



TOWN OF BLACK MOUNTAIN

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

Date: October 10, 2022 Time: 6:00 p.m.

Regular Session Agenda

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

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

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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 – Cheryl Wilson, Executive Director – Swannanoa Valley Christian Ministry
- Pledge of Allegiance
- Announcements
- Ethics Statement: *In accordance with the Code of Ethics adopted by the Council, all council members have a duty to conduct the affairs of the governing board in an open and public manner free of conflicts of interest. Is there any item on the agenda the outcome of which will have a direct, substantial, and readily identifiable financial impact for any Council member, his or her family or close business associates? Does any council member have a financial interest in any public contract coming before this Council today?*

There being none all Board members have a duty and obligation to vote.

2. PROCLAMATIONS, AWARDS & RECOGNITION

- A. Presentation of the North Carolina League of Municipalities Law Enforcement Risk Review to the Black Mountain Police Department - Matthew A. Selves – Public Safety Risk Management Consultant with the North Carolina League of Municipalities

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. Annual Stormwater Report – Jessica Trotman and Anne Phillip
- B. Town Square Use Policy Discussion – Attorney Ron Sneed

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 September 8, 2022 Agenda Meeting, the September 12, 2022 Regular Meeting, the September 12, 2022 Closed Session Meeting, and the revised minutes of the August 4, 2022 Closed Session Meeting.*

Consent Motion: *To approve consent item A 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. Resolution for Demolition of 621 Padgettown Road #R-22-20

Motion: *To authorize demolition of the structure and authorize town staff to contract for and carry out the demolition of the structure.*

- B. Water Billing Policy

Motion: *To approve the revised water billing policy as presented or amended.*

C. Padgettown Place Water Line Acceptance

Motion: *To accept the water lines in Padgettown Place into the Town water system.*

D. Town Council Subcommittee Policy Discussion

E. Bike Boulevard Montreat Road Crossing Update

Motion: *To approve or deny moving forward with the bike and Americans with Disabilities Act compliant pedestrian improvements.*

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.*

10. COMMUNICATION FROM STAFF

A. Town Attorney – Ron Sneed

B. Town Manager – Josh Harrold

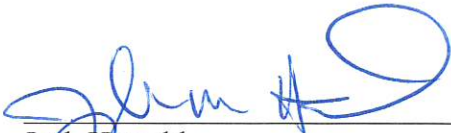
11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. CLOSED SESSION

A. Closed Session to consult with the Town Attorney as permitted by North Carolina General Statute 143-318.11(3)

Motion: *To enter into Closed Session as permitted by NC General Statute 143-318.11(3).*

13. ADJOURNMENT



Josh Harrold
Town Manager

**Black Mountain Recreation & Parks
Town Square Use Policy**

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

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

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

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

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

PARKING: No overnight parking.

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

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

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

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

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

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

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

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

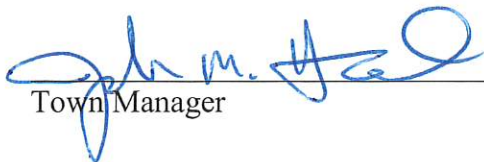
DISORDERLY CONDUCT: No person shall use abusive, profane or insulting language, unreasonably disturb or annoy others, or do any act amounting to or with the intent to a breach of peace or conduct himself in any disorderly manner.

GAMBLING: Gambling or betting in any form is prohibited.

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

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

READ, APPROVED AND ADOPTED, by a vote of 5 to 0, this the 12th day of April, 2021.



Town Manager



Town Clerk



**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
AGENDA WORKSHOP MEETING MINUTES
September 8, 2022**

THE BLACK MOUNTAIN TOWN COUNCIL held an agenda workshop Thursday, September 8, 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, September 12, 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 – absent
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.

Item 8D – Resolution for Demolition of 621 Padgettown Road was removed from the agenda.

The Town Manager requested that item 8D be added as Water Policy Updates. Staff would like to amend the water policy to provide authority to the Town Manager or his/her designee to waive certain fees due to unforeseen circumstances.

Council Member Doug Hay requested that two items be added to the agenda, a discussion of the allocation of American Rescue Plan Act Funds and Forming Town Council Subcommittees. The items were added as 8E and 8F, respectively.

Council Member Archie Pam King moved to approve the agenda as amended. The motion was approved by a vote of 4-0.

2. ADJOURNMENT

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:14 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: **September 12, 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
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

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

Mayor Harris welcomed the public and led the room in a moment of silence. Mayor Harris then read the ethics statement and reminded the public of the Council's duty to vote, save a conflict of interest.

2. PROCLAMATIONS, AWARDS & RECOGNITION

A. Mayor Harris recognized the United Nations International Day of Peace with a Proclamation.

3. CITIZEN COMMENTS

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. Jamey Matthews presented the 2021 Annual Streets and Parks Report to the Town Council. The presentation is included as an attachment to these minutes.

5. CONSENT AGENDA

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

- A. Adoption of Minutes

Motion: *To approve the minutes of the August 8, 2022 Regular Session Meeting, the August 4, 2022 Agenda Meeting, the August 4, 2022 Special Meeting the August 4, 2022 Closed Meeting.*

- B. Resolution to Apply for Grant Funding for Fall 2022 Stormwater and Water Infrastructure Funding **#R-22-20**
- C. Resolution of Support for MPO Application for Safe Streets for All Action Plan Funding from USDOT **#R-22-21**

Council Member Doug Hay moved to approve consent item A-C as presented.

6. CITIZEN COMMENTS

Theresa Fuller - 207 Rhododendron Ave spoke of her concerns regarding Lake Tomahawk. Ms. Fuller's complete comments are included as an attached to these minutes.

Phil Bisesi - 15 Highview Drive requested changes to the International Day of Peace Proclamation.

Suzanne Sutherland – 217 Valley Ridge Lane encouraged the Town Council to prioritize efforts to address the climate crisis, specifically an adopted and published Climate Action Plan.

Jean Franklin, a representative of The Earth Care Team of Black Mountain Presbyterian Church spoke in support of Suzanne's comments.

Steffi Rausch, Organizer for Citizens' Climate Lobby also spoke of climate change concerns and urged the Town Council to take local action.

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Approval of the Stormwater Master Plan

Jake McLean, a project manager with Wildlands Engineering, presented the council with the stormwater master plan. This plan takes a holistic view of the stormwater system and program in consideration of both the communities concerns and the regulatory environment from the NPDES permit and the associated stormwater management plan. This document considers and defines level of service, maintenance improvements, traditional stormwater pipe system, flood mitigation and environmental planning and engineering efforts that also improve water quality. The plan was created using existing data, extensive data collection efforts with the community to identify areas of concern, a working group, collaboration with Public Works, and a public survey.

Council Member Pam King moved to adopt the Stormwater Master Plan as presented. The motion was approved by a vote of 5-0.

B. Public Parking Space Closure Policy

The Town Manager received a request to close a parking space in a Town owned parking lot located off of Broadway Street. The parking space affronts a business owned by John Richardson, who is making the request to make access to the business easier. Manager Harrold presented a list of suggestions to guide the decision-making process at the August 8, 2022 Regular Meeting and has expanded those into a policy format.

Council Member Archie Pertiller moved to approve the Public Parking Space Closure Policy as presented. The motion was approved by a vote of 5-0.

C. Selection of Parks and Recreation Master Plan Consultant

The Town sought requests for proposals for the development of a comprehensive recreation master plan intended to identify the current state of recreation parks, facilities, programs, and services to drive future planning and growth through citizen input, with consideration from national and state trends. After scoring the received proposals, the Town Manager and Parks and Recreation Director recommend moving forward with McGill and Associates.

Council Member Doug Hay moved to approve the acceptance of the recommended firm to complete the comprehensive recreation master plan. The motion was approved by a vote of 5-0.

D. Water Policy Updates

Town staff would like to amend the water policy to provide authority to the Town Manager or his/her designee to waive certain fees due to unforeseen circumstances. Staff also hears concerns from citizens regarding billing due dates as well as when we disconnect customers for non-payment. Manager Harrold was directed by Town Council to draft an amendment to the water policy for the next regular session meeting.

E. Discussion of Future Date to Determine Allocation of American Rescue Plan Act Funds

The Town Council directed the Town Clerk to poll the council in order to find an agreeable date to hold a special call meeting to discuss the allocation of American Rescue Plan Act Funds.

F. Discussion of Forming Town Council Subcommittees

The Town council directed the Town Manager and the Town Clerk to explore the idea of Council Subcommittees and to return to the Council with a proposed policy.

9. PUBLIC HEARING

A. Public Hearing to Amend Text for Residential Uses in the Central Business District #O-22-07

Council Member Archie Pertiller moved to open the public hearing for Ordinance #O-22-07 for amendments to the Central Business District for residential uses. The motion was approved by a vote of 5-0.

