



TOWN OF BLACK MOUNTAIN

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

Date: **April 10, 2023** Time: **6:00 p.m.**

Regular Session Agenda

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

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

Town Clerk Savannah Parrish at 419-9310, or by email at town.clerk@tobm.org

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

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – *Moment of Silence*
- Announcements – *Mayor Sobol*
- 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. PROCLAMATION AND AWARD RECOGNITIONS

A. Earth Day Proclamation – *Mayor Sobol*

3. CITIZEN COMMENTS

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

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. National Fire Safety Fundraiser Proposal – *Ed Newsome, National Fire Safety*

B. Annual Police Department Report – *Chief Steve Parker*

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: I move that Council adopt the minutes of March 9 Agenda Meeting, the March 13 Regular Meeting, and the March 22 Special Meeting.

B. Non-Profit Funding Application

Motion: I move to approve the Non-Profit Funding Application as presented.

C. Resolution to Authorize the Use of Electronic Advertisement for Contracts Subject to G.S. 143-129.

Motion: I move to approve Resolution #R-23-11 as presented.

D. Ridgecrest Feasibility Study Recommendation

Motion: To approve the recommendation of Kimley-Horn to conduct the Ridgecrest Connector Trail Feasibility Study.

6. CITIZEN COMMENTS

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

7. UNFINISHED BUSINESS

A. Appointment of Town Attorney

Motion: I move that Council appoint _____ as Town Attorney, effective July 1, 2023.

B. Revised Babe Ruth Memorandum of Understanding

Motion: To approve the MOU as presented or amended.

8. NEW BUSINESS

A. Presentation of Capital Project Survey Data and Discussion – Savannah Parrish, Town Clerk and Josh Harrold, Town Manager

B. Advisory Board Appointments – Savannah Parrish, Town Clerk

a. Active Mobility Commission

The Active Mobility Commission received applications from Laura Raleigh and Kristie Bergna for one vacant seat. The Active Mobility Commission voted 5-0 to recommend Lisa Raleigh for appointment to the one vacant seat.

Motion: *I move that Council appoint _____ to serve as **member** of the Active Mobility Commission.*

b. Historic Preservation Commission

One application was received for one vacant seat. The applicant is Leigh Vidrine.

Motion: *I move that Council appoint _____ to serve as **member** of the Historic Preservation Commission.*

C. Discussion of Offer to Purchase Town Property – Josh Harrold, Town Manager

PIN 0710419003000000 & 0710419092000000

D. Black Mountain Pool Budget Amendments – Josh Henderson, Parks and Recreation Director

Motion: *I move to approve the Black Mountain Pool Budget Amendments as presented or amended.*

E. Black Mountain Golf Course Rates - Brent Miller, Golf Course Operations Manager

Motion: *I move to approve the FY 23-24 golf course rates as presented.*

F. Resolution for Commitment to the NC Main Street & Rural Planning Downtown Association Community Program #R-23-09 – Jessica Trotman, Planning Director

Motion: *To approve **Resolution #R-23-09** for commitment to the NC Main Street & Rural Planning Downtown Association Community Program (if selected).*

G. Resolution #R-23-10 to turn S. Ridgeway Avenue one-way going south from US 70 Hwy (E. State Street) – Jessica Trotman, Planning Director

Motion: *To approve **Resolution #R-23-10** to turn S. Ridgeway Avenue one-way going south from US 70 Hwy (E. State Street).*

9. PUBLIC HEARING

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

A. Public Hearing for Voluntary Annexation for Portion of Property Owned by Vince and Libby Snelling #O-23-03

Suggested Motions:

1. To open the public hearing for the proposed voluntary annexation for a portion of Buncombe County PIN #0710-10-9234.00000.
2. To close the public hearing.
3. To adopt **Ordinance #O-23-03** as presented.

B. Public Hearing for Rezoning of Portion of Property Owned by Vince and Libby Snelling #Z-O-23-04

Suggested Motions:

1. To open the public hearing to rezone a portion of 99999 Chinquapin Hill from R-LD to UR-8.
2. To close the public hearing.
3. To adopt **Zoning Ordinance #Z-O-23-04** (statement of consistency included) to rezone a portion of 99999 Chinquapin Hill from R-LD to UR-8.

10. COMMUNICATION FROM STAFF

1. Town Attorney – Ron Sneed
2. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

12. ADJOURNMENT

Proclamation

Earth Day 2023

WHEREAS, we acknowledge the extraordinary importance of maintaining a clean and healthy environment; and

WHEREAS, the global community faces challenges such as health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income, or geography, have a right to a healthy, sustainable environment with economic growth and opportunity; and

WHEREAS, we are all caretakers of our planet and have an obligation to combat climate change and environmental degradation to preserve the earth's beauty and resources; and

WHEREAS, this year marks the 53rd anniversary of the Earth Day movement let it be known that the town of Black Mountain, North Carolina, encourages all businesses, institutions, and individuals to celebrate the Earth and commit to caring for the planet and its resources.

NOW, THEREFORE, I, C. Michael Sobol, Mayor of the Town of Black Mountain hereby proclaim April 22, 2023, as

EARTH DAY

And encourage people in Black Mountain to combat climate change and environmental degradation, support green economy initiatives, and to encourage others to undertake similar actions.

PROCLAIMED, this the 10th day of April 2023.

Attest:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** April 10, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Adoption of Minutes

SUGGESTED MOTION(S):

I move that Council adopt the minutes of March 9, 2023 Agenda Session, the March 13, 2023 Regular Session, the March 22, 2023 Special Session as presented [or as amended].

SUMMARY: Minutes of the March 9, 2023 Agenda Session, the March 13, 2023 Regular Session, the March 22, 2023 Special Session

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: Draft Minutes



TOWN OF BLACK MOUNTAIN

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

Date: **March 9, 2023** Time: **5:00 p.m.**

Agenda Workshop Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular agenda workshop meeting on Thursday, March 9, 2023, at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the meeting to order at 5:00 p.m. with the following members in attendance:

Mayor C. Michael Sobol – arrived at 5:03 p.m.
Vice Mayor Archie Pertiller
Council Member Alice Berry
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

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

Mayor Mike Sobol proposed the creation of the Friends of Black Mountain Golf. Mayor Sobol suggested the group should be formed of citizens in order to review the history of the Black Mountain Golf Course, compare the Black Mountain course to other municipal courses, to study the economic value of the golf course, how to improve playing conditions, and other items. There was discussion among the council.

No changes were made to the agenda.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:26 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN

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

Date: **March 13, 2023** Time: **6:00 p.m.**

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, March 13, 2023, at 6:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Alice Berry
Council Member Bill Christy
Council Member Doug Hay
Council Member Pam King

The following staff members were present:

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

Manager Harrold requested that a closed session meeting be added to the agenda.

Council Member Doug Hay moved to amend the agenda by adding item 12A - Closed Session Meeting. The motion was approved by a vote of 5-0.

2. PROCLAMATIONS | AWARDS | RECOGNITIONS

3. CITIZEN COMMENTS

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

- Teryl Best-Zurick – Spoke to express support of the John D. Wilson Community Garden and to request that the Town Council consider providing the garden manager a full-time position.
- Fortunee Josephson – Requested a full-time garden manager for the John D. Wilson Community Garden.
- Liesl Erb Peterson – Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden.

- Katie Miller - Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden.
- Ali Casparian - Spoke in support of a full-time garden manager position for the John D. Wilson Community Garden on behalf of Bounty and Soul.
- Jesse Rosenblum – Requested that the Town Council consider implementing regulations on short-term rentals in Black Mountain.
- Frank Cappelli – Spoke against the proposed Memorandum of Understanding between Charles D Owen Babe Ruth and the Town, objection to the financial reporting requirements.

4. COMMUNICATIONS [AGENCIES COUNCILS, COMMISSIONS & STAFF]

A. Active Mobility Commission Report – *Julia Weatherford, Chairperson*

Julia Weatherford, Chairperson for the Active Mobility Commission, gave an update to the Town Council on the greenways. The Active Mobility Commission recommended funding sidewalk continuation to Connelly St. and adding a crosswalk to make pedestrian access to the library safer. The Commission thanked Stormwater Program Manager, Anne Phillip for her work on the rain garden near the underpass, which has significantly decreased puddling and mud in the area. The Commission reported several other observations and made recommendations, including mitigation of silt and gravel runoff on the Lake Tomahawk walk path. A written report is included as an attachment to these minutes.

B. Elevate Black Mountain Update (Comprehensive Plan) – *Jessica Trotman, Planning Director*

Planning Director Jessica Trotman gave an update on Elevate Black Mountain. Planning Director Trotman noted that the Town currently 53 tasks in progress and 32 tasks awaiting action, all of which were identified in the plan. Tasks in progress include:

- Implement Blue Ridge Road Small Area Plan
- Develop an Economic Development Plan
- Implement Parks & Recreation Master Plan
- Complete the Blue Ridge Road Interchange

The report 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: *I move that Council adopt the minutes of February 9, 2023 Agenda Session, the February 13, 2023 Regular Session, the February 25, 2023 Special Session, and the March 1, 2023 Special Session as presented [or as amended].*

B. Agreement between DOT and Town of Black Mountain for EB5547 Section A

Motion: *To approve the agreement as presented*

C. Call for Public Hearing for Voluntary Annexation of a Portion of Property Owned by Vince and Libby Stelling

Motion: *To call for a public hearing for voluntary annexation for a portion of the parcel known as Buncombe County PIN #0710-10-9234.00000, to be held on Monday, April 10, 2023, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

D. Call for Public Hearing for Rezoning of a Portion of the Property Owned by Vince and Libby Stelling

Motion: *To call for a public hearing for rezoning for a portion of the parcel known as Buncombe County PIN #0710-10-9234.00000 to be held on Monday, April 10, 2023, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Vice Mayor Archie Pertiller moved that Council approve consent agenda items A-D as presented. The motion was approved by a vote of 5-0.

6. UNFINISHED BUSINESS

A. Permanent Sidewalk Easement for Charlotte Street

Town Staff was instructed by Town Council to seek an easement from the Buncombe County Board of Education to construct a sidewalk along school property and Charlotte Street for purposes of establishing a pedestrian connection between the Flat Creek Greenway and the existing sidewalk on East State Street. The sidewalk will complete the pedestrian section leading to federal transportation project EB5547A.

Council Member Pam King moved to approve and accept the permanent sidewalk easement from the Buncombe County Board of Education and the terms set out therein for construction and maintenance of a sidewalk along property described in Deed Book 215, Page 65 in the office of the Register of Deeds of Buncombe County. The motion was approved by a vote of 5-0.

B. Appointment of Town Attorney

After a discussion of the four firm which sent in proposals, Roberts & Stevens, Allen Stahl + Kilbourne, Teague Campbell, and The Van Winkle Law Firm, the Town Council requested that staff reach out to representatives at each firm with an invitation to attend the April 10, 2023 Regular Session Meeting. The Town Council seeks more clarity in relation to the flat fees, hourly rates, and included services. The Town Manager will reach out the firms and ask them to attend the next meeting.

Councilmember Bill Christy moved to table Item6B – Appointment of the Town Attorney to the April 10, 2023 Regular Session Meeting. The motion was approved by a vote of 5-0.

7. CITIZEN COMMENTS

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

8. NEW BUSINESS

A. Midland Avenue Large Vehicle Traffic Ordinance O-23-05 – Josh Harrold, Town Manager

The Town Council instructed staff to draft an ordinance to prohibit large vehicles on Midland Avenue for their consideration. The ordinance prohibits tractor trailers and vehicles exceeding 48 feet in length from traveling on Midland Avenue. This limitation on the use of Midland Avenue shall not apply to such trucks that enter onto the south end of Midland Avenue to deliver goods to the business at 203 East State Street.

Vice Mayor Archie Pertiller moved to adopt Ordinance O-23-05 to prohibit large vehicles on Midland Avenue. The motion was approved by a vote of 5-0.

B. Revised Babe Ruth Memorandum of Understanding – Josh Henderson, Parks and Recreation Director

The proposed Memorandum of Understanding (MOU) is a revision of the current MOU that the town has with Charles D Owen Babe Ruth baseball/softball, this revision is for the addition of section 11, financial reporting, requiring Charles D Owen Babe Ruth to submit bank statements at the end of each month during each season of play for review.

Councilmember Bill Christy moved to amend the MOU to add a phrase welcoming Babe Ruth to apply for Town appropriations. The motion was approved by a vote of 5-0.

Discussion continued with Councilmembers Hay and Berry expressing concern over the communication between Babe Ruth and town staff.

Councilmember Pam King moved to approve the MOU as amended. The motion failed by a vote of 2-3, with Councilmembers Alice Berry, Doug Hay, and Bill Christy voting against.

The Town Council directed the Town Manager to continue discussions with Babe Ruth and to ensure the organization has adequate time to review any proposed changes to the agreement.

C. Cheshire Lighting Agreement – Josh Harrold, Town Manager

An agreement has been prepared to continue the partial reimbursement from the Town to Cheshire Master Association, Inc. for lighting costs. The reimbursement will not exceed the money the Town would spend if streetlights in Cheshire had been installed in compliance with Town policy. Mr. Duke Woodson of the Cheshire Homeowners Association attended as a representative for Cheshire. Mr. Woodson thanked Manager Harrold for his willingness to work with the Association.

Councilmember Bill Christy moved that Council approve the Cheshire Lighting Agreement as presented. The motion was approved by a vote of 5-0.

9. PUBLIC HEARING -NONE

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

10. COMMUNICATION FROM STAFF

1. Town Manager

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Mayor Mike Sobol proposed the creation of the Friends of Black Mountain Golf. Mayor Sobol suggested the group should be formed of citizens in order to review the history of the Black Mountain Golf Course, compare the Black Mountain course to other municipal courses, to study the economic value of the golf course, how to improve playing conditions, and other items. There was discussion among the council. The Council agreed that a citizen's task force should only be engaged should the Town Manager request it.

Councilmember Pam King celebrated Women's History Month by reading the names of all of the women who have served on Black Mountain Town Council.

12. CLOSED SESSION

A. Closed Session – Acquisition of Property (§ 143-318.11-5)

Vice Mayor Archie Pertiller moved to enter into a closed session meeting. The motion was approved by a vote of 5-0.

