posted to the Town Bulletin Board 2/18/22



Proclamation

“Mayors’ Monarch Pledge Day”

March 14, 2022

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

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

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

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

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

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain, and on behalf of the Black Mountain Town Council, do hereby proclaim March 14th, 2022 to be

“Monarch Day”

SIGNED this 14th day of March 2022.

Attest:

Larry B. Harris

Savannah Parrish, Town Clerk



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
AGENDA WORKSHOP MEETING MINUTES
February 10, 2022**

THE BLACK MOUNTAIN TOWN COUNCIL held an agenda workshop Thursday, February 10, 2022 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, February 14, 2022 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 – absent

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.

Manager Harrold clarified **that Item 5B – Short Term Rental Discussion** will be a very brief presentation of information. Short Term Rental regulations will be encompassed in the Unified Development Ordinance, which is underway.

Manager Harrold also stated that the property owner is requesting that **Item 9A - Public Hearing for Rezoning of 713 NC 9 Hwy**, be continued to the March 14, 2022 meeting as they can no be present.

There was some discussion among the Town Council and the Town Attorney concerning the history of the Library Board and the process by which members are appointed to that board, and the agreement between the Library Board and the Town Council. Attorney Sneed will explore the matter further to grant clarity on bylaws, processes, and duties of the Library Board.

No items were added to or removed from the agenda.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:11 p.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor



TOWN OF BLACK MOUNTAIN

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

Date: **February 14, 2022** Time: **6:00 p.m.** **Regular Session Minutes**

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1. CALL TO ORDER

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

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

The following staff members were present:

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

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

2. PROCLAMATIONS, AWARDS & RECOGNITION - None

3. CITIZEN COMMENTS

Kevin Melton of 115 Hill St. commented in opposition of the rezoning of 713 NC 9 Highway.

Larry Pearlman of 203 N. Park Lane asked the Town Council to consider adopting a tree ordinance.

Manager Harrold read a comment submitted by email from Nathan West of 537 Brandon Rd. Mr. West encouraged the Town Council to consider improvements to Grey Eagle and other facilities in the upcoming budget.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A.** Black Mountain Police Department Annual Report – Police Chief Steve Parker addressed the Town Council to provide an update on the Black Mountain Police Department. Chief Parker expressed the need for additional officers and technology updated for the department. The report is included and made part of these minutes.

The Black Mountain Library Board was on the agenda to give an annual report; however, their presentation was moved to the upcoming meeting on March 14, 2022 at their request.

- B.** Wellhead Protection Plan Presentation – Public Works Director Jamey Matthews and Debbie Maner, Source Water Protection Specialist at North Carolina Rural Water Association, presented the updated Wellhead Protection Plan to the Town Council. The plan was chosen to receive a Groundwater Implementation and Education, Source Water Protection Award for 2022.
- C.** Presentation of the FY 20-21 Audit – Tim Lyons of the firm Mauldin & Jenkins presented the findings of the 20-21 Audit to the Town Council. The full presentation is included and made part of these minutes. Mr. Lyons stated that, due to staff turnover and other factors, the audit has not yet been submitted; however, the audit team anticipates issuing an unmodified (“clean”) opinion on the basic financial statements. They found no issues of noncompliance. Mayor Harris asked that Mr. Lyons or a member of his team be available to give an update at one of the Council’s budget workshops after the audit has been submitted and accepted.

5. CONSENT AGENDA

Manager Harrold presented the consent agenda to the Town Council.

- A.** Adoption of Minutes

Motion: To adopt the minutes of the January 10, 2022 Regular Session Meeting, the January 6, 2022 Agenda Meeting, the January 28, 2022 Special Call Meeting, and the December 13, 2021 Closed Session Meeting.

Council Member Archie Pertiller moved to approve consent items A-H as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS - None

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Dr. John Wilson Community Garden Barn and Event Facility Discussion

Recreation Director Josh Henderson and Diana McCall, Director of the Dr. John Wilson Community Garden addressed the Town Council concerning the Community Garden Barn that is being proposed. Mayor Harris thanked them for the information and stated that the Town Council would consider the project in more detail at the upcoming strategic planning meeting.

B. Short Term Rental Discussion

Town Manager Josh Harrold presented information on how other municipalities regulate short term rentals. The slides are included and made part of these minutes. No action was taken.

C. Jacobs Cottages Water Line Acceptance

Vice Mayor Ryan Stone moved to accept the water lines in Jacobs Cottages into the Town water system. The motion was approved by a vote of 5-0.

D. Summer Camp Fee Schedule Amendment

Recreation Director Josh Henderson requested the Town Council approve a ten-dollar (\$10.00) weekly fee increase for Summer Camp. The weekly fee would increase from \$180 per child to \$190 per child.

Council Member Archie Pertiller moved to approve the summer camp fee schedule as presented. The motion was approved by a vote of 5-0.