The Town Council directed the Planning Board to look at amending the table of permitted uses to remove the allowance of residential uses at street level. The Planning Board reviewed the proposed amendment and recommended that single family and two-family residential uses be removed completely while multi-family uses be allowed above street level. The Planning Board voted 7-0 to recommend the amendment.

Staff review finds there are 10 single family dwellings that will become non-conforming. These are concentrated on Vance Avenue and Ridgeway Avenue. These would become legally non-conforming. This means the property owner and any future property owner can maintain the use as a single-family dwelling until they choose to change to something non-residential

Council Member Pam King moved to close the public hearing. The motion was approved by a vote of 5-0.

Council Member Doug Hay moved to adopt Ordinance #O-22-07 as presented. The motion was approved by a vote of 4-1 with Council Member Christy voting against.

10. COMMUNICATION FROM STAFF

Town Manager Josh Harrold reminded the public of the Beautification's Litter Sweep, to be held on Saturday, October 1, 2022. The Town Manager also announced Citizen Academy would begin on September 19th with fourteen participants.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Council Member recognized Hispanic Heritage Month.

Council Member Pam King announced to the public that the process of evaluating the Town Manager's performance was being enhanced.

12. CLOSED SESSION

- A.** Closed Session to Discuss the Acquisition of Property as Permitted by North Carolina General Statute 143-318.11(5)

Council Member Archie Pertiller moved to enter into Closed Session as permitted by NC General Statutes. The motion was approved by a vote of 5-0.

Town Council returned to open session at 7:49 p.m.

13. ADJOURNMENT

There being no further business, Mayor Harris adjourned the meeting at 7:49 p.m.

ATTEST:

Savannah Parrish Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager

**TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: October 10, 2022**

SUBJECT: Resolution for Demolition of 621 Padgettown Road

#R-22-20

AGENDA INFORMATION

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

BRIEF SUMMARY: In January of 2022, town staff began conversations with the property owner concerning the condition of the structure located on her property. Several complaints from neighbors were received concerning the safety of the general public. Town staff inspected the property and found numerous life safety issues. The property owner was given ample time to correct the issues and failed to do so. A hearing was held before the building inspector and the opportunity for appeal was presented. The town has received no further communication from the property owner since July 8, 2022.

MOTION FOR CONSIDERATION: To authorize demolition of the structure and authorize town staff to contract for and carry out the demolition of the structure.

FUNDING SOURCE: N/A

ATTACHMENTS: *Resolution #R-22-20*, pictures

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

RESOLUTION #R-22-20

RESOLUTION AUTHORIZING DEMOLITION OF 621 PADGETTOWN ROAD (Single-Family Residence) AND IMPOSITION OF LIEN TO RECOVER TOWN COSTS

WHEREAS, the Town of Black Mountain (“the Town”), has received several complaints about life safety issues and potential code violations in the recent past regarding the structure located at 621 Padgettown Road, Black Mountain, North Carolina, which property is owned by Judith Ann Lewis Jones (“the Property Owner”), through Deed recorded in Book 009E, Page 0820, Buncombe County, North Carolina Registry (“the subject property”); and

WHEREAS, the concerns identified have included electrical deficiencies, fire hazards, structural deficiencies, structural failure and other code violations that present clear life safety issues for occupants of the structure; and

WHEREAS, the Town staff first began communications with the Property Owner of the subject property as early as January 2022 regarding the hazardous conditions of the subject property; and

WHEREAS, in January 2022, Town staff inspected the property and the structure located thereon, identified several deficiencies to be corrected, and notified the Property Owner by certified mail first class mail dated January 27, 2022, to correct all deficiencies. The Property Owner did not sign for the certified letter and a copy of the letter was posted to the subject property; and

WHEREAS, the Property Owner took no remedial action between January 2022 and June 2022, and the structure remained unsafe and hazardous to the health and safety of the citizens of the Town; and

WHEREAS, since the serious deficiencies had not been addressed and the subject property had deteriorated further, on June 23, 2022, the Building Inspector sent the Property Owner notice of hearing for a condemnation procedure pursuant to N.C.G.S. §160D-1121 to be held on June 30, 2022, and the Property Owner received this notice by first class mail and by certified mail on July 5, 2022; and

WHEREAS, the June 30, 2022, hearing was postponed, and a second letter was sent by first class mail and certified mail dated July 01, 2022, was sent to the Property Owner to give notice of hearing for a condemnation procedure pursuant to N.C.G.S. §160D-1121; said hearing to be held on July 08, 2022; and

WHEREAS, the Town staff conducted a formal hearing without the Property Owner not present on July 08, 2022. At said formal hearing, the Building Inspector issued a formal order to demolish the structure on the Subject Property within thirty (30) days; and

WHEREAS, on July 8, 2022, the Town issued a formal order requiring the Property Owner to demolish the structure within a thirty (30) day deadline after receipt of the formal Order. Said formal Order was sent via first class mail and certified mail on July 11, 2022; and

WHEREAS, the Property Owner was informed of the opportunity to appeal the Town’s decision to the Town Council of Black Mountain within ten (10) days following the issuance of the formal Order, but failed to do so; and

WHEREAS, the Town has received no further communication from the Property Owner since the July 8, 2022, order; and

WHEREAS, in the interest of public health, safety, and welfare, and despite repeated and patient efforts by Town staff to work cooperatively with the Property Owner to resolve the outstanding life safety issues; and, as a result of the Property Owner having failed to comply with the formal Order to demolish the structure within thirty (30) days from July 8, 2022, the Town has determined that it is now necessary for the Town to proceed with the demolition of the structure located on the subject property; and

WHEREAS, the cost incurred by the Town shall be a lien against the Property Owner and the Subject Property and the Town shall sell any usable materials and any personal property, fixtures, and appurtenances found in or attached to the structure and credit the proceeds of the sale toward the costs and account to the Property Owner.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, pursuant to N.C.G.S. §160D-1125 and significant life safety concerns, the demolition of the structure located on the Subject Property located 621 Padgett Road, Black Mountain, North Carolina, is hereby authorized and the Town staff shall contract for and carry out the demolition of the structure in accordance with the terms of this Resolution.

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA, pursuant to N.C.G.S. §160D-1125 and N.C.G.S. §160A-233, a lien equal to the amount of the Town's costs associated with the demolition authorized herein, less any credits due to the Property Owner, shall be imposed against the Subject Property located at 621 Padgett Road, Black Mountain, North Carolina, and upon any other real property owned by Judith Ann Lewis Jones, the Property Owner, within the Town limits of Black Mountain or within one (1) mile of the Town limits of Black Mountain, except for her primary residence, pursuant to N.C.G.S. §160D-1125(c). If the Town does not receive payment for said costs within thirty (30) days, then all costs not paid to the Town within thirty (30) days shall accrue interest at the rate of eight (8%) percent per annum which interest shall be added to the amount of the lien imposed and the Town is authorized to foreclose its lien and recover all costs associated therewith, including attorney's fees and court costs.

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA that a certified copy of this Resolution be recorded in the Office of the Buncombe County Register of Deeds.

ADOPTED this ____ day of _____, 2022.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

APPROVED AS TO FORM:

Ron Sneed, Town Attorney

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 10, 2022

SUBJECT: Revised Water Billing Policy

AGENDA INFORMATION

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

SUMMARY: Staff would like to amend the water policy to provide authority to the Town Manager or his/her designee to waive certain fees due to unforeseen circumstances

MOTION FOR CONSIDERATION: To approve the revised water billing policy as presented or amended.

FUNDING SOURCE: N/A

ATTACHMENTS: Revised policy, data from other jurisdictions.

MANAGER'S COMMENTS AND RECOMMENDATIONS:

TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

Introduction

The policies and procedures contained in this document are intended to define the relationship between the customer of utility services and the Town of Black Mountain. These policies are, by notification of and available to all customers, made part of the contract for service entered into by the customer. By contracting for service, the customer acknowledges the applicability of these policies and procedures and agrees to abide by them.

Authority

The enactment of standard utility policies requires the approval of the Town Council. As fee schedules, rates and other specific policies are updated, it will be the responsibility of the Utility Customer Service Department to ensure this policy manual is revised in accordance with Town Council action.

Office and Service Hours

The Town Utility Customer Service Department is located at 160 Midland Avenue and is open from 9 a.m. to 5 p.m. Monday through Friday. Routine and regular service work will be performed from 8 a.m. to 5 p.m. Monday through Friday except for Town holidays. Service work for unusual conditions may be arranged at other times upon customer request and may require an additional fee.

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A 24-hour drop box is available for customer payments at the Town Hall. Payments made after 8:00 am at the drop box are posted the next business day.