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

13. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 8:17 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN

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

Date: **March 9, 2023** Time: **5:00 p.m.**

Special Call Meeting Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, March 22, 2023, at 4:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 4:00 p.m. with the following members in attendance:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Alice Berry
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

The Town Manager, Josh Harrold, presented information to the Town Council. The purpose of the meeting was to consider multiple capital projects. The Town has a surplus of approximately 1.1 million dollars as a result of funds received through the American Rescue Plan Act. The town received \$2.6 million through the American Rescue Plan Act in equal installments in 2021 and 2022. The funding was administered as revenue replacement to cover employee salaries, leaving excess funding in the general fund. The other portion of the funds has already been allocated to previously identified needed projects, such as water line replacement on U.S. 70 and to repair the earthen dam at Lake Tomahawk.

The Town Council directed staff to create Capital Project Public Input Survey in order to make an informed decision with feedback from the public. There was discussion among the council members regarding possible uses for the funding, including parks maintenance and providing trash and recycling bins to residents.

The Town Council will consider this matter at the Regular Session Meeting on April 10, 2023 after hearing the results of the public input survey.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:26 p.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** April 10, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Nonprofit Agency Funding Application

SUGGESTED MOTION(S):

To approve as presented.

SUMMARY:

The Town of Black Mountain is committed to providing citizens with both transparency and accountability for the use of public funds. This application will require nonprofits provide information on their financials and ensure public transparency.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: Nonprofit Agency Funding Application and Instructions.

TOWN COUNCIL
C. Michael Sobol, Mayor
Archie Pertiller, Vice-Mayor
Alice Berry
Bill Christy
Pam King
Doug Hay



TOWN MANAGER
Josh Harrold
828-419-9300

**160 Midland Ave Black
Mountain, NC 28711**

**TOWN OF BLACK MOUNTAIN
NONPROFIT AGENCY FUNDING APPLICATION INSTRUCTIONS
FISCAL YEAR 2024**

General Instructions

Please follow the instructions below for submitting an application:

1. Download the application from the e-mail attachment or the Town of Black Mountain website.
2. Complete the application following the instructions provided below.
3. Please submit one (1) electronic copy to finance@tobm.org. We are not requiring a hard copy of your applications, please ensure a signed copy of the application is included with your email.
4. You may also provide a physical copy by submitting one (1) original hard copy, with the necessary signatures and attachments, mailed or delivered to:

Town of Black Mountain
Attn: Finance
160 Midland Ave
Black Mountain, NC 28711

All applications submitted by the deadline and determined to be complete will be considered as submitted. All sections of the application must be complete in order to receive consideration. Failure to comply with the application process may disqualify an organization from future consideration for funding.

Applications are due on Wednesday, April 12, 2023. The hard copy must be postmarked no later than that date, and the electronic copy must be submitted no later than 5:00 pm on that date.

Under Appendix A, please review the information provided on "Accountability Requirements for Certain Entities that Receive Appropriations from Local Governments". While this law will not impact the contract or auditing relationship between the Town and the Agency, please be aware of its requirement prior to submitting an application. Review criteria can be found in Appendix C Policy and Procedures for Nonprofit Funding.

Section Instructions

Section I- Organizational Information

- Please provide contact information for the organization including a contact person for appropriation as well as a contact person for contract signature.
- If the request is for a specific program within your agency, indicate the program name.

Section II - Service Summary

- The questions in the Service Summary section help the application review committee and the Town Council determine how the requested funding will be utilized, how your agency is best poised to provide this service, and how your service will support the Town's Strategic Plan. **Answers should be limited to the space provided.** Attachments may be submitted, if necessary, but should not exceed one page per question. Please do not submit brochures.
- Contact the finance department at finance@tobm.org or 828-419-9303 should you have questions regarding this, or any other section of the application.

Section III - Budget Details

- Section III asks for specific budgetary information regarding the organization requesting Town funding. Please provide actual revenue figures for FY 2022, estimated figures for FY 2023, and budget projections for FY 2024. Please specify revenues in the space provided. Likewise, please provide actual expenses for your organization for FY 2022, estimated expenses for FY 2023, and budget requests for FY 2024. If you use a calendar year instead of a fiscal year for accounting purposes, please provide actual data for 2021 and 2022 and your budget for 2023. This budget information is required of all applicants, not just those who are requesting more than \$5,000.00 in a single year as required by state law. All financial records must be open to the public upon reasonable notice.

Attachments

- Include your agency's most recently filed IRS Form 990 with your application.
- **Only the 990 is required, not the supplemental schedules.** If your agency's budget is less than \$50,000 annually and you do not file with the IRS, please submit a copy of your e-postcard that states you are still in business and under the threshold.

Contracts

- All nonprofits receiving funding from Town Government must enter into a Performance Agreement with Black Mountain for the fiscal year. By signing the Non-Profit Agency Funding Application, the agency agrees to execute the Performance Agreement which will be provided to the agency following adoption of the budget by the Town Council. A sample contract is located under Appendix B of this document.

FINAL CHECKLIST

Application form, completed and signed by both the agency's Fiscal Officer (Business Manager) AND Executive Director (Program Manager)

IRS Form 990

Submitted by Wednesday, April 12, 2023 at 5 p.m.

Appendix A

Accountability Requirements for Certain Entities that Receive Appropriations from Local Governments

In North Carolina, local government units have broad authority to appropriate monies to private entities (including nonprofits, corporations, associations, and individuals). The monies, however, must be expended by the private entities only on projects, services, or activities that the local government could have supported directly.

If a municipality or county has statutory authority to finance a particular program, service, or activity, then it may give public monies to a private entity to fund that program, service, or activity. This is the public purpose test - the Town cannot fund grant projects unless it is a service that the Town of Black Mountain could provide. If the Town provides your organization a grant to provide services under this process, those services must be available to the public.

For a complete list of authorities, please see NC G.S. 160A-209.

The General Assembly also requires certain entities that receive public funds-namely nonprofit corporations to comply with specified transparency requirements.

S.L. 2012-169 requires a nonprofit corporation that receives over \$5,000 of public funds (from a local government, the State, or the federal government) within a fiscal year in grants, loans, or in-kind contributions, to provide the following information upon written request from any member of the public:

- (1) The nonprofit's latest financial statements. The financial statements must include a balance sheet as of the end of the fiscal year and statement of operations for that year. They also must contain "details about the amount of public funds received and how those funds were used."
- (2) The nonprofit's most recently filed Internal Revenue Service (IRS) Form 990, Form 990-EZ or a copy of its Form 990-N submittal confirmation. A nonprofit may redact information not required for public disclosure pursuant to 26 U.S.C. § 6104(d)(3). Alternatively, a nonprofit may satisfy this requirement if it posts this information on its website or if another entity posts the information as part of a database of similar documents. The information must be accessible by the general public without charge. Also, if another entity maintains the information, the nonprofits must include a link to the other entity's website on its own website.

Appendix B
Sample Non-Profit Contract with the Town of Black Mountain

This AGREEMENT made and entered into this 1st day of July 20xx, by and between Black Mountain, North Carolina, hereinafter referred to as the “TOWN”, and Sample Non-Profit, a not-for profit corporation, hereinafter referred to as the “AGENCY”.

WITNESSETH:

WHEREAS, funds will be used to Sample Description of Each Non-Profit

WHEREAS, the AGENCY has requested certain funds from the TOWN to help with providing access to these services for the residents of Black Mountain.

WHEREAS, in response to such request, the Town Council found that the provision of these programs and services by this Agency would serve a public purpose and has appropriated the sum of Amount Requested for the period July 1, 20xx through June 30, 20xx to support this purpose; said sum being derived from Town funds, pass through grant funds or both; and,

WHEREAS it is desirable and necessary to enter into this AGREEMENT in order to set forth the terms and conditions for receiving said funds from the TOWN.

NOW THEREFORE, in consideration of the following, the parties hereto do mutually agree as follows:

1. The AGENCY agrees to use the funds appropriated by the Town in the manner and for the purposes as stated on the Grant applications submitted to the Town or as otherwise approved by the Town.
2. In consideration for the performance by the AGENCY of the services outlined on its Grant applications, the Town agrees to pay the AGENCY the aforementioned appropriation authorized in the Town Budget Ordinance for the grant period. The Town upon execution of this agreement shall make payment of such amount and after receipt of all necessary documentation from the AGENCY including financial or audit reports for the prior year as required by state law or local policy.
3. If the AGENCY fails to perform its obligations under this AGREEMENT, or if the AGENCY violates any of the provisions of this AGREEMENT, the Town shall have the right to terminate this Agreement by giving written notice to the AGENCY of such termination. In such event, all unspent funds paid to the AGENCY for that quarter shall be refunded to the Town within thirty (30) days of the close of the fiscal year. The AGENCY shall be fully liable to the Town for all improperly expended funds. Funds may not be used for capital under any circumstances unless expressly stated in the application. Any use of funds for capital purchases must be used such that they provide access to the public for use. Excess funds that are not spent for the services, purposes and intents expressly stated in the grant application may not be approved for other uses without approval from the Town in writing. All funds must be spent for services and purposes that the Town is authorized to provide under State law. The Town may additionally terminate this AGREEMENT without cause upon thirty (30) days advance notice to the AGENCY.
- 3a. If the AGREEMENT terminated by the Town involves funds related to a pass-through grant(s); all unexpended funds at the time of such termination shall be properly repaid to the Town within thirty (30) days of the termination date. The AGENCY shall be fully liable to the Town for all improperly expended funds in the same amount, as the Town is found liable for repayment by the granting AGENCY.

4. The AGENCY shall not assign any interest in this AGREEMENT and shall not transfer any interest in this AGREEMENT without prior written approval of the Town.
5. In connection with the performance of this AGREEMENT, the AGENCY shall not discriminate against any employee, applicant for employment, or program participant because of race, religion, color, sex, age, handicap, or national origin.
6. The AGENCY shall maintain all accounts, books, ledgers, journals, and records in accordance with generally accepted accounting principles, practices and procedures and follow all relevant laws.
7. The AGENCY must establish and provide to the Town for approval prior to the beginning of this agreement criteria that will be used in monitoring the accomplishment of established goals and objectives along with any performance measures.
8. Agency annual financial reporting:
 - a. The Town shall be entitled to review the financial records and operations of the AGENCY at the Town's discretion.
 - b. The agency shall provide documentation to support their expenditures to the Town Finance Office. The Agency will provide an annual financial review accounting for Town funds and their specific use under the grant application.
 - c. Financial reports shall be approved by the AGENCY's Board of Directors.
 - d. The audit or financial report shall be submitted to the Town no later than six months after the end of the AGENCY's fiscal year.
9. Sales taxes are not eligible for reimbursement or applied against any grant funds. As a non-profit agency you are responsible to file with the State of North Carolina for any sales taxes paid for which you are due a refund.
10. The Town shall be entitled to conduct program evaluations of the AGENCY's activities particularly as it relates to the accomplishments of established goals and objectives and the quality and impact of services being delivered.
11. All books and records shall be maintained by the AGENCY for a period of at least three years from the date of the final payment under this AGREEMENT and shall be made available for audit or evaluation upon request during regular business hours of the AGENCY.

14. As a condition of receiving funds from the Town, the AGENCY agrees to fully indemnify and hold harmless The Town of Black Mountain, its officers, agents and employees from and against any and all claims, demands, payments, suits, actions, costs, recoveries and judgments of every kind and description brought out of or occurring in connection with, directly or indirectly, activities funded in part or in whole with funds made available under this AGREEMENT.

15. The Town is in no way responsible for the administration and supervision of the AGENCY's officers, employees, and agents, which persons it is agreed are not officers, employees, or agents of the Town.

16. The appropriation of Town funds lapses on June 30. Only expenditures occurring within the beginning date and ending date of the fiscal year of the Town Budget Ordinance are eligible for expenditure of Town funds. Any excess funding at the end of the year shall be returned unless the Town grants its express permission to roll funds into the next funding year for the same purposes as stated on the grant application.

17. The AGENCY agrees to notify the Town immediately should its status as a not-for-profit organization change.

18. This AGREEMENT may only be amended by written amendments mutually agreed upon by and between the Town and AGENCY.

19. This agreement shall be interpreted in accordance with North Carolina law.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their names by their duly authorized officers, their seals to be hereto affixed the day and year first above written.

ATTEST:

Town Manager

Mayor, Town of Black Mountain

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Town Finance Director

ATTEST:

AGENCY: _____

Printed Name Date

Signature

Authorized Agency Official

Appendix C

Town of Black Mountain Policy and Procedures for Nonprofit Funding

Policy

The Town of Black Mountain is committed to providing citizens with both transparency and accountability for the use of public funds. This commitment is evident as Town government moves towards data driven decision-making including implementation of the Town Strategic Plan and tracking effectiveness of Town funds through performance management and regularly reporting on outcomes. Sometimes the Town works with nonprofits to accomplish community goals or to provide needed services that the nonprofit sector can provide more efficiently in complement to services provided by the Town. This policy is intended to insure that in these cases, the same transparency and accountability for public funds that are being implemented internally apply.

Conflict of Interest Laws Apply

The State and local conflict of interest laws that currently apply to the Town of Black Mountain Council and employees, also apply in the consideration of Non-Profit Funding Grant requests. Town Council will not serve on any board or organization seeking funding from The Town of Black Mountain unless said service is a requirement through legislation or legal agreement. At a minimum, board members must recuse themselves from a vote to approve a grant should there be a conflict due to an affiliation with an applicant organization. There should be full disclosure and transparency.

Compliance with Laws, Ordinances, Rules and Regulations

Grantees are held accountable for following all state and federal laws, ordinances, rules and regulations related to the expenditure of funds. Grantees who do not comply with these regulations may be ineligible for future funding.

Procedures

Town staff will issue a call for applications for nonprofit funding annually including required forms and instructions. This call will have a specified deadline and is open for organizations recognized as nonprofits as evidenced by 501(c)(3) status. Applications submitted after this call will not be considered. Applications must be submitted complete and failure to complete the application will result in disqualification for consideration. Outcomes anticipated as a result of funding being approved are to be included in addition to a clear statement of how funding the request connects to the Town Strategic Plan, as indicated on the application.

A funding agreement is required for agencies that receive funding and must be signed by an authorizing official for the nonprofit. This agreement has requirements for both financial and outcome reporting that must be adhered to in order to remain eligible for future funding. Failure to comply with the reporting requirements shall result in disqualification for funding in the following year.