E. Text Amendment Phase II Post Construction Stormwater Ordinance

Planning Director Jessica Trotman stated that the text amendment removed “disturbance” so post-construction permitting is required by the amount of impervious area created. This remains 5,000 square feet. The addition to the ordinance is new, but only clarifying language.

Vice Mayor Ryan Stone moved to approve the text amendment as presented. The motion was approved by a vote of 5-0.

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 Rezoning of 713 NC 9 Hwy #Z-O-22-01

The property is currently TR-4 and the applicant is requesting a zoning designation of HB-8 to allow for commercial use. The Planning Board heard this request at the regular meeting on December 20, 2021 and voted 6-1 to not recommend the HB-8 zoning designation.

Kevin Melton of 115 Hill St. commented in opposition of the rezoning of the property due to concerns about the impact to this neighboring property.

Joe Tyson of 309 N. Dougherty St. commented in opposition of the rezoning, citing concerns about traffic.

Council Member Archie Pertiller moved to continue Agenda Item 9A - Public Hearing for Rezoning of 713 NC 9 Hwy #Z-O-22-01 to the March 14, 2022 Regular Session Meeting. The motion was approved by a vote of 5-0.

10. COMMUNICATION FROM STAFF

The Town Attorney, Ron Sneed, reminded the Town Council that the North Carolina General Assembly is considering legislation concerning Tree Ordinances and Short-Term Rentals. Attorney Sneed will update the Council if there is any movement on those issues in the General Assembly.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Harris reminded the public that the Martin Luther King, Jr. breakfast will be a virtual event taking place in March and encouraged the community to attend.

12. CLOSED SESSION

Vice Mayor Ryan Stone moved to enter closed session to discuss the potential acquisition of property as permitted by North Carolina General Statutes 143-318.11 (5). The motion was approved by a vote of 5-0.

Council Member Doug Hay moved to return to open session. The motion was approved by a vote of 5-0.

13. ADJOURNMENT

Council Member Pam King moved to adjourn the February 14, 2022 Town Council Meeting. The motion was approved by a vote of 5-0.

There being no further business, Mayor Harris adjourned the meeting at 7:43 p.m.

ATTEST:

Savannah M. Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN

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

Date: **March 5, 2022** Time: **9:00 a.m.** **Special Call Meeting Minutes**

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

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 9:01 a.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone - absent
Council Member Archie Pertiller
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
Steve Parker, Police Chief

Manager Harrold introduced Amy and David Smitherman of Bear Strategies. Amy and David were contracted by the Town to lead the Council Members through a discussion of their long-term goals and priorities. This special call meeting was held Montreat College's Black Mountain campus, 213 Vance Avenue.

Each Council Member identified several issues that they feel will need attention in the immediate years to come. Those included staff salaries, increasing the number of positions, infrastructure investment, the greenway project, public safety funding, and the expansion of Parks and Recreation offerings.

The Council Members were also asked to identify accomplishments of the Town they are most proud of. Answers included the improved water system and increased water capacity, the stormwater utility, expanding services such as solid waste, and the rewrite of the town charter.

The Town Council took a five-minute recess at 9:53 a.m.

The meeting facilitators then led the Council Members through more in-depth discussions of their priorities by moving through the implementation matrix of Elevate Black Mountain. There was much discussion among the facilitators, the Mayor, and Council Members on the accomplishments of the town, and what can be improved. Much of the discussion was centered on the need for market wages for town staff in order to retain labor. A pay and classification study was identified as a need, and will be proposed in the upcoming FY 22-23 budget.

The Town Council took a five-minute recess at 11:05 a.m.

Other priorities were identified from each section of the implementation matrix.

Walkable and Livable

- Prioritize and conduct small area, corridor, and neighborhood plans
- Conduct a housing plan

Green and Resilient

- Reduce waste and expand recycling
- Evaluate and update municipal regulations for sustainability

Vibrant Economy

- Develop an economic development strategic plan

Civic Engagement

- Enhance and maintain town's infrastructure and services
- Implement the Parks and Recreation Master Plan

Connected and Accessible

- Implement the Black Mountain Bike Plan
- Implement Greenway Master Plan
- Improve Local Roads

Manager Harrold gave a brief overview of town funds, which referenced the presentation given by Davenport Public Finance on January 28, 2022. That presentation concluded that the town could take on additional debt and still compare favorably to highly rated communities.

The Town Council took a brief recess for lunch at 11:55 a.m.

The discussion of the most pressing needs of the town continued. The facilitators used an informal ballot method to identify the five most important priorities for this Town Council. They were identified as:

- A pay and classification study for town staff.
- Grey Eagle renovations.
- Reducing waste and increasing recycling.
- Pickleball Courts.
- Updating and implementing the Parks and Recreation Master Plan.

Other priorities that fell outside of the top five included accelerating the town's paving program, a facility needs assessment, new full-time employees, and prioritizing electric vehicles.

The Mayor and Council members thanked Amy and David for the productive discussion.