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Privacy

Our application/agreement requests that the potential customer provide their social security number in accordance with NCGS § 132-1.10. We request this number to verify identity, check credit worthiness, protect sensitive account information, and collect delinquent balances. There is no statutory or other authority requiring any customer to provide a social security number. However, when customer billing data is requested, the social security number or Tax ID Number will be used to verify identity prior to any information being given out by staff. Staff members have the authority to request other verifying information to protect the Town as well as Town customers against fraud. Customer billing data is not considered public information. The Town will ensure that customer information, including billing data, is safeguarded against unauthorized use

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Water System

Ownership: The Water Supply and all property constituting water sources, facilities, equipment and appurtenances between and including the water source and a connection for each premises including, without limitation, valves, pumps, pipes, mains, service lines, meters, conduits, tanks, receptacles, fixtures to produce, treat, transport, store or

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

account for water intended for public consumption by the Town of Black Mountain. The Water System is owned by the Town and maintained and operated by the Town of Black Mountain. It is illegal for an unauthorized persons to turn water on or off at the meter or to otherwise tamper with any water meter.

Location: Except as provided in subsection below, all meters/taps shall be located on the licensed premises, public right-of-way or easement.

The Public Works Director is hereby given the authority to approve the location of water meters beyond the boundaries of the Licensed Premises in the following circumstances:

(1) Service to one (1) existing commercial or residential property where there is no available water line immediately adjacent to the Licensed Premises which can provide an additional service tap under the State regulations ("serviceable line"); or
(2) Service up to a maximum of four (4) proposed new subdivided lots for the purpose of a single-family residence when there is no serviceable line immediately adjacent to the Licensed Premises, provided the same property owner has not claimed another exception within 1000 feet of this location within the past five years, and provided the master property being subdivided into the proposed new lots, has not been subdivided from a larger tract within the past five years. All necessary easements for constructing and maintaining the private service lines must be depicted on the subject subdivision plat(s).

(3) The exception for the location of the water meter contained in this subsection is subject to the Customer executing a Contract with the Town, binding on the Customer's heirs, successors and/or assigns, recorded at the Buncombe County Register of Deeds' Office ("Register of Deeds") and containing the following conditions:

(1) Customer shall obtain and record with the Register of Deeds an easement agreement with each property owner through which their private water line traverses;

(2) Customer shall obtain a perpetual encroachment agreement with the appropriate public agency controlling any public right of way over which the private water line traverses;

(3) Customer shall bear all cost and responsibility to connect to a new meter on or adjacent to the Licensed Premises if a serviceable line becomes available to the Licensed Premises in the future as determined by the Public Works Director in his sole discretion;

Removal by the Town: The Town reserves the right to maintain, remove, replace, test, and otherwise exercise control over any meters for causes deemed justifiable.

Damage: The Customer shall be financially responsible for any damage to, or loss of, the meter at his Licensed Premises caused by vandalism, malicious mischief, theft, hot water, tampering, or casualty other than ordinary wear and tear. When a meter is damaged as a result of any such causes, the Customer shall bear the entire expense of removing, repairing, resetting and replacing the meter. Furthermore, in addition to paying actual damage, if any, the Customer may also pay a penalty in accordance with Fee Schedule if it is determined, that the damage to or loss of the meter was the result of an intention, willful or grossly negligent

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

act of the Customer.

The Town of Black Mountain owns the water meters. -

A. **Establishing Service.**

All connections to the Town of Black Mountain water system are required to have an active account. New service accounts are required to submit an application along with proper documentation for approval to the Town of Black Mountain Utility Customer Service Department to set up a customer account. Any connection that does not set up an account within a timely manner may be required to pay for all charges from time of connection to the most recent billing period prior to opening an account.

1. **Application.** A completed application for service must be received and reviewed for completeness by the Utility Customer Service Department prior to installation of new service or releasing responsibility of prior customer if residence is sold, transferred, or leased to a new tenant. Service is conditioned on satisfaction of all previously owned (and still legally collectible) utility debts to the Town.

- As part of the application process, the Town requires that the applicant provide a valid government issued photo identification document (driver's license, passport, state identification card, military identification card, etc.) and requests a social security number. A new application must be submitted for every connection, regardless of prior connections to an existing address or customer history.
- Property Owners shall provide a closing statement or deed to verify ownership. Property owners may have utilities connected at more than one location if all accounts remain in good standing with the Town. Any delinquency for utility services at any location may prevent a property owner from establishing new service. Property owners with rental property may have service automatically revert to them when a tenant requests services to be discontinued in their name. This may prevent the owner from having to apply for service with each occurrence. A separate landlord agreement must be completed before tenants may start service in their name.
- Non-Property Owners shall provide the Town with a copy of a lease/rental/occupancy agreement and may be limited to one service location at any given time. The non-property owner's utility account may be set up in the name or names specified in the lease/rental/occupancy agreement. In the event any person named in the lease has any outstanding utility debt with the Town, that debt shall be paid in full prior to service connection. Per NC Session Law 2009-302 House Bill 1330, A county or municipality may suspend or disconnect public enterprise services to a customer because of a past-due and unpaid balance incurred by another person who resides with the customer after services have been provided to the customer's household. If a lease/rental/occupancy agreement cannot

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

- be provided, the application for utility services may be denied.
- Multi-Unit Residencies shall provide the Town with verification of ownership listing all units by street address and unit number, if applicable. Owners of the property shall provide the Town with a list of authorized agents who act upon their behalf (e.g. site managers, real estate agents). A federal identification number or social security number may be requested for access to account information and use in the collection of any delinquencies owed to the Town. Multi-unit establishments may have account responsibility automatically revert to owner establishment when a tenant requests for services to be discontinued in their name. Multi-unit residency owners or agents may have utilities connected at more than one location if all accounts remain in good standing with the Town. Any prior delinquency for utility services at any location may prevent an owner from establishing new service.
- Revert-To-Owner Contract for Continuous Utility Service shall provide property owners and managers the ability to maintain continuous utility service while a rental unit is vacant.
 - A contract must be ~~completed~~completed, and a listing of all premises (service addresses) must be completed and submitted by the Owner(s)/Property Manager(s).
 - By signing the contract, the owner(s) or manager(s) are agreeing to be responsible for utility services and related costs between the time service to outgoing tenants is terminated and service to incoming tenants is initiated, including base charges.
 - Service may revert to the owner upon notification by a tenant to discontinue service in their name. As stated in the contract, no notification may be given to the owner/manager in such situation.
 - If service is discontinued by the Town due to non-payment or interference with normal service (i.e. meter tampering), service shall not automatically revert to the owner.
- Once service has been terminated for non-payment or interference with normal service has occurred, service at the premises may be reinstated only if (1) payment in full is received; or (2) proof is provided to the Town of Black Mountain that the non-paying tenant no longer occupies the premises.
- Owner(s)/Property Manager(s)/ Tenants may be denied service in the instance the Owner(s)/ Property Manager(s) are delinquent at any utility service location.
- Town staff must be notified and directed to activate meters at property that is not in use.
- The premise visit charge may be charged to an account if utility service has not been previously established at a premises/service address in the name of the applicant.
- An authorization form to release utility billing information may be completed in order to give additional persons access to account

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

information for the purpose of payment and balance requests.

- Whenever application is made for service to a premise in which there is a disputed as to the ownership or right to occupy the premise, the Town may:
 - Treat the applicant in actual possession of the premises as being entitled to such service, irrespective of the rights or claims of the other person; or
 - Withhold service, pending a judicial or other written settlement of the dispute satisfactory to the Town.

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2. **Reasons for Denial of Service.** Applications for utility service may be denied for any one of the following reasons:

1. A lease/rental/occupant agreement cannot be provided
2. Validity of lease/rental/occupant agreement is in question and the property owner cannot be reached
3. Questionable Identification – inability to provide verifiable or valid identification.

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3. **Customer Deposit.** The purpose of a customer deposit is to try to ensure that all utility charges are collected. All new customer accounts are required to pay a deposit. Upon termination of an account, the deposit will be applied to any outstanding balance. Any remaining deposit greater than \$5.00, after applying to the outstanding balance, may be refunded. The amount of the deposit shall be set by Town Council (Rate & Fee Schedule).

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- Any current customer that does not have a deposit on the account with the Town of Black Mountain whose service is involuntarily terminated for nonpayment, tampering, or other reasons more than twice in any 12-month period, may be required to pay a deposit in the amount described above.
- Any person requesting utility service who has previously had an unpaid balance to the Town may be required to repay this amount, plus pay a deposit.
- The Town has the right to apply the customer deposit to any unpaid utility charges after an account is more than 60 days past due. If all or any portion of a customer deposit is applied to past due charges, and the customer continues to receive utility services, the Town may require the customer to replenish deposit amount that may added to bill upon approval and subject to disconnection for nonpayment.
- Any customer that elects not to disclose their social security number will be considered a "high-risk," due to our inability to verify identity. Deposits will be calculated in the ~~high-risk~~high-risk tier.