After all applications are submitted, a review committee will be convened. Membership may include up to two Council Members, the Town Manager, and the Town Finance Director. Complete applications will be evaluated and prioritized based on the following criteria:

- Ability to provide services that supplement or enhance existing Town services
- Demonstration of how expected outcomes are in support of the Town Strategic Plan

A final recommendation will be made in the manager's recommended budget presented by June 1 in compliance with state law. The recommendation will be made based on the committee evaluation and prioritization, projected revenues for the coming budget year and weighing internal needs for resources. Final approval is subject to Town Council approval of the budget. Following approval, funding recipients will be notified and funding agreements will be issued for signature.



BLACK MOUNTAIN

Non-Profit Agency Funding Application

Fiscal Year 2023-2024

160 Midland Avenue
Black Mountain, NC 28711

SECTION I

ORGANIZATIONAL INFORMATION

Organization Name			Chief Executive		
Mailing Address			Phone Number		
Contact Person for Appropriation			E-Mail		
Contact Person for Contract Signature			E-Mail		
City	State	Zip	Fax Number		
Tax-Exempt Status (Check only one)			Received Town funding in last three years?		
☐ 501(c)(3)	☐ 501(c)()<-insert #	☐ 4947(a)(1) or 527	☐ Yes ☐ No		
Type of Application			Amount of funding requested		
☐ One-time Project	☐ Continuation	☐ Expansion			

SECTION II

SERVICE SUMMARY

1. Mission Statement

Please provide the organization's Mission Statement and/or general organizational information.

--

2. Funding Uses

How do you plan to use the requested funding? (for client services, personnel, operating expenses, capital, etc.)

--

3. Need Statement and Service Goals

What are the identified needs and how will this service address those needs?

4. Target Population/Citizen Impact

Describe the target population that will be served with the requested funds. How many citizens will be directly impacted by the program funds.

5. Public Purpose

Explain how your program will expand or provide a complement to services the Town can provide or how you will provide these services in a more cost effective manner than government.

6. Partnerships

Describe the organization's relationship to Town departments, if any. How does the organization coordinate its services with the Town services?

7. Comprehensive Plan

How will your organization support Black Mountain's Comprehensive Plan?

SECTION III			
BUDGET DETAILS			
Service Budget			
REVENUE	FY 2022	FY 2023	FY 2024
Funds Received/Requested from the Town			
Total Revenue	\$0.00	\$0.00	\$0.00
Percentage of Revenue Provided from Town Funding			

Fiscal Officer (Business Manager)	Date
Executive Director	Date:



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** April 10, 2023

AGENDA SECTION: CONSENT

DEPARTMENT: Administration

TITLE OF ITEM: Resolution to Authorize the Use of Electronic Advertisement for Contracts
Subject to G.S. 143-129.

SUGGESTED MOTION(S):

To approve as presented.

SUMMARY:

This resolution authorizes the Town Manager or their designee to advertise solicitations for bid using electronic means in lieu of placing an advertisement in a newspaper of general circulation whenever he or she determines it to be the most effective and efficient method of obtaining competition for a contract.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: Resolution R-23-11 Resolution to Authorize the Use of Electronic Advertisement for Contracts Subject to G.S. 143-129.

**Resolution to Authorize the Use of Electronic Advertisement
for Contracts Subject to G.S. 143-129.**

WHEREAS, contracts for construction or repair work, and for the purchase of apparatus, supplies, materials, and equipment that meet the monetary threshold established in G.S. 143-129 must be publicly advertised; and

WHEREAS, G.S. 143-129(b) authorizes the governing board to allow the use of electronic advertisement as an alternative to advertisement in a newspaper of general circulation; and

WHEREAS, in some cases, advertisement in the newspaper may be the most effective method of obtaining competition, but in other cases, advertisement by electronic means may be a more effective and efficient method of reaching prospective bidders; and

WHEREAS, it is in all cases important to provide citizens an opportunity to obtain information about major contracts to be awarded by this entity;

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT:

The Town Manager or his or her designee is authorized to advertise solicitations for bid using electronic means in lieu of placing an advertisement in a newspaper of general circulation whenever he or she determines it to be the most effective and efficient method of obtaining competition for a contract.

Advertisement by newspaper and electronic means may be used together or in the alternative, and the requirements of G.S. 143-129(b) shall be met as long as one of the methods used meets the specific requirements and minimum time for advertisement under that statute.

READ, APPROVED AND ADOPTED this 10th day of April 2023.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Henderson, *Recreation & Parks Director*

MEETING DATE: April 10, 2023

AGENDA SECTION: Unfinished Business

DEPARTMENT: Recreation & Parks

TITLE OF ITEM: Charles D Owen Babe Ruth MOU

SUGGESTED MOTION(S):

To approve as presented.

SUMMARY:

In the March 2023 regular session meeting this MOU was presented but not approved. The attached copy contains revisions for approval.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** April 10, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Planning

TITLE OF ITEM: Ridgecrest Connector Trail Feasibility Study Contractor Recommendation

SUGGESTED MOTION(S):

To approve the recommendation of Kimley-Horn to conduct the Ridgecrest Connector Trail Feasibility Study.

SUMMARY:

The Town received four RFP's for the Ridgecrest Connector Trail Feasibility Study, which will determine how this trail will connect to the Fonta Flora State Trail. Staff from the Town of Black Mountain and the Land-of-Sky MPO evaluated the RFP's and are recommending Kimley-Horn to conduct the feasibility study.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

RESOLUTION #R-23-10

RESOLUTION CHANGING S. RIDGEWAY AVENUE TO ONE-WAY TRAVEL

WHEREAS, the Town of Black Mountain seeks to protect public safety; and

WHEREAS, the Town of Black Mountain has completed a traffic pattern analysis from Traffic Planning and Design, Inc, dated March 2023, which has received support from the Town of Black Mountain Fire Department and Town of Black Mountain Police Department; and

WHEREAS, the described traffic pattern analysis recommends one-way travel south from US 70 Hwy (E. State Street) to Sutton Avenue; and

WHEREAS, it is the public interest for S. Ridgeway Avenue to have one-way travel from US 70 Hwy (E. State Street) to Sutton Avenue;

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT the Town Council support and authorize the changing of S. Ridgeway Avenue to a one-way street as recommended in the traffic pattern analysis from Traffic Planning and Design, Inc, dated March 2023, to be effective immediately.

I move and adopt the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this 10th day of April 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** April 10, 2023

AGENDA SECTION: UNFINISHED BUSINESS **DEPARTMENT:** ADMINISTRATION

TITLE OF ITEM: Appointment of Town Attorney – *Town Council*

SUGGESTED MOTION(S): I move that Council appoint _____ as Town Attorney, effective July 1, 2023 .

SUMMARY: Town Council Members instructed staff to issue an RFP (request for proposal) for Town Attorney Services for the benefit of the town and the town attorney. The last RFP was issued in 2018. The Town Council will now discuss the proposals received and appoint a Town Attorney. Attorney Ron Sneed announced at the February 13, 2023 meeting that he would not be seeking reappointment. This matter was continued from the March 12, 2023 meeting when Town Council requested that the attorneys submitting proposals attend the regular session meeting on April 10, 2023.

ATTACHMENTS: Responses to RFP.



Roberts & Stevens, P.A.

**ROBERTS
& STEVENS**
ATTORNEYS AT LAW

City Centre Building • 301 College Street, Suite 400 • Asheville, NC 28801
Post Office Box 7647 • Asheville, NC 28802
T 828.252.6600 • F 828.258.6955

March 7, 2023

Writer's Direct Dial no.: 828-210-6821
E-mail Address: SRussoKlein@roberts-stevens.com

Via Personal Delivery

Savannah Parrish
Town Clerk
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

Re: Request for Proposal to Provide Legal Services

Dear Ms. Parrish:

I am delighted to submit my proposal to serve as Town Attorney for the Town of Black Mountain. Please do not hesitate to contact me if I can provide any further information to the Town in making its decision. Thank you for your attention to his matter.

Sincerely,

ROBERTS & STEVENS, P.A.



Susan Russo Klein

Attachment

Response to Town of Black Mountain's Request for Proposal To Provide Legal Services

Susan Russo Klein
Roberts & Stevens, P.A.
City Centre Building
301 College Street, Suite 400
Asheville, NC 28801
Mailing address: PO Box 7647 (28802)
Phone: (828) 210-6821
Fax: (828) 210-6554
E-mail: srussoklein@roberts-stevens.com

- I. Susan Russo Klein is a partner of the Asheville-based law firm of Roberts & Stevens, P.A. Our office is located in downtown Asheville, North Carolina, a 20-minute drive from the Town of Black Mountain. We are a full-service firm with 24 attorneys with a range of experience, including extensive experience serving local governments and agencies in our community.

Susan has advised the Town of Black Mountain on employment law matters for the past four years. She has also advised Town Council meetings on the rare occasion when the current Town Attorney, Ron Sneed, has been conflicted out. Susan advises a number of public agencies and municipalities, and have extensive experience as general counsel.

Susan has enjoyed working with the Town of Black Mountain's administration on employment law matters since she joined Roberts & Stevens in 2019. In addition to her professional interest in serving the Town, she has a personal connection to Black Mountain: her husband, Robert Klein, grew up in Black Mountain, and his brother still lives in their family home on Lake Tomahawk. Based on her experience as general counsel, her experience advising the Town and other local government agencies, and Roberts & Stevens' extensive experience representing local government in Western North Carolina, Susan would provide high quality legal services to the Town of Black Mountain.

- II. Roberts & Stevens was formed in 1986 as the result of a merger of Redmond, Stevens, Loftin & Currie and Roberts and Cogburn. The firm and its predecessors have represented the Metropolitan Sewerage District since the District's formation in the 1960's. The firm has extensive experience representing local governments at council and board meetings, employment matters, contract review and preparation, real estate and land use, and in litigation including land condemnation, construction, environmental issues, land use, real estate and constitutional issues.

In addition to the legal representation Roberts & Stevens has provided to the Town, our attorneys represent the following local governments:

Susan Russo Klein has advised the Land of Sky Regional Council since 2020. She serves as LOSRC's general counsel. Susan has worked on employment matters for MSD Buncombe County since 2020.

Billy Clarke has worked on legal matters for MSD Buncombe County since 1982. He has served as general counsel for MSD since 1999.

Billy has served as Town Counsel for the Town of Biltmore Forest since 2012. He has also represented other local governments on environmental matters, including Brownfields redevelopment and land condemnation. His clients include the City of Hendersonville.

John Noor regularly represents counties and currently works on matters for Buncombe, Madison, and Cherokee Counties related to land use and development issues. John also represents the Madison County Sheriff on various legal matters.

- III. The firm would manage day-to-day activities from its office in Asheville, and our attorneys would be able to make the short trip to Asheville for meetings of the Town Council and other in-person meetings. Susan and other attorneys answer their own phones and are always available to respond promptly to inquiries. Our staff work closely with legal assistants and paralegals who are also available to ensure we provide timely support to the Town.

IV. References of Municipal Clients

Metropolitan Sewerage District of Buncombe County

Tom Hartye, General Manager
2028 Riverside Drive
Asheville, North Carolina 28804
(828) 225-8205

Land of Sky Regional Council

Nathan Ramsey, Executive Director
339 New Leicester Hwy, Ste. 140
Asheville, NC 28806
(828) 251-7473

Town of Biltmore Forest

Jonathan Kanipe, Town Manager
355 Vanderbilt Road
Biltmore Forest, NC 28803
828-274-0824

City of Hendersonville

John Connet, City Manager
160 6th Avenue E, Hendersonville, NC 28792
828-697-3005

Madison County

Norris Gentry, former Interim County Manager and County Commissioner
PO Box 142, Marshall, NC 28753
828-777-7407

V. Resume of Qualifications

Susan Russo Klein attended college at St. Andrews Presbyterian College (now St. Andrews University) in Laurinburg, North Carolina. She attended Southwestern University School of Law, and was admitted to practice in North Carolina in 2000. Her experience includes serving as general counsel for companies nationwide. She joined Roberts & Stevens in 2019. Susan currently serves as employment counsel for the Town of Black Mountain and MSD; she also serves as general counsel for Land of Sky Regional Council. Susan serves as a Board member of two public agencies: the Greater Asheville Regional Airport Authority, and the Buncombe County Bar.

Billy Clarke has more than 30 years of experience representing public governments and litigating environmental matters for public and private clients. Billy obtained his undergraduate degree from Princeton University and his Juris Doctor from UNC Chapel Hill. Billy serves on the North Carolina Board of Transportation.

John Noor is a litigation attorney focusing on governmental affairs, public policy, and environmental law. John joined the firm in 2013. John attended the University of North Carolina at Asheville, and obtained his Juris Doctor from UNC Chapel Hill. John serves on the Board of Pisgah Legal Services.

Please see our firm website at www.roberts-stevens.com for detailed resumes on each of our 24 attorneys.

VI. Roberts & Stevens maintains comprehensive liability (including legal malpractice) and workers' compensation insurance on all staff, including those assigned to work for the Town.

XI. Cost Proposal – Option II

1. \$6,000 per month lump sum to cover costs of attending council meetings, including special meetings, study sessions and retreat; review of Council meeting minutes; costs of postage, supplies, materials, equipment, and incidental items; consultation and telephone calls with Council and staff less than 15 minutes in duration with no follow-up research needed; and all out-of-pocket expenses for services in the immediate area of Black Mountain/Buncombe Count.
2. Hourly rates for staff:
 - \$300.00 per hour for other legal services by Susan Russo Klein
 - \$350.00 per hour for legal services by Billy Clarke
 - \$300 per hour for legal services by John Noor
 - No additional charge for legal assistant services

This proposal is based on the annual average of hours billed by the Town Attorney and Susan's experience advising the Town. Roberts & Stevens would be happy to discuss alternate cost proposals, including a straight hourly rate of \$300 per hour for all legal services.

Sincerely,

ROBERTS & STEVENS, P.A.



Susan Russo Klein



Allen Stahl + Kilbourne



828.254.4778 | asklawnc.com
20 Town Mountain Rd., Suite 100
Asheville, NC 28801

DEREK J. ALLEN
Attorney at Law
dja@asklawnc.com
828-412-4026

ROBERT C. "BO" CARPENTER
Attorney at Law
bcarpenter@asklawnc.com
828-412-4022

March 7, 2023

Town of Black Mountain, Town Clerk
160 Midland Avenue
Black Mountain, NC 28711
Town.clerk@tobm.org

Re: Response to Request for Proposal to Provide Legal Services

Dear Town Clerk:

The law firm of Allen Stahl + Kilbourne respectfully submits this response to the Town of Black Mountain's Request for Proposal as set out below.