No action was taken during this meeting.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 1:53 p.m.

ATTEST:

Savannah M. Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager

**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 14, 2022**

SUBJECT: Call for Public Hearing to Add Text for Mobile Food Vendors and Mobile Food Vendor Courts
#O-22-02

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5B
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 amendments will also align with the requirements of the Buncombe County Health Department. The Planning Board recommended the amendment at their February 28th meeting.

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, April 11, 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-22-02*

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, April 11, 2022, or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, April 11, 2022, at 6:00 p.m.

The Black Mountain Town Council will meet on **Monday, April 11, 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

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Posted to the Town Bulletin Board 03/17/2021
Published in the Black Mountain News 03/24/2021 and 03/31/2021

www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN

Agenda Item Summary

Meeting Date: March 14th, 2022

SUBJECT: Budget Amendment for the trade of used firearms for Police Department

AGENDA INFORMATION

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

BRIEF SUMMARY:

Budget Amendment to increase the budgeted revenue and expenditure accounts to recognize the trade in of used firearms from the police department. The police department will purchase new firearms needed by the department with the trade-in received on the older firearms..

Budget Impact:

Increase Uniforms	Expense	10-10-5100-360	\$8,885.00
Increase Misc.Revenue	Revenue	10-00-3815-800	\$8,885.00

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:

02/21/22

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
10-00-3815-800	Misc Revenue		\$8,885.00
10-10-5100-360	Uniforms	\$8,885.00	
Total:		\$8,885.00	\$8,885.00

REASON FOR BUDGET AMENDMENT

Trade in of used firearms. The town will use the trade in to purchase new ammo for the use in police department.

Entered by:

Department Head signature:

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

0061-2022

Craig's Firearm Supply Inc.
Police Distributor

5620 Concord Pkwy S., Concord, NC 28027
Phone 980-258-0444/0445

8761 Chapman Highway, Knoxville, TN 37920
Phone 1-800-769-2007

tonyl@craigsfirearms.com

TO: SGT KEVIN FINEBERG

PHONE: 828-231-8273

AGENCY: BLACK MTN PD

EMAIL: kevin.fineberg@townofblackmountain.org

DATE: 01/22/22

Quote will be honored for 60 days.

A copy of this quote must accompany your purchase order.

AGENCIES ARE RESPONSIBLE FOR ALL TAXES

AGENCY ORI NUMBER MUST BE ON ALL PURCHASE ORDERS

Please do not pay from this quote. Invoice will follow.

PART #	ITEM DESCRIPTION	CREDIT	QTY.	EXT.
BMPDLOT1-2022	WHOLESALE BATCH LOT OF SIX (6) SURPLUS CONFISCATED FIREARMS AND COPIES OF COURT RELEASE DOCUMENTS	\$180.00	1	\$180.00
BMPDSURPAMMO2 022	LOT OF 1450 RDS FED 00 BUCK, 1600 RDS FED SLUG, UNOPENED BOXES	\$1,400.00	1	\$1,400.00
UPN1750702	USED GLOCK GEN 3 G17, GNS, 3 MAGS, ASE	\$260.00	8	\$2,080.00
UPG1750702	USED GLOCK GEN 4 G17, GNS, 3 MAGS, CASE	\$285.00	10	\$2,850.00
UPG1950702	USED GLOCK GEN 4 G19, GNS, 3 MAGS, CASE	\$285.00	1	\$285.00
USWMP9	USED S&W M&P, 9MM, NS, 3 MAGS, CASE	\$200.00	1	\$200.00
UMBG500	USED MOSSBERG 500	\$100.00	5	\$500.00
UCT6920	USED COLT AR15, SEMI-AUTO, 16" BARREL	\$275.00	3	\$825.00
U90289	USED BUSHMASTER M4A3 PATROLMANS CARBINE, 5.56 NATO/.223 REM, SEMI-AUTO, 16" BARREL	\$225.00	2	\$450.00
UFN12P	USED F-N 12 GA PUMP SHOTGUN	\$115.00	1	\$115.00

TOTAL

\$8,885.00

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 14, 2022

SUBJECT: Police Department Fee Schedule

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5D
Department:	Police
Contact:	Steve Parker, Police Chief
Presenter:	Steve Parker, Police Chief

BRIEF SUMMARY: The Police Department request that it's Off-Duty payments be routed entirely through the Town of Black Mountain to eliminate any chance of improprieties with on-site payment. With the town taking all payments they will automatically deduct withholdings (SS, taxes). This will lower the amount Officers receive which could lead to making it more difficult to get officers to sign-up for request. The Police Department request changing the fee to \$50 an hour with a 4-hour minimum.

With COVID, Officers shortages, and constant training requirements, Law Enforcement has found it extremely challenging to fulfill overtime request at low payment rates.