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4. **Refund of Deposit.** The Town reserves the right to retain deposits indefinitely to assure payment of utility charges. No interest may be paid upon deposited amounts. However, the Town may elect to refund deposits in the following situations provided the account

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

is at a zero balance:

- Deposits on accounts within 24 consecutive months of good payment history (no late fees, insufficient funds penalties, or service disconnections) may be applied to the existing utility account; or
- Upon customer request for termination of service and Town determination that either the residence or business may remain ~~vacant~~ vacant, or another responsible person has applied for service.

No refunds may be made for amounts less than \$5.00.

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5. Voluntary Disconnection of Service.

- **Temporary.** In the event a customer will not occupy a residence for an extended period and requests water to be turned off at the meter, utility base charges may be billed during this time. A premise visit may be charged to turn on/off the meter at each property/account.
- **Termination of Service.** It is the responsibility of the utility account owner(s) to complete and return a disconnection request form at least 2 business days prior to the requested service end date. Failure to notify the town of needed utility disconnection could result in additional usage and billing fees, for which the account holder will be responsible.

6. **Permanent or Indefinite Disconnection of Services.** In the event a residence is demolished, condemned, or court ordered abandoned, the customer/property owner or legal representative may request that the meter on the property be removed at the currently approved charge per the Fee Schedule. Town approved documentation must be received before meter services may be removed. If the meter is removed, and service discontinued, the base charge may not be applied to the account. If the service is not disconnected and the customer resumes using utility services, the Town retains the right to bill for past services not to exceed two years.

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7. **Meter Tampering.** The Town does not allow for any unauthorized person(s) to open a meter box to interfere, alter, tamper with, or bypass a meter which has been installed for the purpose of measuring the use of water or knowingly to use water passing through any such tampered meter or water bypassing a meter provided by the Town for the purpose of measuring and registering the quantity of water consumed. Town of Black Mountain Ordinance 20-21. Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the water consumed, or which would cause the water to be diverted from the recording apparatus of the meter, shall be prima facie evidence of intent to violate and of the violation of this section by the person in whose name such meter is installed, or the person or persons so using or receiving the benefits of such unmetered, unregistered, or diverted water. Any person(s) not authorized by the Town operating any valves on the water distribution system, which included the cut off valve at the meter, hydrants, etc. shall be charged with tampering. Per North Carolina General Statute 14-151.1

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

- Any person violating any of the provisions may be liable to the Town any losses and shall also be charged for the cost to repair and or replace any damages sustained. A fine may be charged per occurrence per the most recently approved Fee Schedule.

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- First Occurrence-notification letter to the property owner
- Second Occurrence-notification and fine
- Third Occurrence-notification, fine which may include any additional civil or criminal charges including recover of water loss or damage to Town property.

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- If water is cut on illegally after disconnection due to nonpayment of a utility bill, this may cause the removal of the water meter and may result in additional charges. Reestablishing services may incur additional charges which may include deposits, ~~finest~~ fines, and payment of all charges on the account before reconnection.

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- The Town may make a reasonable effort to hold tenants responsible for any damages associated, or loss recovery of water usage. However, if the tenant is not available, the landlord or property owners may be responsible for any fines, damages associated, or loss recovery of water usage.

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8. **Waste of water.** Failure to repair utility services within 60 days from first notification, high usage bill or detection by the Town or property owner, may result in the Town disconnection of utility service until the leak has been repaired. Approved Town documentation must be submitted and approved before services may be restored.

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B. Utility Billing Procedures

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The Town of Black Mountain Utility Customer Service Department bills for Water and Sewer Services

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1. **Billing**

- Bills shall be prepared monthly and are as close to 30 days as practicable.
- Bills are due 20 days from the billing date.
- Payment may be made by check, money order, bank ACH draft, credit card, or in cash. Payments may be made online or in person.
- All bills not paid within 20 days are subject to late penalty ~~of \$10.00 or 5% whichever is greater of the unpaid balance, per the most recent approved Fee Schedule. If payment is not received and receipted by the 20th day at 5 PM, a late penalty may be added to the customer's account.~~
- ~~If payment is not received and receipted by the 20 day at 5 pm, a late charge may be added to the customer's account.~~
- ~~If payment is not received by the 35th day before 5 pm, a Utility Non-payment Fee, per the most recently approved Fee Schedule, may be added to the customer's account, and the account is subject to disconnection. All bills not paid within 35 days of billing date are subject to disconnect.~~

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

- ~~If payment is not received by the 35 day before 5 pm, a Utility Non-payment Fee, per the most recently approved Fee Schedule, may be added to the customer's account, and the account is subject to disconnection.~~
- In any case in which utility service has been terminated due to failure to pay or non-compliance with these Policies, utility service will not be reinstated until To restore service, the entire account balance, including fees, must be paid in full.
- Water meters must be accessible. Water meters must be accessible to the Town of Black Mountain personnel to ensure that utility accounts can be serviced properly. It is the property owner / account holder's responsibility to trim, cut back, or remove any bushes, trees, plants, sod, or other objects that may cover or obstruct a water meter. Failure to do so may result in inaccurate billing for which the account holder will be responsible, removal of property found to be obstruction or covering, or disconnection of service.
- If a bill is returned to the Town of Black Mountain by the post office or email as undeliverable, the ~~Utility~~ Customer Service Department shall make all reasonable efforts to obtain a forwarding address and correct the address in the Utility records. In the event the bill becomes delinquent, the Utility Customer Service Department shall follow the ~~collection efforts below~~ normal collection efforts. Customers are responsible for all billing regardless of receiving a monthly bill.
- Payments may be applied to customer accounts in the following order; fees or miscellaneous charges, water, and sewer charges.
- It is the responsibility of the property owner, account holder, or authorized designee to advise the Town to whom and to what address bills are to be sent (e.g. new owner or renter). A Utility Billing Change Form is available from the ~~Utility~~ Customer Service Department for any changes that are necessary to an update an account. Only an account holder or authorized party can request changes to billing information and statuses.
 - If the Town has overcharged or undercharged a customer for service, the Town may correct this error subject to the following procedures:
 - If the Town has overcharged a customer for service, the Town may credit the customer's account, without interest, the excess amount and notify the customer by letter. In the event of a significant credit Customers may request a refund of such excess charges if they were previously paid in full. Credit to a customer's account is subject to the following limitations:
 - If the time period over which the mistake occurred can be determined, the Town should credit or refund the excess amount charged the account for that entire interval, provided that such time period shall not exceed the statute of limitations as set forth in the N.C. General Statutes.
 - If the time frame of the problem cannot be determined, the Town should credit or refund the excess amount charged during the previous 12 months.
 - If an overcharged customer owes a past due balance to the

TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

Town, the Town will deduct that past due amount from any refund or credit due the customer.

- o If the Town has undercharged a customer for service, the Town may collect the additional amount due the Town by billing the account. A payment plan or other payment options may be extended to a customer for repayment of charges billed from prior billing periods. If a customer receives notice of undercharging and does not contact the Town to make payment arrangement for such amount by the subsequent due date, the account may be disconnected for non-payment in accordance with this policy.

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- o If an undercharge has occurred because of tampering or bypassing a meter or because of other fraudulent or willfully misleading action of the customer, the Town shall collect the entire undercharged amount in a lump sum and seek such other rights and remedies as are permitted by law.

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2. Returned payments.

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- Payments returned due to insufficient funds, closed accounts, or other issue not related to a Town error may be charged a fee according to the current fee schedule. If the return was due to Town error, the fee may be waived.
- Customers may lose the ability to use a payment method for two years if a payment has been returned due to insufficient funds, closed accounts, or other issue not related to a Town error two times in a 12-month period.
- Customers who do not make good on any returned payment and applicable fees may be considered to have not made any payment and may be subject to procedures for late charges and disconnection of service.
- The Utility-Customer Service Department may also send a letter notifying the customer of these events and request replacement funds or alternative payment arrangements.
- Payment return fees may be added to the account and must be paid with other past due charges to continue Utility service.
- Returned payments made by a customer to avoid disconnection on an account may be subject to immediate disconnection. All fees and account balances including a Nonpayment Service Disconnection Charge must be paid before service is reconnected.

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3. Collection of Past Due Utility Charges.

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- Accounts 20 days past due. A ~~cut-off/courtesy notification notice~~ may be mailed when a bill is 20 days past due. If payment is not received by 5

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

pm on the 35th day, a Utility non-payment fee in accordance with the fee schedule in effect at that time may be added to the customer's account. The account may then be disconnected.

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- *Accounts over 90 days.* If payment is not received within 90 days, the Town may take one or more of the following actions, as to the most optimum method of securing payment:

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1. The ~~Utility~~ Customer Service Department may send the name, address, and balance due to the Town's collection agency or NC Debt Setoff Program.
2. The terms of the nonpayment may be communicated to any or all nationally recognized credit reporting agencies.
3. Customer may be denied access to Utility services.
4. Remaining balances on terminated accounts may be transferred to a customer's active utility account for collection of charges due. These charges may be subject to the disconnection policy and may cause the active account to be disconnected for nonpayment.