I. Provide background information on your firm.

Allen Stahl + Kilbourne is a dynamic, growing law firm that was born out of the joining of Dungan, Kilbourne and Stahl – a long established law firm in Asheville – and Derek Allen – a veteran litigator, community leader, and land use attorney. Since formed in 2019, the Firm has grown from six attorneys to a roster of 17 highly skilled attorneys in a broad range of practice areas. The growth is a reflection of the Firm's commitment to client service and diligent representation. We pride ourselves on client satisfaction.

A significant portion of our practice involves the representation of developers and other individuals before local governmental entities. Derek Allen, in particular, has robust experience locally and statewide working with local government staff members and appearing before local governmental boards. He may have spent more time in local government meetings than any other local attorney.

Other attorneys in the Firm also have significant experience in governmental law. Robert "Bo" Carpenter has engaged in numerous litigation matters involving

local governmental entities, specifically in the employment law realm. Clifton Williams served for years as general counsel for UNCA and elsewhere in the state university system. The Firm is very comfortable representing municipalities and confronting the legal issues specific to municipalities and other governmental entities.

Another significant portion of the Firm's practice is advising and representing homeowners' associations. While the law governing HOAs may be different than municipal law, advising and representing HOA boards is similar to advising and representing municipalities. Each require attorneys to deftly handle contentious matters and complicated personal dynamics in a neutral, objective manner without taking sides. This skillset transfers well into representing municipalities where calm, objective advice is critical.

Finally, the Firm approaches the practice of law with a team mentality. Client tasks are assigned to attorneys best equipped to handle them. For example, an employment law or policing issue would be handled by Bo Carpenter while a complicated municipal law issue would be researched by Jesse Swords, who has experience and talent with that topic. The breadth of the Firm's practice areas enables the Firm to competently and expeditiously handle any legal issue that Black Mountain may have.

II. Provide information on your firm's specific municipal experience that demonstrates your firm's ability to handle this assignment.

ASK Law currently represents the Town of Lake Santeetlah. Attorneys regularly appear before and have been involved in litigation with many municipalities, counties, and other local governmental entities such as water and sewer authorities. Bo Carpenter has the privilege of serving on the Buncombe County Board of Elections, a local board governed by state law. We have a wealth of experience in local government law.

Municipal law is well within the Firm's purview. We have ongoing, active matters with Asheville, Highlands, Weaverville, Woodfin, Laurel Park, Waynesville, Bryson City, Hendersonville, and Mills River. Our typical municipal interaction includes all levels of the municipality from staff members to lower boards and up through and including the elected board. The Firm is intimately familiar with Chapter 160A and comfortable navigating local ordinances. Black Mountain would have a wealth of municipal experience at its disposal with ASK Law.

III. Describe how your firm will handle the day-to-day activities of this assignment. If your firm does not currently have an office in the Town

of Black Mountain or Buncombe County, explain your plans to establish a local office if your firm is awarded the Town Attorney duties.

The Firm will have co-lead attorneys –Derek Allen and Bo Carpenter– who will be the primary points of contact for the Town. Town officials will have their cellphone numbers and be able to call them at any time. Both Derek and Bo endeavor to respond to inquiries quickly and are usually able to do so within 24 hours. The scope of their legal knowledge and experience often enables them to answer legal questions quickly and efficiently. More robust work tasks will likely be assigned to the attorney best equipped to handle the task.

The Firm has offices in Asheville and Winston-Salem but does not currently have an office in Black Mountain. As the Firm continues to grow, it is expected to continue to add offices and is open to a conversation about whether it makes sense to have an office in Black Mountain. In the meantime, know that the Firm has a strong referral relationship with the Black Mountain law firm of Stone and Christy. We know Bryant, James, Barrett, Ben, and Bill very well.

We also have numerous clients in Black Mountain, some of them prominently known. Further, many of our attorneys were born and raised locally. For example, Jeff Stahl, Jamie Kilbourne, and Bo Carpenter were born and raised in Waynesville, Marion, and Sylva respectively. The fourth partner, Derek Allen, is from the Greensboro area and attended college at UNCA. We have strong roots in the area.

IV. Provide a list of recent and/or current municipal clients, including a contact person with address and telephone number.

Town of Lake Santeetlah

Kim Matheson, Town Manager
828-735-3306
info@townoflakesanteetlah.org

Connie Gross, Mayor
828-479-8190 (Home)
828-479-8190 (Cell)
mayorconniegross@gmail.com

V. Provide a brief resume of qualifications for each person to be assigned to provide services to the Town under this proposal.

The Town would be retaining the Firm, not a single attorney. With ASK Law's team mentality, every attorney could be assigned services to the Town. We therefore refer you to our [website](#) to learn more about the qualifications of our attorneys. Printouts of individual biography pages are enclosed herein.

VI. *Provide a statement that the firm will maintain comprehensive liability and workers' compensation insurance on all staff assigned to work for the Town.*

The Firm will maintain comprehensive liability and workers' compensation insurance on all staff assigned to work for the Town.

XI. *Cost Proposal*

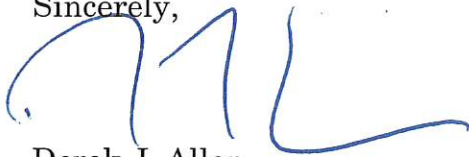
Of the three cost options presented, the Firm selects Option 2. The lump sum amount would be \$50,000.00 yearly (\$4,166.67 monthly). We believe this is a fair estimate of the time it would take to provide the lump sum services listed. This lump sum would be reevaluated after a year to adjust for any over or under estimate of time.

The hourly rate for all services not covered under Option 2 would be at the hourly rate of the attorney working on a particular matter. Enclosed is the Firm's current fee schedule. The Firm, however, would agree to cap the hourly rate so that it never exceeds \$325.00 an hour.

Black Mountain has had the good fortune of excellent legal counsel in Ron Sneed. The Firm did not intend to bid for this position while he still wanted the job although he personally alerted Derek Allen to the opening. Only when he told Derek that he was not submitting a proposal did we decide to put our name in the hat. Local mountain communities deserve high quality legal services, and Black Mountain has had that in Ron. We believe the Firm can seamlessly step into his shoes and provide an even wider breath of legal expertise to the Town.

We very much appreciate the opportunity to submit this proposal and look forward to discussing how we can serve the Black Mountain community.

Sincerely,



Derek J. Allen



Robert "Bo" Carpenter

Enclosures

- Attorney Bios
- Rate Sheet



Teague Campbell



March 6, 2023

Town Clerk
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711
Via email: town.clerk@tobm.org and via FedEx

Dear Town Council:

Enclosed please find our Proposal for Legal Services for the contracted Town Attorney position for the Town of Black Mountain. Teague Campbell, otherwise known as Teague, Campbell, Dennis & Gorham, LLP, traces its roots to a Raleigh partnership formed in 1946 between Woodrow Teague and former North Carolina Governor, later United States Senator, J. Melville Broughton. We just celebrated our 75th anniversary with offices in Raleigh and Asheville, and for more than 35 of those years, we have devoted ourselves to the needs of local government. Teague Campbell attorneys represent towns, cities, and counties across the state at the administrative, trial, and appellate level. Our attorneys also regularly serve as acting attorney of record or as an extended legal department for our public sector clients. By utilizing the broad experience within our firm, we have put together a program that effectively works as a staff attorney for municipalities, but provides greater flexibility, a more specified skillset, and, often, cost savings.

Our Public Sector Services team is made up of knowledgeable attorneys who are experienced in insurance coverage, employment law, constitutional law, contract review, ordinances and codes, land use and zoning, litigation, elections law, economic development and public records requests, just to name a few. Our firm currently serves as the Town Attorney for the Town of Plymouth, the interim City Attorney for the City of Shelby, the County Attorney for Transylvania County, and just completed 10 months as the interim County Attorney for Alamance County. In these contractual relationships, we attend all Board meetings and special called meetings and work closely with the Town, City and County Managers on a variety of matters. We have also been working directly with local government entities through the NC League of Municipalities and the NC Association of County Commissioners since the 1980s.

The following includes a qualified team for the Town of Black Mountain; however, our collective experience and institutional knowledge is available to protect the interests of our clients, which provides a level of unmatched expertise and service. I am happy to connect with you directly to discuss any of the enclosed information in more detail. We appreciate the consideration and look forward to serving the Town of Black Mountain.

Sincerely,

A handwritten signature in black ink that reads 'John Kubis'.

John L. Kubis, Jr.
jkubis@teaguecampbell.com
(Direct): 919-816-7219



Firm Information

Teague Campbell Dennis & Gorham, LLP
P.O. Box 19207, Raleigh, NC 27619-9207
Phone: 919-871-0166
Fax: 919-873-1814
Raleigh: 4700 Falls of Neuse Road, Suite 450, Raleigh NC 27609
Asheville: 117 Cherry Street North, Asheville, NC 28801
www.teaguecampbell.com

Our Approach

Relationships are the cornerstone of our culture at Teague Campbell. We are invested in a genuine understanding of each client's long-term goals and short-term needs, and we prioritize responsiveness and transparency. We work closely with our clients to craft solutions to their unique challenges. This is particularly important with public sector clients, where personnel, politics, citizen expectations, and the interest of local government converge with attendant risk.

Our attorneys work as a team using their collective experience and institutional knowledge for the benefit of our clients. **For municipalities, we identify one principal contact to serve as the attorney of record for the entity. This attorney becomes your main point of contact and is supported by a team of subject matter experts who support the municipality as needed throughout the representation.** This program provides the same dedication and investment that is provided by a staff attorney, but provides greater flexibility, a more specified skillset, and, often, cost savings. If the appointed Town Attorney is unavailable, the entire team is available and ready to help. Together we will work with you to take proactive steps to reduce your risk, including improving internal policies, conducting training, and offering advice on how to handle day to day issues that arise in local government. If you are faced with litigation, our attorneys are highly skilled litigators, and will work aggressively to minimize damages.

Our Experience

Our firm has been instrumental in litigating important cases that have clarified the case law for governmental immunity in North Carolina. Our attorneys are well versed in state and local statutes and applicable federal regulations, and we keep a close eye on developments coming down from the appellate courts that affect public sector clients. In addition to defending municipalities and counties in litigated matters, we have experience serving as in-house counsel to local governments, giving us a unique perspective on the needs of these entities and the issues they face. Below is a sampling of our experience:

- Drafted multiple ordinances to ensure intent of governing body while avoiding unintended risk.
- Helped to usher county government through global pandemic and assisted with advice on rights and responsibilities in response to same.
- Analyzed the scope of municipal authority in evolving situations.
- Successfully condemned unsafe structures.
- Successfully argued and obtained multiple Rule 12(b) dismissals of claims against police officers, municipalities, and counties, on the basis of governmental immunity.
- Obtained summary judgment on behalf of multiple municipal clients in matters ranging from simple negligence to claims invoking protections under the North Carolina and United States Constitutions.
- Drafted first immunity policy exclusion successfully utilized in defense of local government in NC.

- Briefed multiple North Carolina Supreme Court pleadings to successfully obtain Petitions for Writ of Certiorari and Writs for Discretionary Review.
- Successfully obtained dismissal of an uninsured motorist claim via appeal to the North Carolina Court of Appeals based on exclusion in applicable policy in a case arising out of a Deputy Sheriff shot in the line of duty.
- Tried to verdict over 35 cases, including the following:
 - Successfully tried a case to a defense verdict in negligence case against a county's transportation. Plaintiff sought \$500,000 in damages when an 85-year-old fell out of the back of the county's handicap van traveling 55 miles per hour.
 - Successfully tried a case to verdict in a negligence claim against another county related to a catastrophic degloving injury to county landfill patron. The jury returned a verdict for half of the defendant's last settlement offer.
 - Successfully tried a case to a defense verdict involving wrongful death of a motorist involved in an accident with a Deputy Sheriff. Pre-trial demand in excess of \$1 million.
 - Successfully tried a case to a defense verdict in a negligence claim relating to a motor vehicle accident with a visibly disabled county bus driver.
 - Obtained a summary judgment dismissal of pro se prisoner complaint filed in federal court alleging that City police officers violated the ADA and the prisoner's constitutional rights by handcuffing a deaf prisoner.

Our Services

Our public sector services include, but are not limited to:

- Assist with recruitment, hiring and training for local government officials
- City, town, and county attorney services
 - *Our services are tailored to meet the needs of each entity but always include:*
 - *Representing and protecting the Town's interests;*
 - *Supporting the Council, Manager, Clerk and other stakeholders by providing high-quality and timely legal opinions;*
 - *Attending and providing legal counsel at meetings as requested; and,*
 - *Securing special counsel as necessary.*
- Code enforcement
- Consultation and risk assessment in real time
- Consultation and support for emergency service providers, law enforcement agencies and public health departments
- Contract drafting and review
- Dispute resolution and litigation
 - *Our team is experienced in addressing acute concerns regarding negligence; premises liability, professional liability; constitutional claims, including false arrest and imprisonment and use of force; emergency response and pursuit; wrongful death; health care professional liability; employment law; workers' compensation; insurance coverage; eminent domain (including direct and inverse condemnation); property tax appeals and constitutional law matters.*
- Economic development
- Elections Law

- Eminent domain and condemnation with some land use, planning and zoning services
- Employment and Labor Law
- Governance
 - *Local boards; Open Meetings Law; ethics and conflicts of interest; quasi-judicial hearings; questions of statutory authority.*
- Insurance issues
- Ordinance drafting and review
- Property tax appeals
- Public records request compliance
- Workshops, trainings, and in-service

Personnel and Qualifications

In addition to the principal contact serving as the Town Attorney, we have an experienced team of municipal attorneys and reputable staff ready to meet your needs in a timely manner. Below are a few of the attorneys who may be called upon in their substantive areas of expertise. ***See Addendum A for full biographies.***



John L. Kubis, Jr., Principal Contact

Partner (Asheville)

919.816.7219

jkubis@teaguecampbell.com

- Serves on the team for Transylvania County and the City of Shelby. Supports the county and municipal attorney team on a variety of substantive issues, including local governance, drafting contracts and litigated matters.
- Represents counties and municipalities throughout the state in ongoing litigation.
- Actively involved with the NC Association of County Commissioners, the NC Association of Defense Attorneys, and the Property and Liability Research Bureau.