Fee Change

Officer/ Supervisor Per Hour (More than 7 days' notice) 4-hour Minimum - \$50.00 per hour
Officer/Supervisor Per Hour (Less than 7 day's notice) 4-hour Minimum - \$70.00 per hour
Vehicle Per request \$20 per OT assignment

MOTION FOR CONSIDERATION: To approve and adopt the Police Department Fee Schedule presented.

FUNDING SOURCE:

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approve and adopt the Police Department Fee Schedule presented.

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

Meeting Date: March 14, 2022

SUBJECT: Recreation Pool Fee Schedule Amendments

AGENDA INFORMATION

Agenda Location: CONSENT
Item Number: 5E
Department: Administration
Contact: Josh Henderson, Recreation Director
Presenter: Josh Henderson, Recreation Director

BRIEF SUMMARY: In an effort to attract applicants and compete with other part-time job pay rates, we are seeking rate increases for our pool staff. Pool staff rates have not been increased since 2018.

In addition, there are currently no group rates for the Black Mountain Pool in the recreation fee schedule. Over the past few year's groups (10-40 persons) have been required to purchase family passes to cover the number of individuals in their group or pay a daily admission fee for everyone within the group. The establishment of these rates will benefit the summer camps, conference groups, childcare facilities, and others in our community such as the Black Mountain Children's Home, and Black Mountain Academy.

Lastly, we would like to make an additional fee schedule adjustment by increasing the daily lap swim rate from \$1 to \$2 and adding an unlimited lap swim pass for \$75. Lap swim is one of our most popular programs and is generally maxed out each session.

MOTION FOR CONSIDERATION: Approve the fee schedule amendments for the Black Mountain presented.

FUNDING SOURCE: N/A

ATTACHMENTS: 2022 Pool Budget Amendments

MANAGER'S COMMENTS AND RECOMMENDATIONS:

2022 Pool Pay-Rate Increases

Pool Manager: \$15hr => \$16.48hr

Asst Manager Lead: \$12hr => 13.39hr

Asst Manager PT: \$12hr => \$13.39hr

Senior LG: \$10hr => \$11.33hr

LG: \$9hr => \$10.56hr

Concessions: \$7.50hr => \$7.98hr

2022 Pool Group Rates11-19 Persons

1x visit: \$60

3x visit: \$130

Unlimited: \$500

20-40 Persons

1x visit: \$120

3x visit: \$250

Unlimited: \$950

Lap Swim Fee Increases

Daily Admission: \$1 => \$2

Lap Swim Unlimited Pass: \$75 NEW



Resolution R-22-02
By the Town of Black Mountain
In Support of the Asheville-Buncombe Sports Complex

WHEREAS, it is consistent with the mission of the Town to provide recreational opportunities for its citizens; and

WHEREAS, it is in the interest of the Town to have healthy and productive citizens; and

WHEREAS, the Town seeks to grow its tax base through such initiatives as the Black Mountain Commerce Park; and

WHEREAS, the Asheville-Buncombe Sports Complex plans to be the anchor tenant for the new commerce park hence encouraging its full development; and

WHEREAS, the Sports Complex will attract tourists to Black Mountain and eastern Buncombe County with an annual economic impact of \$46 million in direct spending in the facilities the first 5 years; and

WHEREAS, it is anticipated that more than 59,000 individuals within a 90 minutes' drive will use the facility annually; and

WHEREAS, the construction of the Sports Complex will bring employment to the Town and Buncombe County; and

WHEREAS, the not-for-profit Sports Complex will reduce the burden of government in providing recreational opportunities.

Now therefore it is resolved that the Town of Black Mountain fully supports the creation of the Asheville-Buncombe Sports complex.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this 14th day of March, 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk



Resolution R-22-03

In Support of Ukraine

March 14, 2022

WHEREAS, the sovereign nation of Ukraine has been invaded by Russian military forces without cause, and;

WHEREAS, Black Mountain, NC joins in offering whatever support can be provided to our Ukrainian friends and neighbors, and condemns the crimes and atrocities that are being perpetrated on the people of Ukraine, and;

WHEREAS, countless civilians and military personnel have been injured and killed by indiscriminate shelling and bombing instigated by Russia's authoritarian regime, and;

WHEREAS, the invasion of Ukraine and attacks against its people have been broadly condemned by US President Joseph Biden, leadership of the European Union, Great Britain and numerous other countries, and;

WHEREAS, hundreds of thousands of people around the world have marched in the streets to condemn these acts of violence and to show their support for the Ukrainian people;

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain, in prayer and hope for the people of Ukraine, do hereby resolve that the Town of Black Mountain stands in solidarity with our Ukrainian neighbors as well as the people of Ukraine, as they bravely defend their country, their freedom and their lives.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this 14th day of March, 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

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

Meeting Date: March 14, 2022

SUBJECT: Recreation Summer Camp Personnel Budget Amendments

AGENDA INFORMATION

Agenda Location: CONSENT
Item Number: 5H
Department: Administration
Contact: Josh Harrold, Town Manager
Presenter: Josh Henderson, Recreation Director

BRIEF SUMMARY: In 2021 we were unable to hire any summer camp staff and ran the program with reduced numbers, with staff in-house. This put a huge strain on our department with the summer months being some of our busiest with other programs and events taking place.