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4. **Extended Payment Option.** Payment plans may only be available for past due balances related to leaks or accounts that are back billed for previously unbilled usage or for unusually high utility bills. Payment plans may be made for up to six months with approval. Accounts that have past due charges related to regular monthly billing will not be eligible for payment plans. The ~~Utility~~ Customer Service Department will review the account to establish a payment plan for the customer. The customer will be required to sign a payment plan form specifying the terms of the payment plan. Customer must continue to pay regular monthly charges plus a portion of the ~~back billing or a leak~~ payment plan bill(s). If a customer has any returned, missed, or delinquent payments on the account, the payment plan may be voided, and the balance will be due immediately. If a customer defaults on a payment plan they will not be eligible for another payment plan for 12 months from the date of the delinquency.

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5. **Deceased Account Holder/ Estate Account.** When an account holder is deceased, a Utility Billing Change Form or New Service Application must be completed in order to transfer an account into the name of the responsible party within 45 days. The Town may request legal documentation including, but not limited to, death certificates, wills, or other legal documents to process the utility billing change request. If the Town of Black Mountain receives notice or determines that an account holder is deceased, notification of account closure may be mailed to the address on record. The letter may set forth a date in which a Utility Billing Change Form must be received to continue services at the location of the deceased account holder. An Application for Utility Services must be filled out and the application process must be completed in accordance with this policy.

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An account may be transferred into the ownership of an estate. A Utility Billing Change Form is required, and the Town may request legal documentation from the executor or the person responsible for administering an estate. It is the responsibility of the executor or other person administering the estate to notify the Town of any

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

changes in account status. The Town of Black Mountain may allow an account to remain in the name of an estate for a period of 4 months from the date of service connection. It is the responsibility of the executor or administrator of the estate to either disconnect or transfer ownership of the account into the name of a responsible person prior to this date. If an application has not been processed to transfer ownership of the account in the timeframe specified, services may be disconnected without further notice.

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- 6. Premise Visit Charge.** A premise visit charge, per the Town Fee Schedule, may be charged for services performed by Town staff that is not deemed necessary by the Town. Such services include, but are not limited to, re-reading of meters, checking a meter for a possible leak, shutting meter off more than two times during any single leak event while leak on the customer's side is being repaired and the testing of meters for accuracy. The Town may charge premise visit fee for services that require multiple visits to a property. Such services include, but are not limited to, leaks, temporary disconnection for repairs or any other services.

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C. Consideration of Credits and Refunds

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1. Refunds.

No refunds less than \$5.00 may be made on a customer's account.

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2. Credits.

• **Filling Swimming Pools**

The Town does not allow adjustments for filling pools or spas. Customers may contact Metropolitan Sewerage District to apply for a credit or they may obtain an apply for a separate separate irrigation meter to fill pools or spas which may not charge for sewer usage.

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• **Leak Adjustments**

The customer is responsible for leakage in the piping on his/her property on his/her side of the water meter and will be charged for water and/or sewer based on based on water use as indicated on the meter. This is being defined as that point at which the customer's plumbing connects either directly to the meter box or the customers shut off valve connects directly to the meter box. The Town does not repair leaks on the customer's side of the water meter. The Town of Black Mountain may allow credit for utility charges resulting from leaks on the customer's side of the meter.

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1. Credit may be extended to the customer's account/property only once every ~~24-12 calendar months~~ month billing period upon approval.
2. Customer must submit a completed Leak Adjustment form within 60 days of leak detection either by the Town or the customer.
3. Customer must provide to the Town of Black Mountain an invoice from a licensed plumber for repairing the leak(s). This must be accompanied by a

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statement confirming that a leak (or multiple leaks) had been repaired, and a description describing where the leak(s) occurred.

4. A customer may make their own repairs. If a customer makes their own repairs, all receipts for parts and pictures of the leak site prior to repair and after completion are required to be sent to the Town for approval.

5. Leak adjustments may be calculated based on residential customer's and may not exceed 75% of all water usage above normal average monthly consumption ~~amount plus 25%~~. Average monthly consumption is based on the four (4) month average prior to the month showing excessive use. If previous consumption is less than 4 previous months, the Town may require ~~3~~ additional months of normal usage before adjustment calculation can be processed.

6. Leaks that are of the nature that they do not hit the sewer system such as underground lines, pipes within walls, or water heaters, the sewer charges may be adjusted to the monthly average and water adjustment will be at the 75% above monthly average.

- ~~5.7.~~ If the Customer Service Department or the Billing Specialist cannot determine the cause or reason for a requested billing adjustment, then the Finance Director may approve an adjustment to a customer's bill in such amounts deemed reasonable under all circumstances, but not less than a charge based on a Customer's Normal Water Usage, and for a period no longer than two billing periods of the Customer. A Benefit of Doubt Adjustment is limited to one adjustment over the lifetime of the account. This adjustment does not require proof of repair but do require usage to return to normal.

- ~~6.8.~~ No credit will be applied to the account until water usage returns to normal.

- ~~9.~~ No credits or adjustments of \$ 5.00 or less may be given unless the cause for In order to be eligible for the relief provided by this policy, the customer's usage must exceed 50% of their average bill, the credit or adjustment is an error by the Town of Black Mountain.

10. Customers are responsible for paying at least the average bill during the leak adjustment process. Customer is subject to all current and applicable collection processes, procedures, and fees, including and not limited to disconnection of services if minimum of average bill is not paid during this time.

4. Billing and Fee Adjustments

1. If the customer has a good payment history the fees and penalties associated with non-payment may be waived one time per each 24-month period.
2. Appeals- An appeal of the decision to not adjust an account will require a written request for consideration and will include any pertinent information related to the circumstances surrounding the adjustment request. The appeal will be reviewed by the Billing and Collection

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TOWN OF BLACK MOUNTAIN UTILITY BILLING POLICY & PROCEDURES

Specialist first. The appeal will then be reviewed by the Town Manager or the Finance Director.

3. Except as set forth in the policy accounts will be adjusted only when an error occurs in a customer's account not caused by or related to any act or omission of the Customer.

a. If a meter measuring a Customer's water usage is determined to be inaccurate by the Town water department, then the adjustment period (not to exceed two (2) years) may waive additional fees over the average fees that were charged during this time. If the corrected usage is less than the average fees charged than the customer's account will be credited the adjustment period not to exceed two (2) years.

5. Extenuating circumstances do arise from time to time. The Town Manager or his/her designee has the authority to waive late fees, reconnect fees, and other fees related to non-payment. Each situation will be judged on its own merits. Fee waivers may be allowable under certain circumstances including but not limited to sickness, death, and other legitimate reasons.

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Municipality	Late Fees	Due date	Reconnect Fee	Days till cutoff
Old Fort	\$5.00	15th	\$100.00	25
Marion	\$5.00	15th	\$25.00	25
Weaverville	\$0.00	20th	\$60.00	30
Black Mtn	\$10.00	20th	\$60.00	35
Asheville	\$15.00	15th	\$50.00	30

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

Meeting Date: October 10, 2022

SUBJECT: Padgettown Place Water Line Acceptance

AGENDA INFORMATION

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

BRIEF SUMMARY: Padgettown Place subdivision is requesting the Town to take over their water lines and bring into the water system. Water lines for the subdivision have been installed to meet Town and State specifications. Town staff has reviewed these plans and recommends acceptance of the water lines.