Julie Hooten

Partner (Asheville)

919.719.4743

jhooten@teaguecampbell.com

- Serves on the team for Transylvania County, Alamance County, the Town of Plymouth, and the City of Shelby.
- Represents cities, towns and counties in workers' compensation claims, employment law matters and other municipal law contractual matters.
- Currently serves a variety of clients insured with the NC League of Municipalities and self-insured entities.
- Actively involved with the NC Association of County Commissioners, NC Association of Municipal Attorneys, and the NC League of Municipalities.



Debra Bechtel

Of Counsel (Asheville)

828.320.8853

dbechtel@teaguecampbell.com

- Former county attorney with over 25 years of experience.
- Former interim County Attorney for Alamance County and current attorney for several Departments within Alamance County
- Supports other local entity teams at the firm, including Transylvania County, the Town of Plymouth, and the City of Shelby.
Actively involved with the National Sheriffs' Association, NC Association of Local Health Directors, and the NC Opioid Allocation Taskforce.



Natalia K. Isenberg

Partner (Raleigh)

919.896.2380

nisenberg@teaguecampbell.com

- Currently serves as Town Attorney for the Town of Plymouth, interim City Attorney for the City of Shelby and supports the municipal team for Alamance County and Transylvania County.
- Represents counties and municipalities in ongoing litigation.
- Actively involved with the NC Public Risk Management Association, NC Association of Municipal Attorneys, and the Civil Rights and Governmental Law Section of the Defense Research Institute.



Patrick J. Scott

Associate Attorney (Raleigh)

919.719.4735

pscott@teaguecampbell.com

- Former law enforcement officer.
- Skilled litigator.
- Currently serves on the municipal team for Transylvania County, Alamance County, the Town of Plymouth, and the City of Shelby.
- Actively involved with the NC Association of Municipal Attorneys, the NC Association of Public Risk Managers, the NC Association of County Commissioners, and the NC Police Attorneys Association.



References

Teague Campbell's reputation in North Carolina as a distinguished leader in the local government sector speaks to our overall success in helping client partners achieve their goals. The client references provided below will describe the quality of our work and how our attorneys have helped successfully resolve their matters, generally and individually.

Rick Howell

City Manager
City of Shelby
(p): 704-484-6801
(e): rick.howell@cityofshelby.com

Jaime Laughter

County Manager
Transylvania County
(p): 828-884-3100
(e): Jaime.laughter@transylvaniacounty.org

Major David Sykes

Sheriff's Office
Alamance County
(p): 336-570-6315
(e): david.sykes@alamance-nc.com

Sherry Hook

Deputy County Manager
Alamance County
(p): 336-570-4033
(e): sherry.hook@alamance-nc.com

Examples of Key Public Sector Representations

Transylvania County

County Attorney,
November 2019 - present

Town of Plymouth

Town Attorney,
April 2021 – present

Alamance County

Interim County Attorney,
October 2021 – August 2022
Department Attorney,
October 2021 – present

City of Shelby

Interim City Attorney,
October 2022 – present

Representative Local Government Clients

This is a representative, but not exhaustive, list.

Alamance County

Avery County

Bladen County

Brunswick County

Buncombe County

Burke County

Caldwell County

Carteret County

Cherokee County

Chowan County

City of Asheboro

City of Brevard

City of Cherryville

City of Durham

City of Eden

City of Elizabeth City

City of Greenville

Edgecombe County

Franklin County

Granville County

Great American Insurance Company

Harnett County

Henderson County

Hertford County

Iredell County

Jackson County

Johnston County

Lee County

Lenoir County

Macon County

Martin County Board of
Commissioners

Moore County

MunichRe

Nash County

Swain County

Town of Andrews

Town of Apex

Town of Burnsville

Town of Butner

Town of Cary

Town of Chapel Hill

Town of Enfield

Town of Erwin

Town of Forest City

Town of Garner

Town of Hertford

Town of Lillington

Town of Madison

Town of Maggie Valley

Town of Plymouth

Town of Rose Hill



City of Hendersonville	NC Association of County Commissioners	Town of Rosman
City of Lenoir	NC League of Municipalities	Town of Weaverville
City of Morganton	New Hanover County	Town of Wendell
City of New Bern	Northampton County	Town of Wilson
City of Raleigh	Onslow County	Town of Windsor
City of Reidsville	Orange County	Town of Woodfin
City of Shelby	Orange County Board of Commissioners	Transylvania County
City of Wilmington	Pender County	Trident Public Risk
Cleveland County	Person County	Tyrrell County
Columbus County Board of Elections	Pitt County	Union County
Cumberland County School Board	Polk County	Vance County
Currituck County	Randolph County	Village of Pinehurst
Dare County	Richmond County	Wake County
Davidson County	Roanoke Rapids	Wake County Public Schools
Duplin County	Robeson County	Warren County
Durham County	Rowan County	Wayne County
Durham Public Schools	Stanley County	

Cost Proposal: Option II

This cost proposal includes all of the services outlined in this submission and eliminates the need for multiple contract attorneys. This is an area that we like to discuss in further detail with our public sector clients to determine the best fit for the entity's needs. As a starting point, we have provided a proposal under the framework of Option II in the RFP.

Fee Type	Amount	Services Included
Lump Monthly Fee	\$3,300/month	12 hours toward the following services: Attendance at Council meetings; review of Council meeting minutes; Consultation less than 15 minutes in duration with no follow up research needed; costs of incidentals and travel charges.
Hourly Rates	Partner/Of Counsel: \$275/hour Associate: \$250/hour Paralegal: \$150/hour	When services exceed 12 hours per month, the client will be billed at the hourly rates.



The Van Winkle Law Firm



THE
VAN WINKLE
LAW FIRM

PROSPECTUS

This prospectus is in response to the Town of Black Mountain's need for legal services for its Town. We appreciate the opportunity to submit this proposal for your consideration.

Our Law Firm's Tradition of Service

The Van Winkle Law Firm would like to serve as your Town's attorney for the Town and all matters related to its governance issues. Our goal would be to provide quality legal services, in accordance with the highest standards of ethics and professionalism.

The Van Winkle Law Firm has demonstrated the experience and substantive knowledge required to provide a broad range of legal services for the Town of Black Mountain ("Town"). Over the years, many of our attorneys have represented governmental entities on different legal issues, utilizing their expertise in areas such as administrative law, real estate law, construction law, contract law, employment law, zoning law and litigation. Our firm's lawyers would always be available to handle the Town's various legal needs.

A portion of our practice has always been devoted to the representation of governmental entities, including the Town of Maggie Valley and its various departments and boards, the Town of Clyde, the City of Brevard Zoning Board of Adjustment, and recently, on a contract basis, the Board of Adjustment for both the Town of Woodfin and Montreat. In addition to the extensive municipal experience, throughout Van Winkle's existence, its lawyers have represented clients in public meetings, mediated settlement conferences, appellate practice along with negotiation and preparation of contracts, and other non-litigation matters.

We are proud of our record of service to our clients and in working with the Town, the Law Firm will work diligently to prevent legal problems (and resultant expenses).

Our Commitment to Service

We understand that the Attorney working in this position must be reliable, responsive and readily available. We will work closely with the Members of the Town Council along with other Town officials and staff. We will promptly return telephone calls and make ourselves readily available whenever we are called upon to provide advice to the Council and its employees.

Attorneys in our firm appreciate the importance of service to the local community, not only through our work for clients, but also through volunteer work. Our lawyers serve on the Boards of many local non-profit organization and as members of governmental boards (such as the 28th Judicial District Board). This commitment also enables our firm to better serve our clients – with our deep roots in the community, we keenly understand legal problems that arise locally, and we are uniquely situated to harness local resources to solve problems.

Our personal experience in emotionally charged legal matters has also provided beneficial knowledge relative to resolving, and defusing, highly volatile and emotionally charged controversies. Unfortunately, municipal corporations oftentimes have to deal with such controversies, and we believe that our Law Firm can contribute to reaching positive and constructive resolutions.

Our Law Firm Provides Cost-Effective Legal Services

Working with the Town in this position, our Law Firm will put your interests first. For this reason, we offer two distinct methods of compensation. We believe that such a relationship best protects the Town by providing it with complete discretion and optimal flexibility. One such method is for Van Winkle to provide services to the Town on an hourly rate basis. While the hourly rates for Van Winkle attorneys currently range from \$250.00 to \$500.00, we would provide representation to the Town at discounted rates as follows: Craig Justus' hourly rate is \$350.00, Brian Gulden's hourly rate is \$300.00, and any Associate's hourly rate is \$250.00.

The alternate method of compensation would be an annual flat fee of \$25,200.00 for any work performed by Van Winkle attorneys related to routine Town matters. "Routine Town matters" would include preparation for and attendance at Town meetings, document review and production of documents related to normal, routine Town business, general advice and counsel and other non-litigation matters. It would not include litigation related work, work related to any administrative appeal (such as employment disputes) or non-routine Town business such as bond counseling or ordinance rewrites. For all work completed for the client outside of the routine Town matters, the Law Firm will charge the Client at its normal hourly rates for attorneys (and will not be included in the flat rate). For the fiscal year 2023-2024, Craig Justus' hourly rate is \$495.00, Brian Gulden's hourly rate is \$345.00, Lindsay Thompson's hourly rate is \$400.00, Carolyn Coward's hourly rate (employment) is \$350.00, and Stephen Williamson's hourly rate (employment) is \$495.00. The flat fee noted above shall be paid monthly at a rate of \$2,100.00 per month.

Any attorney's fees collected from the opposing party as part of a legal action will be applied to the satisfaction of the above attorney rates for that case only, and

the Law Firm will use its best efforts to apply to the Court for full payment of its attorney's fees from the opposing party in those cases where North Carolina law would provide the Court with discretion to award legal fees.

With either scenario, the Town would also pay for all costs and expenses (including without limitation the Law Firm's own out of pocket expenses) incurred by the Law Firm for or on behalf of the Town, including, but not limited to, long distance charges, travel mileage (\$.655 per mile), copying costs, and litigation expenses advanced by the Law Firm. Except in cases of fixed service fees noted above, paralegals and clerks may from time to time be used by the Law Firm at its discretion and same shall be charged to the Client at an hourly rate of \$135.00.

The total amount of fees incurred would depend upon the time required to respond to the Town's legal needs and we would invoice the Town on a monthly basis.

We are also sensitive to, and responsive to, the importance of serving our clients in a cost-effective way, and we have tried to find ways to cut costs wherever possible without impairing the quality of our legal services. Nevertheless, it will be our Law Firm's commitment to maintain an undivided loyalty to the Town as a legal entity. We will carefully avoid situations that could lead to conflicts of interest between the Town and other clients or potential clients of the Law Firm.

Our Pledge

No doubt there are a number of attorneys who have the credentials and qualifications to permit them to serve in this position. There may also be some attorneys who will work for a lower hourly rate than we have proposed. However, we submit to you that there is no other counsel or law firm with the unique combination of commitment, experience, reliability, knowledge, responsiveness and loyalty that our Law Firm offers to the Town of Black Mountain. A copy of our resumes are attached.

We hope you decide to select our Law Firm for the Town Attorney position and would welcome the opportunity to address any questions you may have.

Van Winkle, Buck, Wall,
Starnes and Davis, P.A.

/s/Craig D. Justus
Craig D. Justus

/s/Brian D. Gulden
Brian D. Gulden

Craig D. Justus

The Van Winkle Law Firm

(828) 258-2991(w)

(828) 776-1256 (c)

cjustus@vwlawfirm.com

11 N Market Street, Asheville, NC 28801

Professional Experience

I practice in the areas of land use litigation and planning, municipal law, real estate, eminent domain and environmental law. I actively represent clients throughout North Carolina and in eastern Tennessee. Although my practice trends toward the representation of property owners and developers, I have represented and continue to represent several municipalities in Western North Carolina. I am licensed to practice law in North Carolina, Tennessee and Georgia.

I am a frequent speaker before the North Carolina General Assembly and have been involved in multiple instances of legislation drafting.

I have successfully represented clients in dozens of cases before the North Carolina Court of Appeals and North Carolina Supreme Court. Several of my cases have been ones of first impression in North Carolina or have resolved conflicts among North Carolina Court of Appeals opinions. They include the following cases before the North Carolina Supreme Court:

- *Morris Communications Corp. v. City of Asheville* (2002)(case of first impression of whether statutory protest petition protections applied to zoning text amendments)
- *Carolina Power & Light Co. v. City of Asheville* (2004)(case of first impression concerning continuity standard in annexation statute)
- *Lamar OCI South Corp. v. Stanley County Zoning Board of Adjustment* (2008)(case of first impression concerning State preemption of local zoning regulations for outdoor advertising)
- *Morris Communications Corp. v. City of Bessemer City Zoning Board of Adjustment* (2011)(resolving conflict in Court of Appeals cases giving deference to zoning board interpretations on the one hand from those on the other championing the common law principle that ambiguities are construed in favor of the free use of land)
- *High Rock Lake Partners, LLC v. North Carolina Department of Transportation* (2012)(case of first impression concerning scope of NCDOT driveway permit authority)

- *Department of Transportation v. Adams Outdoor Advertising of Charlotte Limited Partnership* (2017)(case of first impression defining just compensation for condemnation of outdoor advertising locations).