Positions for 2022 were posted on February 1st and there are currently no applicants. Without a staff for 2022 we be unable to host summer camp this year. Registration is set to open on March 26th and will need to be pushed back until we have some applicants or a staff in place. Delaying registration puts a strain on families seeking childcare options for the summer months.

MOTION FOR CONSIDERATION: Approve the personnel budget amendments for summer camp as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: 2022 Summer Camp Personnel Budget Amendments

MANAGER'S COMMENTS AND RECOMMENDATIONS:

2022 Summer Camp Pay-Rate Increases

Current Counselor Pay-rate: \$12 an hr

Proposed Increase: \$15 an hr

RESOLUTION #R-22-01

RESOLUTION TO AMEND SECTION C-6 OF THE CODE OF ETHICS FOR THE GOVERNING BODY OF THE TOWN OF BLACK MOUNTAIN

WHEREAS, the Town of Black Mountain did adopt a Code of Ethics For the Governing Body of the Town of Black Mountain by passage of Resolution #R-10-17 in 2010; and

WHEREAS, since the adoption of that Code, the state legislature did adopt Chapter 160D of the North Carolina General Statutes which added some more stringent conflict of interest requirements for municipal boards and commissions, including the governing board; and

WHEREAS, the Code of Ethics adopted in 2010 required town council members to disclose information that exceeded the legal requirements for disclosing potential conflicts; and

WHEREAS, the existing Code of Ethics For the Governing Body of the Town of Black Mountain needs to be updated to conform to current law and to remove unnecessary disclosure requirements.

NOW, THEREFORE, Section C-6 of the Code of Ethics For the Governing Body of the Town of Black Mountain is hereby revoked and the following new Section C-6 is hereby adopted to amend that Code, and Section C-6 shall now read as follows:

Section C-6. A Town Council Member Should Regulate His or Her Extragovernmental Activities to Minimize the Risk of Conflict with His or Her Official Duties

- A. It is acknowledged that board members have legitimate economic, professional, vocational and personal interests of a private nature. Council members should not be denied, and should not deny to other board members, the opportunity to pursue private interests, except when one's private interests conflict with applicable laws or his/her official responsibility to the public. Information acquired by council members in their official capacity may not be used or disclosed in personal financial dealings or for any other purpose not related to his or her official public duties.
- B. Council members shall inform themselves of all applicable campaign finance and conflict of interest laws, adhere scrupulously to the provisions therein, refrain from financial and business dealings that may reflect adversely on the board or Town government or interfere with proper performance of official duties, and manage their personal financial interests to minimize the number of instances in which they must abstain from voting on matters coming before the Board.
- C. Board members shall, at the first regular meeting following municipal elections after having taken the oath and assumed office, and at least annually thereafter, file with the Town Clerk, a written, signed disclosure statement:

i. Describing any interest the member, or his/her spouse or domestic partner, has in real property that is expected to be developed or changed in use in the upcoming year situated in whole or in part in the Town of Black Mountain, and the general description and location of that property; AND

ii. Describing any legal, equitable, beneficial or contractual interest the member, or his/her spouse or domestic partner, other close family member or close business associate has in any business, firm or corporation, which is currently conducting business within the Town of Black Mountain pursuant to contracts awarded by the Town of Black Mountain, or is attempting, or has attempted within the past calendar year, to secure the award of a bid from the Town of Black Mountain.

This amendment shall be effective upon adoption.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this 14th day of March, 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 14, 2022

SUBJECT: Administration Agreement with NCDOT for Ninth Street Bridge

AGENDA INFORMATION

Agenda Location:	CONSENT
Item Number:	8B
Department:	Planning and Development
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: This is an agreement for NCDOT to administer the Ninth Street Bridge replacement project. Each agreement will be completed by phase, PE/ROW/Construction. This agreement is for PE only. It represents a 80/20 cost share with an estimate match of \$40,000 for the PE phase.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: Contract

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

ACCOUNTS RECEIVABLE AGREEMENTS

PAYMENT TERMS AND METHODS



Please refer to your Agreement's Payment Terms to correctly remit any payment due to the Department.

<u>PAYMENT TERMS:</u>	<u>PAYMENT TIMING:</u>
PAYMENT UPON AGREEMENT EXECUTION	Please submit the amount of agreed upon payment via one of the below methods once you have received notice of execution of the Agreement.
PAYMENT PRIOR TO LETTING (OR START OF PHASE)	You will be notified by the Project Manager when payment will be due. Please remit payment within 60 days of notification.
PAYMENT UPON BILLING	The Department will bill at the completion of the Project (or when defined in the Agreement). All payments are due within 60 days of invoicing.

NOTE: You may pre-pay any portion of an estimated cost, prior to Departmental Billing. The Department will adjust final billing to account for any pre-payments made.