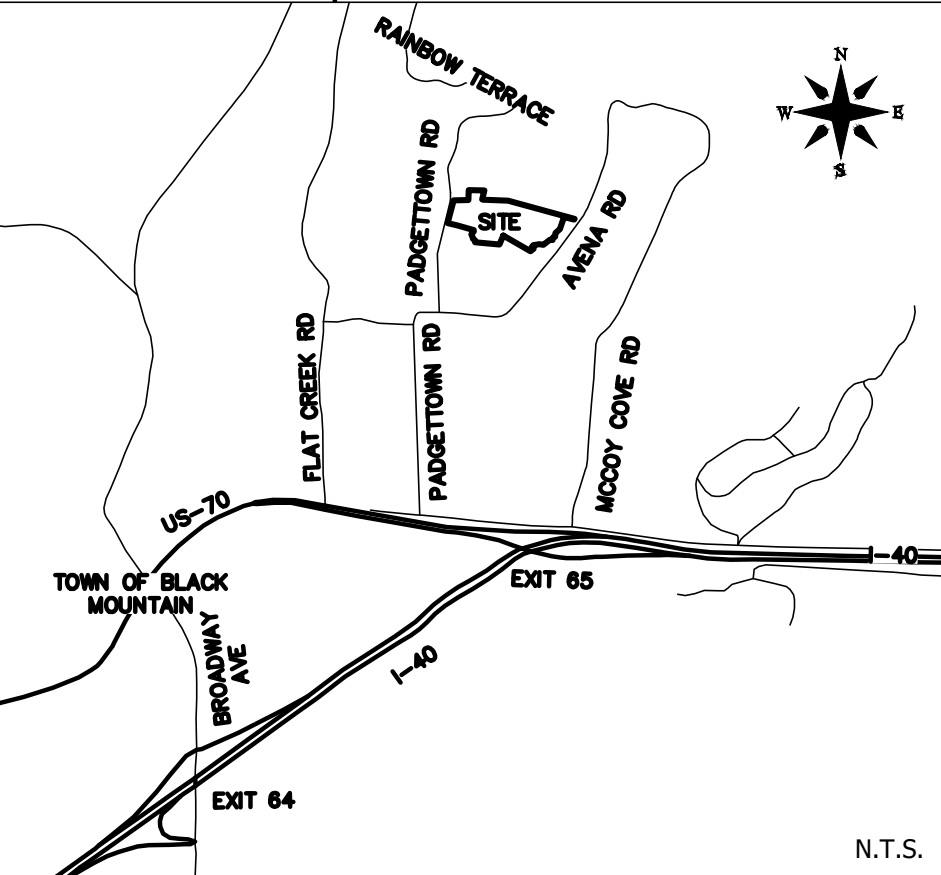
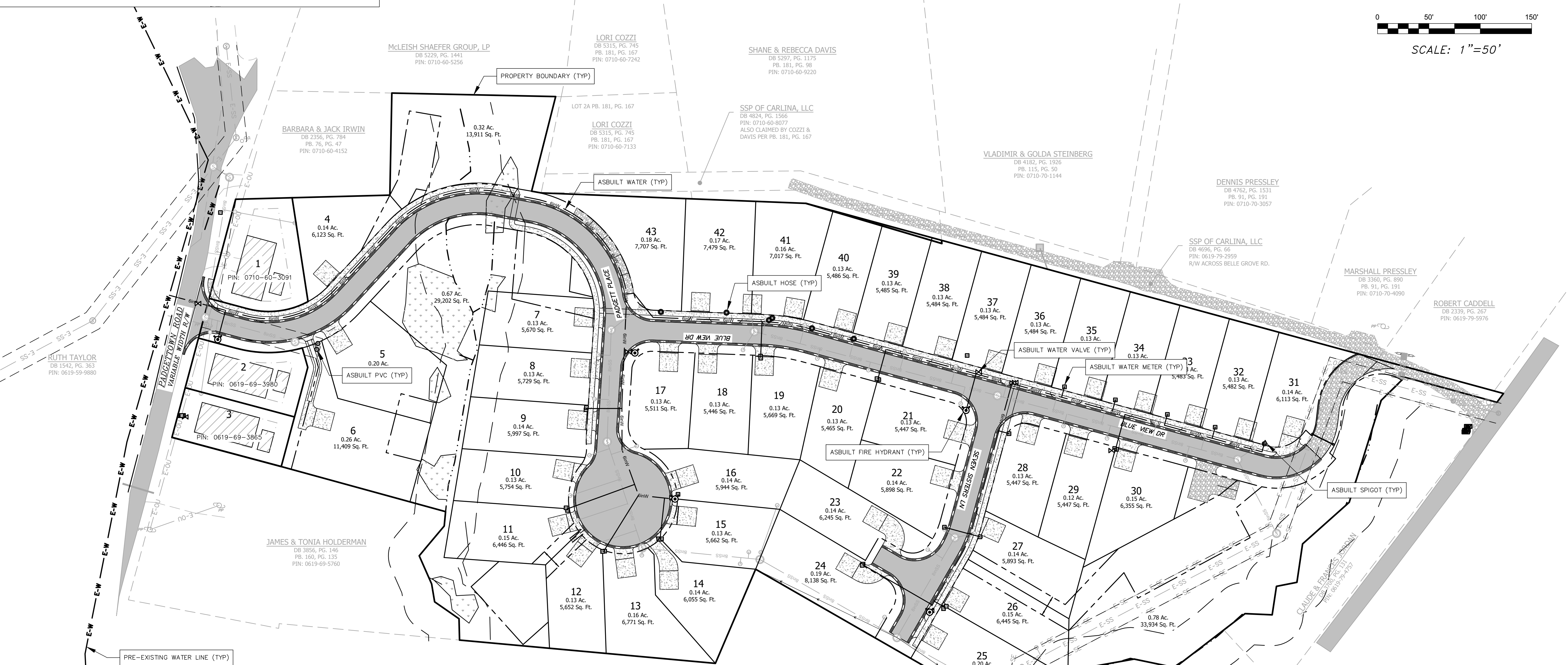
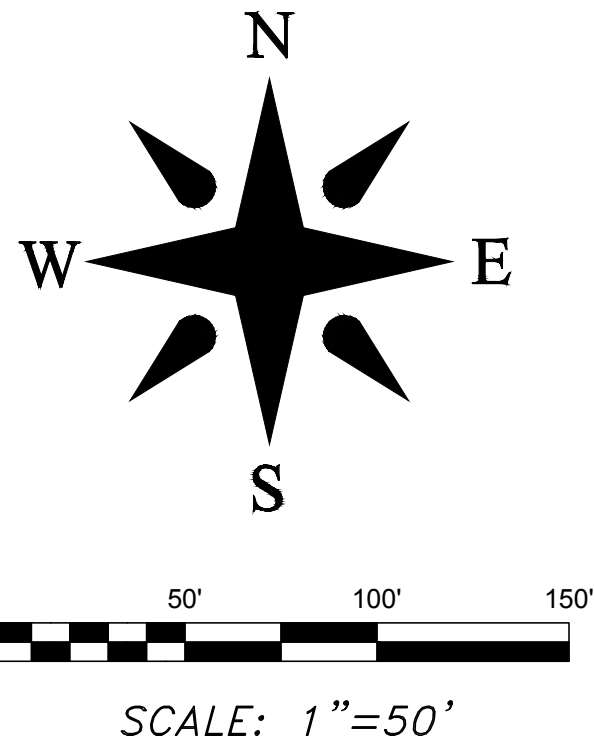
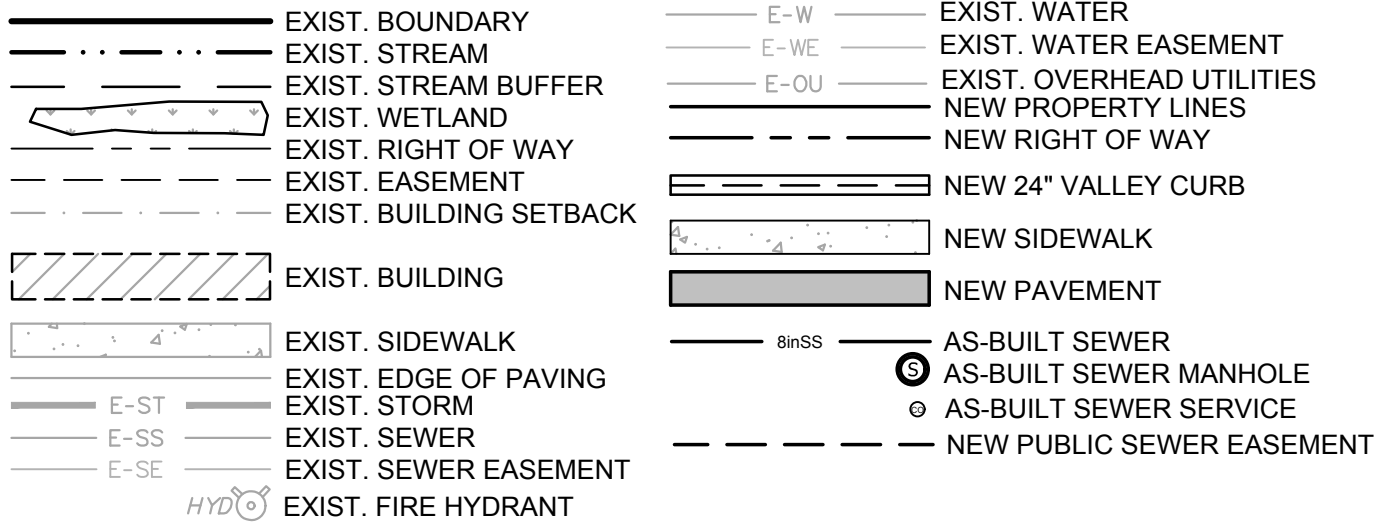
MOTION FOR CONSIDERATION: To accept the water lines in Padgettown Place into the Town water system.