My Practice Areas at the Firm

- Administrative & Regulatory Law
- Business
- Eminent Domain
- Land Use
- Litigation
- Planned Communities and Property Owner Associations

Awards & Honors

- The Best Lawyers in America® 2009-2023, Asheville Area - Land Use and Zoning Law
 - Litigation – Land Use and Zoning
- North Carolina Super Lawyers 2015-2020, 2022-2023
 - Land Use and Zoning

Education & Affiliations

Education

- Juris Doctorate, 1991, University of North Carolina at Chapel Hill
- Master's Degree in Regional Planning, 1991, University of North Carolina at Chapel Hill (City and Regional Planning Department)
- Bachelor of Arts Degree (History), 1987, University of North Carolina at Chapel Hill

Professional Affiliations

- North Carolina State Bar (Buncombe County)
- Tennessee State Bar
- Georgia State Bar
- North Carolina Bar Association, Land Use & Real Property Sections
- North Carolina Outdoor Advertising Association
- Outdoor Advertising Association of America

Presentations

- Speaker – N.C. Bar Association, 2020 Real Property Section Annual Meeting, Virtual, "Smart Growth: Evolving the Legal System to Better Manage Developer vs. Government Disputes, Updated as of May 18, 2020"
- Speaker - 2018 OAAA Legal Seminar - NY. "Exploring Outdoor Advertising," November 14, 2018
- Speaker - 2018 NCOAA-OAASC Annual Convention - Asheville, NC. "Outdoor Advertising -All Things Legal," October 17, 2018
- Speaker - 2018 Zoning, Planning and Land Use Annual Section Meeting - NC Bar Association, Cary, NC. "Short-Term Rentals, The New Nimby," April 27, 2018
- Speaker - 2017 Real Property Section Annual Meeting - NC Bar Association, Asheville, NC. "Don't Vacation in My Backyard," May 20, 2017
- Speaker - OAAA Legal Seminar - Las Vegas, NV. "Condemnation of Outdoor Advertising Signs," November 3, 2016
- Speaker - 2015 Zoning, Planning and Land Use Annual Section Meeting - NC Bar Association, Cary, NC. "Smart Growth: Evolving the Legal System to Better Manage Developer vs. Government Disputes," March 27, 2015
- Speaker - OAAA Legal Seminar - Washington, DC. "The Impact of State Outdoor Control Statutes in State Condemnations and Local Regulation," November 12, 2014
- Speaker - N.C. General Assembly, Legislative Research Commission Meeting
- Raleigh, NC. "Exactions Under NC Law," April 7, 2014
- Speaker - 2012 Real Property Section Annual Meeting - NC Bar Association, Kiawah Island, SC. "HOA/Condo Associations and Their Effect on Closings and Troubled and Non-troubled Development," May 12, 2012

Brian D. Gulden
405 Sondley Woods Place
Asheville, N.C. 28805
(828)450-1016
briangulden69@gmail.com

Education

Juris Doctorate May 1999 **Licensed in NC** August 2000
Southern Illinois University at Carbondale School of Law

Honors and Achievements

National Health Law Moot Court Competitor 1997-1998
Co-Winner of Intra-Collegiate ABA Client Counseling Competition
Hiram and Rosa Lee Lesar Scholarship Recipient 1996-97
Edgar and Bonnie Zimmer Scholarship Recipient 1997-1998
SIU School of Law Dean's List Spring 1998
GPA-3.06; Class Rank 22/99; Top 1/4

Bachelor of Science December 1993
University of North Carolina at Asheville
Major: Environmental Science

Honors and Achievements

National Dean's List 1990
UNCA Dean's List 1992,1990

Legal Work Experience

Van Winkle Buck, Wall, Starnes and Davis, P.A. Asheville NC

April 2020-Present

Attorney (Partner January 2022)

- Primary focus on Land Use, Planning and Zoning representation
- Civil Litigation, focus on Construction and Contract law
- Administrative practice with focus on entitlements
- Municipal representation, including governing and zoning Boards
- Assist private associations with enforcement of their governing documents

Patla, Straus, Robinson & Moore, P.A. Asheville NC

July 2006- April 2020

Attorney (Partner July 2008)

- General Civil Litigation
- Superior Court motions and trial work, Civil and Criminal
- Assist private associations with enforcement of their governing documents
- Municipal representation, including zoning Boards

Deaton, Biggers & Gulden P.L.L.C. Shelby NC

June 2001-July 2006

Attorney (Partner in January 2004)

- General Litigation in Superior Court for both Civil and Criminal matters
- Extensive representation and trial work in District Court, Criminal and Domestic
- Draft and answer pleadings and discovery requests
- Appellate work, Civil and Criminal cases

Henderson County-Planning Dept. Hendersonville NC

October 1999-June 2001

Ordinance Administrator

- Administer and enforce Henderson County's land use ordinances
- Conduct monthly Zoning Board of Adjustment meetings
- Investigate violations of the local ordinances and prepare compliance orders
- Assist in drafting language for text amendments to the Zoning Ordinance

References

Available Upon Request



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Henderson, *Recreation & Parks Director*

MEETING DATE: April 10, 2023

AGENDA SECTION: Unfinished Business

DEPARTMENT: Recreation & Parks

TITLE OF ITEM: Charles D Owen Babe Ruth MOU

SUGGESTED MOTION(S):

To approve as presented.

SUMMARY:

In the March 2023 regular session meeting this MOU was presented but not approved. The attached copy contains revisions for approval. Babe Ruth agrees to the changes in the proposed MOU.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

MEMORANDUM OF UNDERSTANDING

Between

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

1. The Town of Black Mountain will provide Charles D. Owen Babe Ruth with access to baseball/softball fields at Veteran's Park for practices and games for the duration of their season at no cost, so long as, scheduled practices or games do not interfere with previously scheduled Town sponsored events, programs, or leagues. Veteran's Park is a Town owned facility and Town sponsored events, programs, or leagues take precedence over third party usage of Veteran's Park.
2. Scheduling – Charles D. Owen Babe Ruth will provide notice of season start and end dates no less than 30 days before first official practice. Charles D. Owen Babe Ruth will provide a full schedule of practices and games no less than 15 days before first official game. Full schedule should include dates and times for practices, games and rain dates.
3. Field Maintenance/management – The following field maintenance/management responsibilities will be assumed by Black Mountain Public Works. Fertilizing, seeding, mowing, dragging, base placement. Charles D. Owen Babe Ruth will be responsible for the infield prep of each field including lining, batter's boxes, and pitching mounds/circles. Charles D. Owen Babe Ruth does not have the authority to add or remove any kind of surface to the field such as dirt, clay, grass, or any other material that may alter the integrity of the fields. The fields at Veteran's Park are property of the Town of Black Mountain and any amendments to the physical integrity of those fields shall only be performed by employees within the Black Mountain Public Works Department or Recreation and Parks Department. When any other maintenance issues arise the Recreation and Parks Department should be contacted during normal business hours (Monday-Friday, 8am-5pm) in order to submit the proper work orders. Any alterations to the physical integrity of the ballfields or facilities will result in termination of this agreement and access to park usage.
4. Structures – The Black Mountain Public Works Department will be responsible for the following structures: Backstops, outfield fences, bleachers, lighting, scoreboard, and maintenance on the score-booth and concession stand. Charles D. Owen Babe Ruth will be responsible for score-booth & concession stand cleaning, cleaning restrooms (game days & practices), portable pitcher's mound storage, installation & removal. Equipment may be stored in the upstairs portion of the concession stand/pressbox. Charles D. Owen Babe Ruth is not permitted to construct or install any type of physical structure on Town of Black Mountain Property; however, use of the existing silver building is permitted.
5. Garbage/Litter pick-up – The Black Mountain Public Works Department will be responsible for all parking lot litter pick-up and emptying of all parking lot trash cans. Charles D. Owen Babe Ruth will be responsible for all ball field area litter and emptying of ball field area trash cans on game days and practice days. The Town of Black Mountain will charge Charles D. Owen Babe Ruth \$50 per hour for clean-up and litter pick-up that is not done by them on their scheduled

days of practice or games. The third offense of this type will result in the termination of Charles D. Owen Babe Ruth's use of the park.

6. Vehicle/Equipment Usage - Charles D. Owen Babe Ruth will not have access to use the Gator, drags and tractors.
7. Game Day and Practice Operations - Charles D. Owen Babe Ruth agrees to have a supervisor on-site during hours of facility use. In the event of an emergency Charles D. Owen Babe Ruth should contact emergency personnel (police, fire, EMT) first and contact the Recreation and Parks on-call staff.
8. Parking – During games and practices all vehicles must park in designated parking areas. No vehicles may block entrances, exits, ingress or egress.
9. Participation Reporting - Charles D. Owen Babe Ruth will provide a detailed report of participation in each one of their baseball and softball leagues at the end of the season. This report should include participant physical addresses, counts of Black Mountain Residents vs. Non-Residents, males vs. females, and scholarship totals.
10. Financing – The Town of Black Mountain budgets \$9,000 (GF 10-20-5650-151) each fiscal year for field upkeep and maintenance, as well as \$2,000 (GF 10-20-5650-330) for ballfield supplies. These line items are used to purchase materials and maintain the ballfields.
11. Financial Reporting – ~~Charles D. Owen Babe Ruth agrees to submit and allow for the review of bank statements with one of two options. Option one, at the end of each month during each season of play or option two, at the end of each season of play showing a running total from each month. Charles D. Owen Babe Ruth is welcome to apply for funding through the Town of Black Mountain's community non-profit contribution program.~~
Charles D. Owen Babe Ruth is subject to S.L. 2012-169, which requires non-profit corporations that receive over \$5,000 of public funds (grants, loans, or in-kind contributions) to provide financial statements upon written request from any member of the public.
12. Insurance - Charles D. Owen Babe Ruth is required to provide a certificate of liability insurance policy naming the Town of Black Mountain as an additionally insured in the amount of \$1,000,000.00.
13. Charles D. Owen Babe Ruth hereby agrees and undertakes to save and hold harmless The Town of Black Mountain, Black Mountain Public Works, and Black Mountain Recreation & Parks, from any and all claims for damages to person or property that may arise out of the use of the facility and special equipment, without regard to whether the damage, personal or otherwise is brought about or caused by the negligence of the applicant, The Town of Black Mountain, Black Mountain Public Works and, Black Mountain Recreation & Parks, or any other person, firm, or corporation. Charles D. Owen Babe Ruth will be responsible for, and agree to pay for, damages done to the property and equipment of The Town of Black Mountain, Black Mountain Public Works, and Black Mountain Recreation & Parks exclusive of ordinary wear and tear.
14. Inclement Weather – In the event of inclement weather Black Mountain Public Works and/or Recreation and Parks will be responsible for making a determination concerning the playability

and field conditions for games and practices. Decisions concerning inclement weather will be made by 3pm on the day of said practice or game. In the event that flooding occurs at Veteran's Park and the field conditions are deemed unplayable by The Town of Black Mountain, Black Mountain Public Works, or Black Mountain Recreation and Parks, game play and practices will be forfeited at Veteran's Park and Charles D. Owen Babe Ruth will be responsible for finding an alternative location.

15. Charles D. Owen Babe Ruth will do extensive background checks on all volunteer coaches and officers of the league. Background checks will be performed in accordance with the Babe Ruth, Inc. national standards through BRL, Inc. ~~are to be performed by a Town of Black Mountain approved vendor,~~ and all background checks are to be submitted to the Town upon completion.
16. Charles D. Owen Babe Ruth will acknowledge The Town of Black Mountain as a partner in press materials and grant materials related to the leagues and use of Veteran's Park.
17. ~~This agreement will be revisited and revised annually at the end of each season so that the partnership may continue in a mutually beneficial matter. In an effort to maintain this partnership in a mutually beneficial manner, this agreement will be reviewed annually with~~ needed revisions submitted by each party by December 1.

Charles D. Owen Babe Ruth Representative

Date

Town of Black Mountain Representative

Date



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** April 10, 2023

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Boards and Commissions Applications

SUGGESTED MOTION(S):

Motion: *I move that Council appoint _____ to serve as **member** of the Active Mobility Commission/Historic Preservation Commission.*

SUMMARY:

- a. The Active Mobility Commission received two applications from, Laura Raleigh and Kristie Bergna, for one vacant seat. The Active Mobility Commission voted 5-0 to recommend Lisa Raleigh for appointment to the one vacant seat.
- b. One application was received for one vacant seat on the Historic Preservation Commission. The applicant is Leigh Vidrine.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

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

TDD 800-735-2962

www.townofblackmountain.org



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

APPLICANT INFORMATION

NAME: Leigh Vidrine DATE: 3/8/23

PREFERRED NAME: _____

HOME ADDRESS: 103 Fairway 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): LeighVidrine@gmail.com

PHONE NUMBER(S): MAIN 337-344-6401 EMERGENCY _____

ADVISORY BOARD/COMMISSION PREFERENCE

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

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

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

If additional space is needed please attach a separatesheet.

I would like to play an active role in protecting and preserving the unique character and history of the town of Black Mountain. I believe that it is our responsibility as a community to preserve historic buildings and landmarks for future generations.

EDUCATION & CERTIFICATIONS

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

University of Louisiana at Lafayette 2006-2009 Pre-pharmacy Studies; Xavier
University of Louisiana 2009-2013 Doctor of Pharmacy
Board certified Pharmacotherapy Specialist 2018 - present

EXPERIENCE & CIVIC INVOLVEMENT

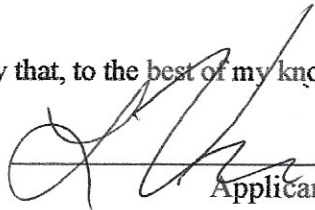
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

To date my civic involvement and experience has been primarily centered around my
profession as a pharmacist. I am currently a member of American Society of
Health-System Pharmacists (ASHP) and American College of Clinical Pharmacy (ACCP)
These organizations serve the community by promoting public health, improving patient care,
and advocating for public policies that improve access to health care.

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

3/8/23

Date

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



Town of Black Mountain

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APPLICANT INFORMATION

NAME: Kristie Bergna DATE: 02/17/2023

PREFERRED NAME: Kristie

HOME ADDRESS: 37 Winding Poplar Road

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

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

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

PHONE NUMBER(S): MAIN 707-291-7805 EMERGENCY 707-291-7805

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: Active Mobility Are you seeking re-appointment? Yes _____ No X

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

If additional space is needed please attach a separate sheet.

Please see attached

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have.

University of California, Davis 2008 B.A. Art History, minor Exercise Biology

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.

Please see attached

CERTIFICATE OF APPLICANT

This application is a public record.

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

Kristie Bergna

Applicant's Signature

2/21/2023

Date

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www.townofblackmountain.org

Why do you wish to serve the town in this capacity?

My husband and I recently moved to Black Mountain in part due to the accessibility of the town by greenways and nearby outdoor activities. I'm so excited that creating more greenways is an important part of the town mission and want to be involved in the development. Due to a degenerative eye disease I have limited vision and find having non motorized pathways, sidewalks, etc to be extremely important to numerous people of different abilities. I want our town to be accessible and welcoming to as many people as possible; ranging from those with disabilities, to families with strollers, pet owners, elderly, and everyone in between.

Please describe any experience you have that would contribute to the Active Mobility Commission:

I worked in environmental engineering with a specific love for redesigning commercial and industrial areas to both serve their intended purpose and also be an outdoor space that employees could enjoy. Some projects I oversaw were: creating and designing a one mile nature trail around an industrial complex, an industrial wastewater cleaning system for water reuse in crop irrigation, and creating dry creek beds with native species plantings for stormwater management thus reducing erosion and sediment traveling into public waterways. I specifically enjoyed getting employees out in nature, involved in these projects, and excited for protecting the land around them.