LATE PAYMENTS AND INTEREST RATES:

For payments not received within 60 days, the Department must charge a statutory interest rate of prime plus one percent (1%) on all Utility Relocation Agreements. For any other Receivable Agreement, the Department may charge a late fee and/or interest.

PAYMENT METHODS

1. **SEND PAYMENT BY CHECK** OR

MAIL TO:

NCDOT – Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

INCLUDE:

- Agreement ID (10000xxxxx)
- WBS Element

2. **SEND PAYMENT VIA ACH (Automated Clearinghouse)**

Initiate ACH through your bank* and send an e-mail to:

- ✓ Judith Dever - jadever@ncdot.gov
- ✓ Kay Lee - klee@ncdot.gov

INCLUDE:

- Agreement ID# (10000xxxxx)
- WBS Element
- Amount of Payment

**If you need NCDOT's Account information, contact Tammy Court at tlcourt@ncdot.gov*

Failure to follow the above steps and remit payment per the terms in the Agreement may result in delays to project delivery. Please contact your Division Project Manager for questions regarding payment terms.

AGREEMENT OVERVIEW

DATE: 1/10/2022

NORTH CAROLINA
BUNCOMBE COUNTY

PROJECT NUMBERS

TIP NUMBER: HL-0013
WBS ELEMENTS: 49469.1.1

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

TOWN OF BLACK MOUNTAIN

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT: This project consists of the design for the replacement of municipal bridge 522 located on 9th Street in Black Mountain.

COSTS TO OTHER PARTY: \$40,000.00

ESTIMATED COST OF THE PROJECT: \$200,000.00

DEPARTMENT'S FUNDING: \$160,000.00

PAYMENT TERMS: Municipality provides check upon signing agreement.

MAINTENANCE: The Municipality will be responsible for the roadway and structure after construction is completed.

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

This **AGREEMENT** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the **Town of Black Mountain**, hereinafter referred to as the **Municipality**

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-66.1 and 136-66.3; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the Parties, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the Parties hereto for the purposes of this Agreement; and,

WHEREAS, the **Municipality** has requested that the **Department** perform work or provide services; and,

WHEREAS, the Parties hereto wish to enter into an agreement for scoped work to be performed or provided by the **Department** (including reviews, goods or services) with reimbursement for the costs thereof by the **Municipality** as hereinafter set out; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

II. STANDARD PROVISIONS

Agreement Modifications

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

Assignment of Responsibilities

The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

Agreement for Identified Parties Only

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

Other Agreements

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

Authorization to Execute

The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.

Debarment Policy

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Entity certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

Indemnification

To the extent authorized by state and federal claims statutes, the Entity shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the Department, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Agreement. The Department shall not be liable and shall be held harmless from any and all third party claims that might arise on account of the Entity's negligence and/or responsibilities under the terms of this agreement.

Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

Gift Ban

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

III. RESPONSIBILITIES

- I. The **Department** and/or the **Municipality** shall be responsible for all phases of project delivery to include planning, design, right of way acquisition, utility relocation, and/or maintenance as shown in the **PROJECT DELIVERY** Provision.
- II. The **Municipality** shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

IV. PROJECT DELIVERY REQUIREMENTS

PLANNING, DESIGN, AND CONSTRUCTION

The **Department** will be responsible for preparing the environmental and/or planning document, obtaining any environmental permits and preparing the project plans and specifications.

The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract for said Project. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

RIGHT OF WAY ACQUISITION

The **Department** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

MUNICIPAL UTILITY RELOCATIONS

The **Municipality** shall be responsible for the relocation and adjustment of all municipally-owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately- or publicly-owned utilities.

MAINTENANCE

Upon completion of the Project:

- a. The **Department** shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highway," and department criteria.
- b. The **Municipality** will be responsible for the roadway and structure after construction is completed.

OTHER REQUIREMENTS

V. COSTS AND FUNDING

The **Municipality** shall reimburse the **Department** 20% of the actual cost of all work performed by the Department, including administrative costs. Based on the estimated cost of \$200,000 the Municipality shall submit a check for \$40,000 to the Department's Fiscal Section upon full execution of this Agreement. Both parties understand that this is an estimated cost and is subject to change.

Upon completion of the Project, if actual costs exceed the amount of payment, the **Municipality** shall reimburse the **Department** any underpayment within sixty (60) days of invoicing by the **Department**. The **Department** will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23. If the actual cost of the work is less than \$40,000 the Department will reimburse the **Municipality** any overpayment.