FUNDING SOURCE: N/A

ATTACHMENTS: water line specifications

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

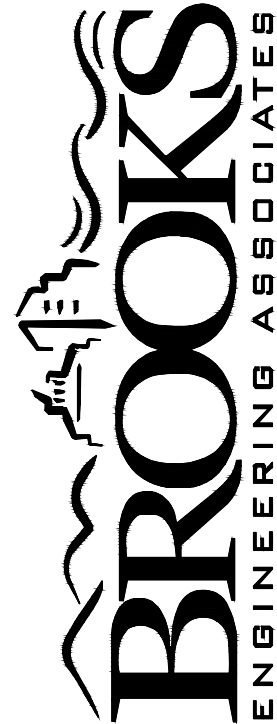
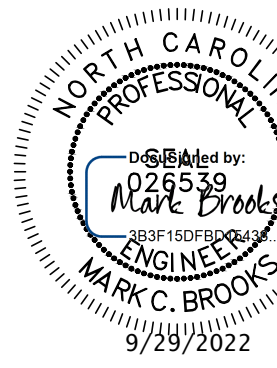
UTILITY PLAN LEGEND



POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
5200	700060.889	1016355.771	2473.55	WM
5201	699972.26	1016333.987	2471.732	WV
5203	699863.151	1016318.169	2470.955	WM
5205	699861.919	1016321.446	2471.446	WV
5206	699937.198	1016353.255	2475.101	FH
5207	699868.908	1016711.683	2456.918	WM
5209	699871.154	1016712.115	2456.929	WM
5210	699773.366	1016692.263	2453.085	WM
5212	699770.81	1016693.611	2453.365	WM
5213	699730.828	1016727.843	2452.313	WM
5214	699731.184	1016729.817	2452.214	WM
5215	699743.189	1016782.447	2453.702	WM
5217	699743.21	1016785.16	2453.924	WM
5218	699742.105	1016783.256	2453.762	SPIGOT
5219	699783.198	1016795.901	2454.908	WV
5220	699781.914	1016798.416	2454.795	FH
5222	699786.508	1016801.251	2455.275	WM
5223	699925.336	1016752.731	2458.91	WV
5224	699924.099	1016759.329	2459.289	FH
5227	699921.087	1016881.685	2468.497	WM
5228	699919.051	1016881.751	2468.554	WM
5230	699899.143	1016994.897	2463.373	WM
5231	699898.196	1016996.736	2463.223	WM
5233	699868.227	1017081.657	2455.885	FH
5234	699754.504	1017060.595	2447.454	WM
5238	699717.363	1016980.627	2451.487	WM
5239	699718.524	1016981.379	2451.557	WM

POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
5241	699675.174	1017059.715	2446.997	WM
5242	699677.535	1017062.443	2447.196	WM
5244	699671.652	1017046.277	2446.485	FH
5245	699673.491	1017047.536	2446.722	WV
5246	699745.094	1017095.263	2447.824	WM
5248	699845.598	1017123.501	2452.862	WM
5249	699831.12	1017226.312	2451.84	WM
5250	699830.23	1017228.163	2451.876	WM
5251	699829.102	1017223.431	2451.907	WV
5252	699836.586	1017372.836	2448.107	SPIGOT
5253	699835.728	1017371.909	2448.144	PVC
5255	699851.87	1017324.158	2451.266	WM
5257	699864.337	1017277.64	2452.635	WM
5259	699878.466	1017227.075	2454.056	WM
5261	699891.15	1017177.46	2455.922	WM
5262	699895.5	1017129.513	2455.664	WV (CONSTRUCTION)
5263	699895.042	1017127.13	2455.642	WV (CONSTRUCTION)
5264	699905.692	1017093.942	2457.875	WV (CONSTRUCTION)
5266	699921.703	1017082.715	2459.06	WM (CONSTRUCTION)
5267	699937.987	1016972.389	2465.621	HOSE? (CONSTRUCTION)
5268	699948.214	1016931.68	2467.056	HOSE? (CONSTRUCTION)
5269	699956.1	1016889.801	2469.182	HOSE? (CONSTRUCTION)
5270	699958.145	1016892.974	2469.26	HOSE? (CONSTRUCTION)
5271	699963.444	1016848.458	2467.687	HOSE? (CONSTRUCTION)
5272	699964.118	1016784.595	2459.344	HOSE? (CONSTRUCTION)
5273	699933.367	1016450.635	2472.95	PVC 4"
5274	699927.68	1016449.492	2473.158	PVC 4"

- AS-BUILT NOTES:
- PROPOSED SIDEWALK AND ROADS SHOWN FOR INFORMATION PURPOSES ONLY. AS-BUILT REPRESENTS WATER INSTALLATION ONLY.
 - COORDINATES ARE NAD83/2011 DATUM.

Project No: 480918	PADGETTOWN ROAD SUBDIVISION SINGLE-FAMILY RESIDENTIAL	NORTH CAROLINA TOWN OF BLACK MOUNTAIN	Drawing Title: WATER AS-BUILT	Date 5/15/20 9/13/22	REVISIONS/SUBMISSIONS PH2 SEWER - MSD AS-BUILTS WATER AS-BUILT	No. 1 2	Date 5/15/20 9/13/22	Revision/Summation number with a triangle indicates changes made on this sheet
 ENGINEERING ASSOCIATES				 NORTH CAROLINA PROFESSIONAL ENGINEER MARK C. BROOKS 9/29/2022				
Planning • Engineering • Surveying • Environmental Services •				AS-BUILT RECORD DRAWINGS				
17 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brookseas.com				Designed: MCB Drawn: E/H Checked: MCB Scale: AS NOTED Date: 9-13-22				

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: October 10, 2022

SUBJECT: Town Council Subcommittee Policy

AGENDA INFORMATION

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

SUMMARY: At the direction of Town Council, staff created the attached Town Council Subcommittee Policy to inform the establishing and procedures of subcommittees.

MOTION FOR CONSIDERATION: To approve the Town Council Subcommittee Policy as presented or amended.

FUNDING SOURCE: N/A

ATTACHMENTS: Proposed Policy

MANAGER'S COMMENTS AND RECOMMENDATIONS:



POLICY AND PROCEDURES FOR TOWN OF BLACK MOUNTAIN TOWN COUNCIL SUBCOMMITTEES

SECTION 1. PURPOSE

- A. To establish administrative procedures whereby all Town Council Subcommittees (referred to as subcommittees) shall operate.
- B. All subcommittees shall develop a mission and vision statement consistent with direction given from Town Council.
- C. Nothing contained in this policy shall be construed to conflict with any state or local law. Should there be an appearance of conflict, the appropriate state or local law shall prevail.

SECTION 2. APPOINTMENTS

- A. All members of subcommittees shall be appointed or elected members of Town Council and professional staff of the Town of Black Mountain. Membership to the subcommittee shall be voted upon by Town Council.
- B. Appointments shall be reviewed annually.

SECTION 3. RESIGNATION

- A. Resignation occurs when a member their resignation to the Town Clerk. The Town Council shall be informed of resignations.
- B. Upon such resignation and acceptance, the Town Council shall select a replacement.

SECTION 4. ADMINISTRATION

- A. The Town Clerk shall have a binder containing a list of all town appointments with the following data provided:
 - 1. Name of the subcommittee.
 - 2. Brief on the functions of the subcommittee.
 - 3. Number of members.
 - 4. Current members, addresses, telephone numbers, terms of office.
 - 5. Regular meeting day, time, and location.

SECTION 5. CHAIR, VICE CHAIR, AND SECRETARY (OFFICER) SELECTION AND RESPONSIBILITIES

- A. The Chair of the subcommittee is nominated by the subcommittee.
- B. The Chair and Vice Chair shall serve no more than 3 consecutive one-year terms.
- C. The subcommittee Chair shall serve by meeting the following
 - a. Presiding Officer
 - i. To plan and run meetings in accordance with the Town's mission.
 - ii. To ensure matters are dealt with in an orderly, efficient manner.
 - iii. To bring impartiality and objectivity to meetings and decision-making.



- b. Managing member
 - i. To be a liaison to the staff and Council representative.
 - ii. To co-ordinate the committee and ensure the purpose of the committee is met.
 - iii. Assists in development of meeting agendas
- c. Representative
 - i. To serve as the primary spokesperson for the subcommittee.
 - ii. To effectively communicate the vision and purpose of the subcommittee.
 - iii. To advocate for and represent the committee at Town meetings and events as requested.
 - iv. To be aware of current issues that might affect the Town.
- D. The Subcommittee Vice Chair shall meet the same standards as the Chairman
- E. The Subcommittee E Secretary shall serve by meeting the following:
 - a. Administration
 - i. To prepare agendas in consultation with the Chair.
 - ii. To circulate agendas and any supporting documents in a timely manner.
 - iii. To receive agenda items from other committee members.
 - iv. To check that a quorum is present.
 - v. To take meeting minutes and circulate the draft minutes to all committee members.

SECTION 6. CONFLICT OF INTEREST

- A. In the event an issue comes before a subcommittee and a member of that Subcommittee has a financial, personal or employment related interest in the outcome of the issue, that member should notify his fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting.
- B. A subcommittee member that has been recused due to a conflict of interest shall not participate in the discussion or vote on the matter.