As I said in the previous answer I also deal with limited mobility due to vision impairment. This means that I have a keen eye (haha, pun intended) for ways to make accessibility more broad. I'm able to notice things that those without impairment may not have needed to think about. This allows me to predict issues from the start rather than addressing issues as they arise. If issues do arise I'm very open to asking the person needing assistance for suggestions and fully understanding the scope of why something is difficult for them. I believe you can only truly know from your own experience, but the best way of helping others and learning about their lived experience is to fully listen and engage with what they are expressing.



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APPLICANT INFORMATION

NAME: LISA RALEIGH DATE: 1/23/22

PREFERRED NAME: —

HOME ADDRESS: 21 DYER DR, BL MTN, NC 28711

MAILING ADDRESS (if different): —

CITY, STATE and Zip: BL MTN, NC 28711

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

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

PHONE NUMBER(S): MAIN 970 274 2012 EMERGENCY 970 274 8816

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: Active Mobility Comm Are you seeking re-appointment? Yes ☐ No ☒

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

If additional space is needed please attach a separate sheet.

Professionally I am the Ex. Director for RiverLink - an organization with a 30+ year commitment to greenways, river parks and public access. Personally I love recreating in my home of Bl mtn and walk, hike and bike throughout the area. I would love to help expand the existing greenway network.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have.

BS - Geology, MS & PHD Environmental Science

EXPERIENCE & CIVIC INVOLVEMENT

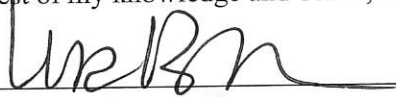
Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

I moved to the area from Colorado 1.5 yrs ago to take the helm of RiverLink. I am a passionate outdoors person and committed to social justice and equity (our daughters are Cambodian). In my new role I am active in the greenway community - regularly attending Connect Buncombe's meetings, and RL is building a greenway segment in Karen (Scholar Park) in 2023 and we are the non-profit partner in Woodfin Greenway & Blueway.

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

1/23/23

Date

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TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, *Town Manager* **MEETING DATE:** April 10, 2023

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Sale of Town-owned property

SUGGESTED MOTION(S):

To approve or disapprove of the selling of town-owned property following NCGS 160A-266

SUMMARY:

Fred Alexander has offered to purchase town-owned property located off East Street in Black Mountain. These properties are also identified with PIN #'s 071041900300000 & 071041909200000. Mr. Alexander owns property contiguous and wishes to use the property for agricultural purposes. Mr. Alexander is also aware we will follow NCGS 160A-266 for the sale or disposition of property.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded.

ATTACHMENTS: correspondence from Fred Alexander

February 17, 2023
Mr. Josh Harrold
Town Manager
Town of Black Mountain
160 Midland Street
Black Mountain NC, 28711

Mr. Harrold,

We desire to purchase the land owned by the Town of Black Mountain identified as 99999 East Street. (PIN 071041900300000 & 071041909200000). We are hopeful that the Town will consider selling this tract.

We own an acre or so contiguous to that land. Our land is planted in Blueberries, Christmas trees, and Walnuts. The Town's land, crossed by a major sewage easement, and in a major restricted floodway, has poor prospects for development, but is very attractive to us, as it is between our existing tract and East Street. The large Metropolitan Sewage District easement & floodway are compatible with our agricultural pursuits.

orhood
pality
District

We wish to offer the TOBM \$35,000 for the land. I believe the town has no current plans or intended use for the land, and think the sale to be in our mutual interest. I want you to know that we are very hopeful that the Town might sell this land, and we are ready to act immediately, or discuss this matter further at your convenience.

Thank you for your consideration in this matter as it is very important to us. We hope to hear from you soon.

Sincerely



Linda & Fred Alexander

513 Tomahawk Ave



071041909200000

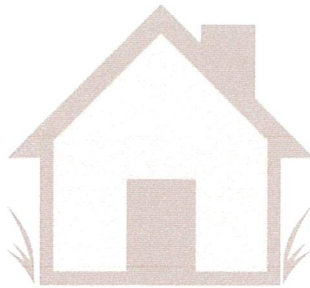
99999 EAST ST

TOWN OF BLACK MOUNTAIN
160 MIDLAND AVE, BLACK MTN, NC, 28711

Total Appraised Value

\$61,100

No Photo Available



KEY INFORMATION

Zoning **TR-4**

Land Use Code **GVMT/EXMT/VAC**

Fire District -

Present Use -

Appraisal Area **u02282 828-250-4958 chelsea.bond@buncombecounty.org**

Exemption **EXM**

Legal Description **Deed Date:07/15/2016 Deed:5446-0885 SubDiv:JOHN MYRES STEPP Lot:14 15 & ADJ Block:2A Plat:0028-0004**

Plat Reference [28-4](#)

Neighborhood
Municipality
Special District

ASSESSMENT DETAILS

Land Value **\$61,100**

Building Value **\$0**

Features **\$0**

Total Appraised Value **\$61,100**

Deferred Value **\$0**

Exempt Value **\$61,100**

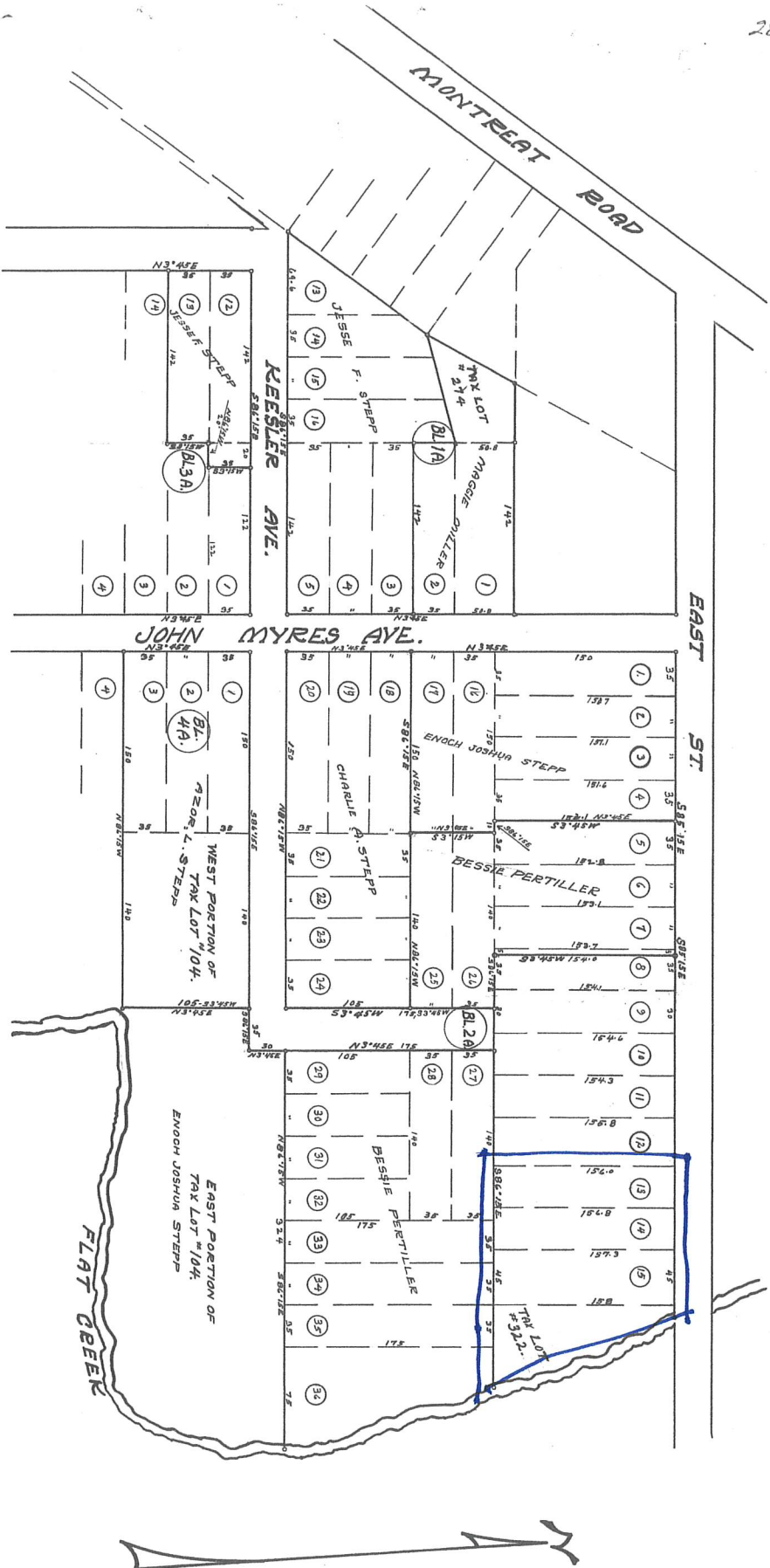
Total Taxable Value **\$0**

LAND INFORMATION

ZONING	LAND USE CODE	SIZE	NEIGHBORHOOD	ASSESSED VALUE	FLOODPLAIN
TOWN RESIDENTIAL DISTRICT	GVMT/EXMT/VAC	0.41 acres	TBMI	\$61,100	YES

BUILDING INFORMATION

28-4



DIVISION OF PROPERTY OF
JOHN MYRES STEPP
BLACK MT TWP
BUNCOMBE CO. NC.
SCALE-1"=50'

PLAT OF NORTH CAROLINA
County of Buncombe
W.A. Bunn, being first duly sworn, for this plat as
this certificate is returned to be all respects correct and was prepared from an actual survey
made on the 10th day of March, 1934, as a variation of the March 10th
on the 10th day of March, 1934.

Survey is and submitted before me this 17th day of March, 1934, by
and thereupon it is attested that the plat on which this certificate is returned has
been properly prepared by the County of Buncombe, and that the same is a true and
correct copy of the original.

W.A. Bunn
County of Buncombe

Ref. { PLAT BOOK 198-PAGE 51.
" " " 154- " 68.



Export to Google Map





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Henderson, *Recreation & Parks Director*

MEETING DATE: April 10, 2023

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Recreation & Parks

TITLE OF ITEM: Pool Budget Amendments

SUGGESTED MOTION(S):

To approve as presented.

SUMMARY:

As a result of the pool season starting before a new fiscal year begins there is a need to address pool employee salaries and fee schedule increases through a budget amendment, rather than simply incorporating them into a new budget cycle for approval.

We are seeking to increase pool salaries according to the documentation provided. These increases are necessary to attract applicants for seasonal pool positions in order to staff and run the pool effectively. As noted in the documentation, there are comparisons of other related positions in our area and these increases help keep us within the market.

The proposed fee schedule amendments included in the documentation are a result of increasing inflation and costs of goods and services that are needed to operate the pool. These increases help to offset some of the cost of the proposed employee salary increases as well as the growing increase of costs for chemicals, maintenance, and pool upkeep.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS: [2023 Pool Budget Amendments](#)

2023 Pool Pay-Rate Increases

Asst Manager Lead: \$13.39hr => \$14.50hr

Asst Manager PT: \$13.39hr => \$14.50hr

Senior/Head LG: \$11.33hr => \$13hr

- Swim Club Management: \$15
- Blk Mtn YMCA: \$14.75
- McDowell Co.: \$13.85

LG: \$10.56hr => \$12hr

- Swim Club Management: \$12
- Blk Mtn YMCA: \$12.35
- McDowell Co.: \$11.25

Concessions: \$7.98hr => \$8.25hr

2023 Pool Gate Fee Schedule Increases

Daily Entry	Resident: \$3 => \$4	Non-Resident: \$4 => \$5
Multiple Entry Passes (10 visits)	Resident: \$25 => \$30	Non-Resident: \$35 => \$40
Season Passes		
Individual	Resident: \$75 => \$85	Non-Resident: \$95 => \$105
Family	Resident: \$150 => \$160	Non-Resident: \$170 => \$180

Employee Passes

Individual: \$20 => \$30

Family: \$30 => \$40

Emp Family Members over 5 persons: \$10 each => \$20 each

Group Passes

11-19 Persons

1x visit: \$60 => \$75

3x visit: \$130 => \$150

Unlimited: \$500 => no change

20-40 Persons

1x visit: \$120 => \$135

3x visit: \$250 => \$275

Unlimited: \$950 => no change

2023 Youth Swim League Fee Schedule Increases

Youth Swim League Registration Fee: \$65 => \$70



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Brent Miller, *Golf Operations Manager* **MEETING DATE:** April 10, 2023

AGENDA SECTION: NEW BUSINSS **DEPARTMENT:** Golf Course

TITLE OF ITEM: Golf Course Rates

SUGGESTED MOTION(S):

To approve the FY 23-24 golf course rates as presented.

SUMMARY:

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

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

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



2023 Rate Proposal To Take Effect 5/1/23

2023 Proposed Annual Pass Rates

Family	\$2200 (\$2000)
Individual	\$1500 (\$1400)

2023 Proposed Cart Fees

Ride 18	\$23 (\$22)
Ride 9	\$12 (\$11)

*Riding (Cart Fee) is required on weekends before 12pm by all players 5/1 thru 9/30. Walking will be allowed anytime 10/1 to 4/31. No walking fee will be required for pass holders when walking is allowed.

2023 Proposed Greens Fees

Weekday (Monday – Thurs)

Ride 18	\$50 (\$45)
Ride 9	\$30 (After 11am)
Walk 18	\$30
Walk 9	\$15

Weekend (Friday, Saturday and Sunday)

Ride 18	\$60 (\$55)
Ride 9	\$35 (After 11am)
Walk 18	\$35
Walk 9	\$20

Senior Riding 18 Only (Mon-Thursday Only; 60 and older) \$42 (\$37)

Weekday Twilight After 1pm

Ride 18	\$35 (\$33)
Ride 9	\$22
Walk 18	\$23
Walk 9	\$12

Weekend Twilight After 1pm

Ride 18	\$42 (\$40)
Ride 9	\$25
Walk 18	\$25
Walk 9	\$15

Player's Pass Program

The Player's Pass will be \$200 for the year and good until December 31st, 2023. A round is included the day of the purchase and then allows the golfer \$10 off the rack rate (highest rate of the day) every time they play until December 31st, 2023. If the rack rate is \$50 during the week, the Player's Pass holder will play for \$40. Weekends would be \$60 so the pass holder will play for \$50. The discount is not eligible for any other rate (senior, 9-hole, twilight, walking) we offer other than the rack rate.