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

Town of Black Mountain

FED TAX ID NO: _____

REMITTANCE ADDRESS:

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

**If applicable, this Agreement has been
pre-audited in the manner required by
the Local Government Budget and Fiscal
Act:**

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 2/3/2022 (DATE)

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 14, 2022

SUBJECT: Pet and Other Waste Ordinance and Definition

AGENDA INFORMATION

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

BRIEF SUMMARY: The stormwater management plan, required by the NPDES permit require review of ordinances related to the management of fecal coliform. The environmental regulations lacked specific ordinances related to fecal coliform management. This ordinance meets the requirements of the stormwater management plan by prohibiting pet waste from being left in public space. It also includes a section to prohibit things like yard waste from entering the stormwater system, including open ditches.

MOTION FOR CONSIDERATION:

FUNDING SOURCE: N/A

ATTACHMENTS: Draft ordinance

MANAGER’S COMMENTS AND RECOMMENDATIONS: To approve the ordinance as presented.

ORDINANCE NO. #O-22-01

AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8.4, ILLICIT DISCHARGE, TO ADD TEXT FOR PET WASTE AND OTHER WASTE, AND CHAPTER 1, SECTION 1.2.3, DEFINITIONS, TO ADD A DEFINITION OF POSITIVE DRAINAGE

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

NOW, THEREFORE, BE IT RESOLVED Chapter 8, Section 8.4 is amended with the following (additions are underlined in bold underline and deletions are shown as red struck text):

Chapter 8.4

Part 2. Other Prohibited Waste

Section 8.4.7 Domestic animal waste.

- (a) Findings. Pet waste is a serious water quality and public health issue for the Black Mountain community. Stormwater runoff washes bacteria, parasites, viruses, and nutrients from pet waste directly into our waterways. Poor water quality caused by pet waste can cause recreational swimming advisories, algal blooms, low dissolved oxygen levels, and impaired aquatic habitat. Fecal coliform bacteria, found in the feces of warm-blooded animals, can indicate that water is unsafe for human contact like fishing, swimming, and drinking. Many diseases can be spread to humans from pet waste as well. A strong pet waste ordinance encourages citizens to be responsible for cleaning up their animal's waste in order to keep our waterways clean and safeguard public health.
- (b) Restrictions on domestic animal waste.
 - 1) No person in custody or control of any animal shall allow said animal to discharge any fecal matter on any public property unless the person in custody or control of said animal immediately and fully removes and disposes of the feces. Such public properties include, but are not limited to, streets, sidewalks, plazas, parks, rights-of-way, paths, public access areas, storm drains, ditches, streams, creeks, drainageways, other publicly owned property, and dedicated and officially accepted easements.
 - 2) It shall be unlawful for the owner or custodian of any animal to take it off its own property without the means to properly and immediately remove and dispose of the animal's feces from any public property. "Means to properly and immediately remove and dispose of the animal's feces" shall consist of having on one's person a device such as a plastic bag or other suitable "scooper," that can be used to fully clean up and contain the animal's waste until it can be deposited in a closed trash receptacle or other appropriate refuse container. Such a device must be produced and shown upon request to anyone authorized to enforce this ordinance.

- 3) This provision shall not apply to a service animal accompanying a person with a disability or to an animal being used by law enforcement officers when doing so would prevent the officers from carrying out their official responsibilities.
- 4) "Public nuisance" is defined to include "any animal which deposits feces on public property when the person owning, possessing, harboring or having the care, charge, control, or custody of the animal fails to remove the feces so deposited. Section

8.4.8 Debris in stormwater drainage system.

- (a) Findings. Yard waste such as leaves, grass clippings, and soil/sediment can cause significant water quality problems when it is blown or directed into the stormwater system. Water quality problems include algal blooms and aquatic weed growth, oxygen depletion, fish kills, and impaired aquatic habitat. In addition, when the stormwater system is clogged with yard waste it can cause street and property flooding.
- (b) Restrictions on debris.
 - 1) It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the town, including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the town. A violation of section 8.4.8 shall constitute a civil penalty in the amount of \$50.00 a day, with each day being a separate and distinct violation..
 - 2) It shall be the duty of all property owners within the town to take adequate precautions on their property to ensure positive drainage on their property. Such drainage may be provided either through natural or artificial drains found to be adequate by the Public Works Director or his/her designee. The owner shall keep all ditches, drains, swales, and drainage routes free from obstructions which would impede the flow of water.
 - 3) When it shall appear to the Public Works Director or his/her designee that drainage facilities or drainageways on any private property are, for any reason, inadequate and prior notice has not resulted in correction of problem conditions, he shall notify the owner of the property by registered or certified mail what corrective measures are required to render the drainage adequate. The notice to the owner shall specify a reasonable time within which the corrective measures should be taken. Notice to the owner whose address is unknown shall be given to the person in whose name the property is listed for taxation at the address shown on the tax records or to the agent of the owner whose name appears upon the tax records.
 - 4) If such corrective measures are not taken as required in the notice to the owner, the Public Works Director or his/her designee, upon approval by the town council, may enter upon such premises and take the corrective measures required and the town council may assess the cost thereof against