SECTION 7. MEETINGS

- A. All meetings shall be open to the public as required by North Carolina General Statutes § 143-318.10
- B. Unless otherwise specified, public meetings will follow the standard rules of procedure defined by the Town Council. The subcommittee may adopt other operating procedures as needed. In coordination with the staff and Town Council the subcommittee shall determine the date, time, and place for each meeting.
- C. Special Meetings: A majority of the subcommittee may call special meetings at any time in accordance with NCGS § 143-318.12 for specific business.
- D. Virtual Meetings or Teleconferences are allowed if the subcommittee can provide access to the live meeting audio.



- E. Cancellation of Meetings: Whenever there is no business for the subcommittee, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- F. Agenda: The agenda shall provide a description of each item of business so that interested members of the public will be capable of understanding the nature of each agenda item.
- G. As a rule, only those items appearing on the agenda will be discussed or voted on. However, if an item is raised by a member of the public, the subcommittee may discuss so long as no action is taken until a subsequent meeting where the item is placed on the agenda.
- H. Minutes: Minutes shall be kept of all subcommittee.
- I. All recommendations, reports, and motions shall be conveyed on the minutes.

SECTION 8. VOTING AND QUORUM

- A. A quorum for a subcommittee meeting shall consist of a simple majority of the members unless otherwise specified by state or local laws.
- B. No business may be conducted if a simple majority is not present.
- C. Decisions are reached based on a simple majority vote of those members present unless otherwise required by NC Law.
- D. Only appointed members may vote.
- E. In the absence of the chairman and vice-chairman where a quorum still exists the subcommittee may by simple majority vote appoint a member of subcommittee to serve as the presiding officer of the meeting.

TOWN OF BLACK MOUNTAIN TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: October 11, 2022

SUBJECT: Bike Blvd Montreat Road Crossing

AGENDA INFORMATION

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

BRIEF SUMMARY: Traffic Planning & Design has presented staff with two options for the Montreat Road crossing for the Grey Eagle Bike Boulevard. The original budget and scope focused on bike improvements. The location for the crossing, however, is also suitable for pedestrians. ADA design criteria do not apply to the bike only crossing. ADA does apply if pedestrian improvements are included in crossing, which exceeds the original project budget. Bike crossing only is approximately \$4,200 which is within the original budget. Bike and ADA compliant pedestrian improvements are approximately \$52,000. This exceeds budget for the crossing by \$32,000.

MOTION FOR CONSIDERATION: To approve or deny moving forward with the bike and Americans with Disabilities Act compliant pedestrian improvements.

FUNDING SOURCE: N/A

ATTACHMENTS: Estimates and exhibits from Traffic Planning & Design

MANAGER'S COMMENTS AND RECOMMENDATIONS: N/A

Town of Black Mountain

Based on 30% Plans/Concepts

Updated: 9/29/2022

COST ESTIMATE SUMMARY BY INTERSECTION			
Crossing #	Crossing Road	Category	Estimate
1	Laurel Circle Drive/Montreat Road	Bike X-ing	\$ 4,123.75
2	Laurel Circle Drive/Montreat Road	RRFB X-ing	\$ 47,782.50
TOTAL ESTIMATE			\$ 51,906.25



COST ESTIMATE SUMMARY BY LINE ITEM			
LI#	Line Item	Unit	Quantity
1	High Vis Crosswalk Pavement Markings	LF	35
2	High Vis Bike Cross Pavement Markings	SF	310
3	Bike Lane Pavement Markings	EA	2
4	Trail Pavement Markings	LF	75
5	24" Stop Bar Pavement Markings	LF	12
6	Sign Post & Installation	EA	4
7	Bike/Ped Combined Signage (36"x36")	EA	6
8	Generic Sign (9"x12")	EA	2
9	Trail X-ing Signage (24"x18")	EA	6
10	Trail Arrow Signage (24"x12")	EA	8
11	Ahead Signage (24"x12")	EA	2
12	ADA access + truncated domes	EA	2
13	RRFB Installation	EA	2
14	RRFB (2 double sided flashers)&FLIR	LS	1
15	On Site Equipment Support and Setup	LS	1
16	ADA access design	EA	2
17	Pedestrian Poles and mounting	EA	2
TOTAL ESTIMATE			

FIC PLANNING
DESIGN, INC.

Estimate	
\$	525.00
\$	1,860.00
\$	900.00
\$	93.75
\$	120.00
\$	400.00
\$	720.00
\$	37.50
\$	450.00
\$	400.00
\$	100.00
\$	5,000.00
\$	8,500.00
\$	19,000.00
\$	5,300.00
\$	5,400.00
\$	3,100.00
\$	51,906.25

NAME:

CROSSING ESTIMATE: \$ 4,123.75

PED FLOW: Unsignalized

COMMENTS:

Volume: <8000 vehicles a day

Speed: 20 mph

Recommendation: Provide designated bike crossings from Laurel Circle Drive to Montreat Road

MAP LINK:

Laurel Circle Drive/Montreat Road - Bike Xing Location

[illegible]

NOTES:

1 Advance sign in both directions (2 total); 2 signs at crossing in both directions (4 total on 2 posts - back-to-back)

2



Item	Unit	Unit Price	
High Vis Crosswalk Pavement Markings	LF	\$	15.00
High Vis Bike Cross Pavement Markings	SF	\$	6.00
Yield Line Triangle Markings in Roadway	LF	\$	30.00
Bike Lane Pavement Markings	EA	\$	450.00
Trail Pavement Markings	LF	\$	1.25
TRAIL XING Pavement Markings	EA	\$	400.00
STOP AHEAD Trail Pavement Markings	EA	\$	350.00
YIELD AHEAD Trail Pavement Markings	EA	\$	350.00
24" Stop Bar Pavement Markings	LF	\$	10.00
Sign Post & Installation	EA	\$	100.00
Stop Sign Signage (30"x30")	EA	\$	156.25
Yield Sign Signage (36"X36"X36")	EA	\$	97.50
Stop Here for Pedestrians (36"X36")	EA	\$	225.00
Yield Here for Pedestrians (36"x36")	EA	\$	120.00
Bike/Ped Combined Signage (36"x36")	EA	\$	120.00
Stop Sign Ahead Signage (30"x30")	EA	\$	156.25
Yield Sign Ahead Signage (30"x30")	EA	\$	156.25
Signal Signage (30"x30")	EA	\$	156.25
No Motor Vehicle Signage (24"x24")	EA	\$	100.00
Turning Vehicles Yield Signage (30"x30")	EA	\$	156.25
Generic Sign (9"x12")	EA	\$	18.75
Generic Sign (9"x15")	EA	\$	23.50
Ped/Bike Warning Signage (36"x36")	EA	\$	120.00
Trail X-ing Signage (24"x18")	EA	\$	75.00
Trail Arrow Signage (24"x12")	EA	\$	50.00
Distance Warning Signage (24"x12")	EA	\$	50.00
Road Name Signage (24"x8")	EA	\$	33.25
Turn Arrow Signage (24"x18")	EA	\$	75.00
Ahead Signage (24"x12")	EA	\$	50.00
ADA access + truncated domes	EA	\$	2,500.00
Generic 30 x 12 Sign	EA	\$	62.50
Pedestrian Refuge Island	LS	\$	20,000.00
RRFB (2 double sided flashers)	LS	\$	25,500.00
RRFB (3 double sided flashers)	LS	\$	38,000.00
Bike Push Button	LS	\$	3,500.00
Thermal Passive Detection	LS	\$	16,000.00
RRFB + Thermal Passive Detection	LS	\$	54,000.00
Full Signal Modification Kanuga	LS	\$	175,000.00
Full Signal Modification US-64	LS	\$	150,000.00
Concrete Curb	LF	\$	50.00
Signal ADA access + truncated domes	EA	\$	5,000.00
Generic Sign (24"x12")	EA	\$	50.00
Generic Sign (24"x30")	EA	\$	125.00
Generic Sign (36"x12")	EA	\$	75.00
RRFB Installation	EA	\$	4,250.00

RRFB (2 double sided flashers)&FLIR	LS	\$	19,000.00
On Site Equipment Support and Setup	LS	\$	5,300.00
ADA access design	EA	\$	2,700.00
Pedestrian Poles and mounting	EA	\$	1,550.00

Description

Description - 5' Width

Green Thermoplastic

Full Dashes

Symbol & Arrow

Both Words

Both Words

Both Words

R1-1

R1-2

R1-5 or R1-5(a-c)

W3-1

W3-2

W3-3

R5-3

R10-15

R10-2

W11-15

W11-15P

W16-7P

W16-2aP

W16-8P

W16-6P

W16-9P

"Look" Signage

See below right (NO PASSIVE DETECTION INCL.)

See below right (NO PASSIVE DETECTION INCL.)

Pair of push buttons

includes power supply, conduit, installation of foundations, setting poles, directional bore under driveways (30ft)

Includes passive detection for bikes - no installation

4.5" OD aluminum poles, bases, anchor bolts and mounting brackets