- the owner of the property and such assessment shall become a lien on the property with the same prorating to be collected as unpaid ad valorem taxes.
- 5) Any condition in violation of this section shall constitute a public nuisance, subject to abatement as set forth in Section 1.10.8 of the Land Use Code.
- 6) The following are preferred best management practices (BMPs) for yard waste and debris:
- a. Prevent yard waste and debris from entering the street, storm drain, ditch, or other parts of the drainage system.
 - b. Direct or blow yard waste back onto a lawn or landscape area.
 - c. Sweep, rake, and/or collect yard waste instead hosing/sweeping off of driveways, sidewalks or other impervious surfaces.
 - d. Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner ("grass cycle").
 - e. Compost yard debris for use in the lawn, garden, or landscape.
 - f. Collect and contain yard waste for town collection service according to specific yard waste collection policies. Do not use the town trash cart for yard waste or debris.
 - g. Collect and dispose of waste at a legally authorized yard waste collection facility.

Chapter 1

Section 1.2.3. Definitions:

Positive Drainage: The construction of systems that slope in a way that allows for water to be directed away from the structure.

READ, APPROVED AND ADOPTED by a vote of _____ to _____ this the 14th day of March, 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk



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: Chloe Pavline Riddle DATE: 2/16/2022

PREFERRED NAME: Chloe Riddle

HOME ADDRESS: 112 Brookhaven 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): chloeptheadway@gmail.com

PHONE NUMBER(S): MAIN 828 775 0833 EMERGENCY 828 775 0833

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: Board of Adjustment 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.

As a lifelong resident of the Town of Black Mountain I care very deeply about the towns future and progression. I want to uphold and maintain the standards and values of our town while seeing appropriate growth and progress. As a member of this board I strongly believe I can do so and help our town flourish for years to come.

EDUCATION & CERTIFICATIONS

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

Charles D Owen High School class of 2010
Various AB Tech classes

EXPERIENCE & CIVIC INVOLVEMENT

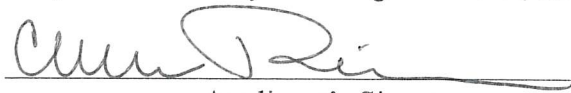
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

While I am new to our local government I am a local business owner. My business is an active member of the Black Mountain Swannanoa Chamber of Commerce. I have experience working with the public, both local and tourists, and all members of the community. I have also served on the board at Black Mountain Presbyterian Weekday School for two years. I am also an active member of the Black Mountain Primary School PTO.

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

2/16/2022
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 TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: March 14, 2022

SUBJECT: Public Hearing for Rezoning of 713 NC 9 Hwy - Continued

#Z-O-22-01

AGENDA INFORMATION

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

BRIEF SUMMARY: Steve Holland has purchased 713 NC 9 Hwy (PIN #: 0619-31-1541.00000). The property is currently TR-4 and the applicant is requesting a zoning designation of HB-8 to allow for commercial use. The Planning Board heard this request at the regular meeting on December 20, 2021 and voted 6-1 (Kathy Phillips voting against) to not recommend the HB-8 zoning designation as there is an unknown impact to the neighbors, a problematic traffic situation, unknowns about the DOT roundabout project and the possibility of unconventional development. The Planning Board believes this area will become more commercial over time but hope that the roundabout will be finished before advancing that change.

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezoned 713 NC 9 Hwy from TR-4 to HB-8.
2. To close the public hearing.
3. To adopt ***Zoning Ordinance #Z-O-22-01*** (statement of consistency included) to rezone 713 NC 9 Hwy from TR-4 to HB-8.

FUNDING SOURCE: N/A

ATTACHMENTS: ***Zoning Ordinance #Z-O-22-01***, Rezoning Application, Rezoning Map, Aerial Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt ***Zoning Ordinance #Z-O-22-01*** to rezone 713 NC 9 Hwy as presented.

ORDINANCE NO. #Z-O-22-01

**AN ORDINANCE AMENDING THE ZONING MAP FOR PROPERTY LOCATED AT
713 NC 9 HWY**

WHEREAS, the Town of Black Mountain has the authority pursuant to Article 6 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance No. #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on January 11, 2010, Ordinance No. #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town and is determined to be reasonable and in the public interest for the following reasons:

- a. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan or elements thereof.
- c. The impact to the adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconveniences or harm to the community.
- d. The allowed uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BLACK MOUNTAIN
TOWN COUNCIL THAT:**

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0619-31-1541.00000, recorded in Deed Book 6127, Page 1281 and currently owned by Steven R Holland 401K Profit Sharing Plan; Acquisition Concepts LLC, from Town Residential (TR-4) to Highway Business (HB-8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part thereof.

This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 14th day of March, 2022.

Savannah Parrish, Town Clerk

Larry Harris Mayor

Approved as to form

Buncombe County



November 22, 2021

1:1,128
0 0.0075 0.015 0.03 mi



Town of Black Mountain, NC
Zoning Change Request
0619-31-1541
TR-4 to HB-8

-  HB-8
-  TR-4
-  TND