Daily Rates For Our Competitors As Of 3/27/23

<u>Course Name</u>	<u>Weekday</u>	<u>Weekend</u>	
Broadmoor	\$55.00	\$60.00	
Reems Creek	\$65.00	\$75.00	Public can only book after 12. No 9 hole rate
Asheville	\$39.00	\$44.00	(reduced rates for repairs)
Etowah	\$56.00	\$59.00	
Bald Mountain	\$68.00	\$78.00	
Apple Valley	\$78.00	\$88.00	
Mimosa Hills	\$100.00	\$100.00	
Connestee Falls	\$65.00	\$65.00	
Black Mountain	\$45.00	\$55.00	(current)



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** April 10, 2023
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Planning
TITLE OF ITEM: Resolution for Commitment to the NC Main Street & Rural Planning
Downtown Association Community Program **#R-23-09**

SUGGESTED MOTION(S):

To approve **Resolution #R-23-09** for commitment to the NC Main Street & Rural Planning
Downtown Association Community Program (if selected).

SUMMARY:

NC Main Streets & Rural Planning offers a Downtown Association Community Program, a 2-year process, that provides communities with the organizational foundation necessary for long-term downtown economic development success. This program is the only pathway to move into a NC Main Street Designation.

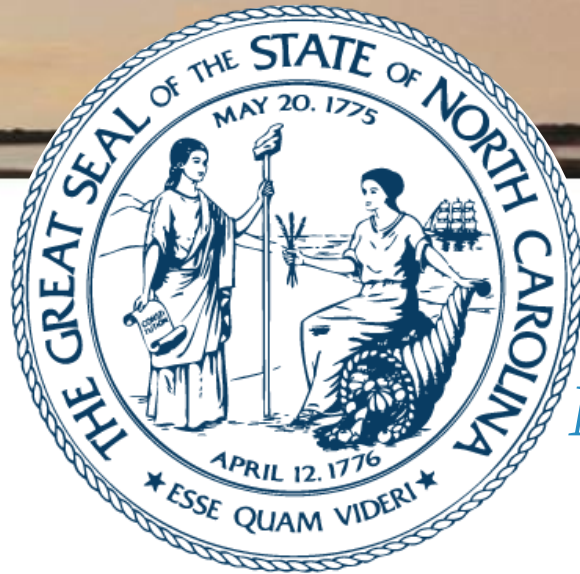
BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Resolution #R-23-09*
2. *Thinking About Main Street DAC Presentation*



Thinking About Main Street?

North Carolina Downtown Associate Community Program

Chuck Halsall, Program Specialist, NC Main Street & Rural Planning Center
Sherry B. Adams, Program Manager, NC Main Street & Rural Planning Center



Who We Are

The NC Main Street & Rural Planning Center is part of the NC Department of Commerce. We are the state's lead agency for workforce, community and economic development.

In this capacity the center:

- Provides downtown revitalization & planning assistance to communities across the state
- Provides Local & Regional Market Analysis
- Provides Small Area Planning
- Provides Downtown Design Services
- Provides Economic Development Strategies within the context of historic preservation

We:

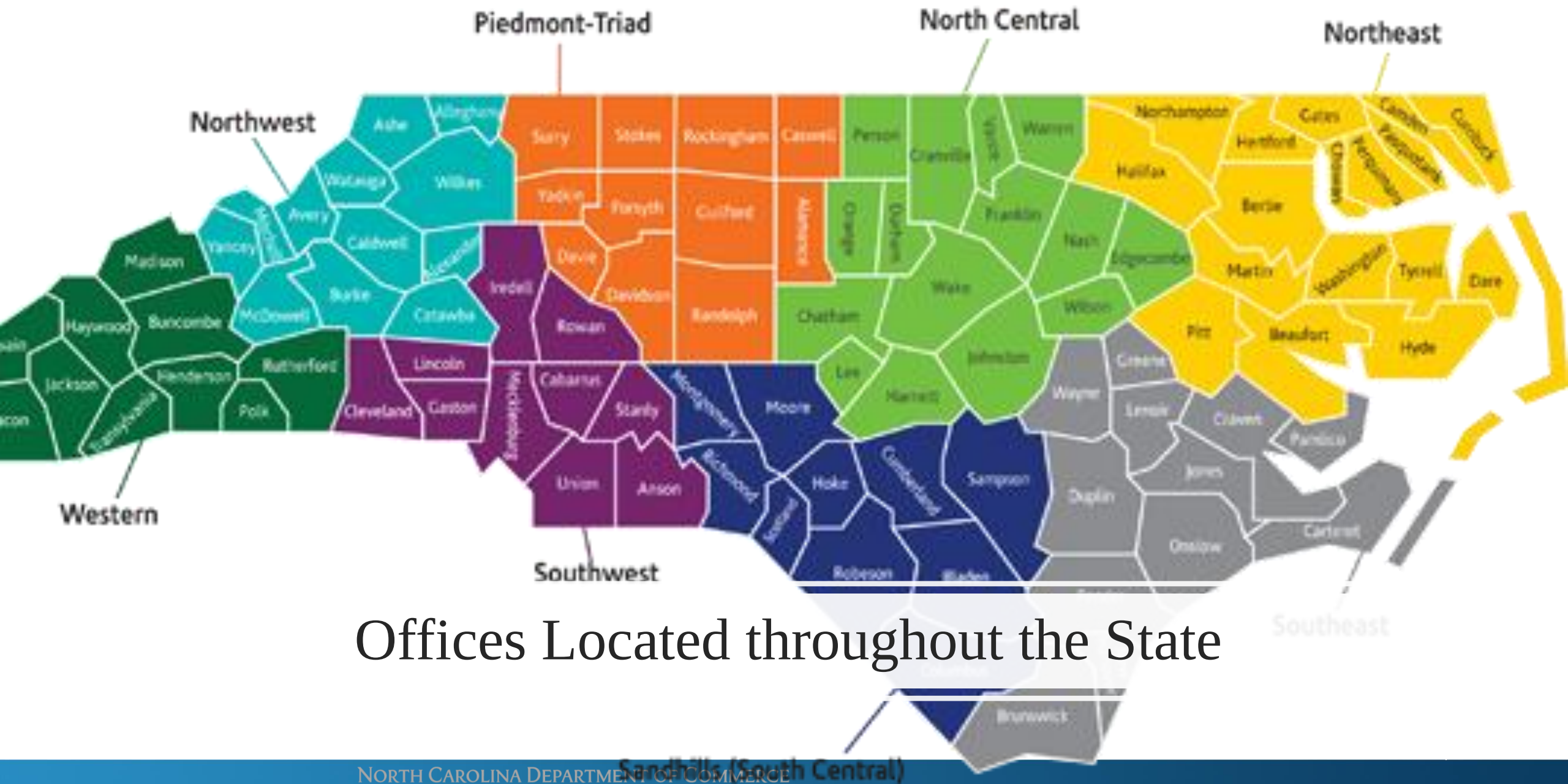
- Administer the Main Street America™ Program in NC
- Administer the Main Street Solutions Grant program

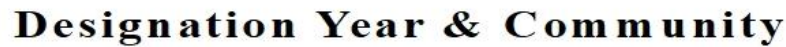


Mission of the NC Main Street & Rural Planning Center

- The NC Main Street & Rural Planning Center works in regions, counties, cities, towns, downtown districts and in designated North Carolina Main Street communities, **to inspire placemaking** through building asset-based economic development strategies **that achieve measurable results** such as investment, business growth and jobs.





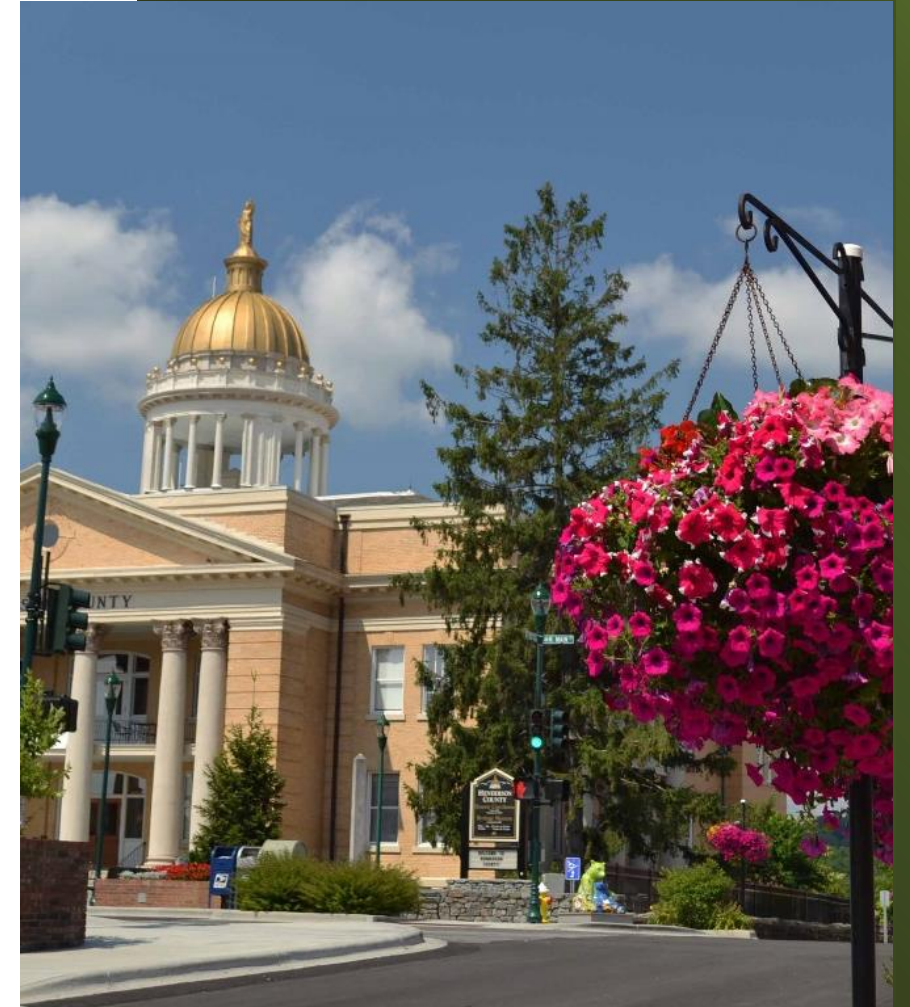


70 Main Street
9 STMS

Overview

Downtown Association Community (DAC) Program

- The program is a 2-year process, beginning in July of the year of acceptance, ending with Main Street Designation or being released from the program.
- The program provides communities with the **Organizational Foundation** necessary for long-term Downtown Economic Development Success
- The DAC program is the **ONLY** pathway to move into a NC Main Street Designation



Brief History of Main Street, Main Street America – Since 1980



- Created by the National Trust for Historic Preservation
- 6 states and 30 communities
- North Carolina one of original states selected: 5 communities
 - New Bern
 - Salisbury
 - Shelby
 - Tarboro
 - Washington
- Today 46 states and over 2000 communities in the program

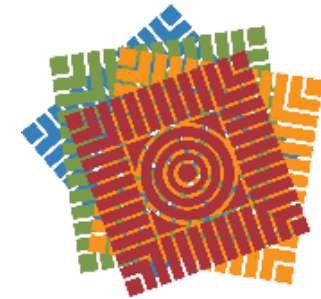
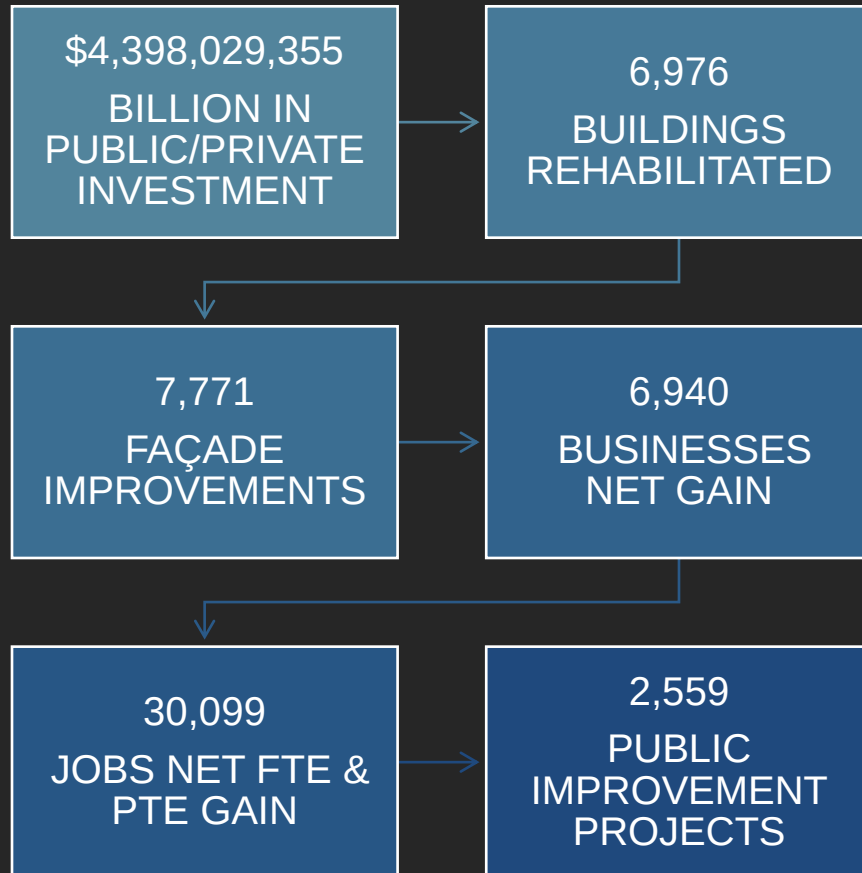


Main Street IS...

Economic Development within the Context of Historic Preservation



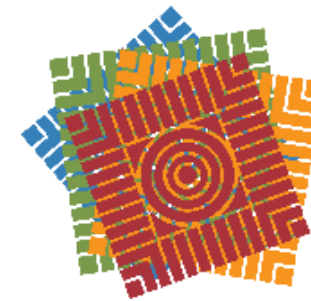
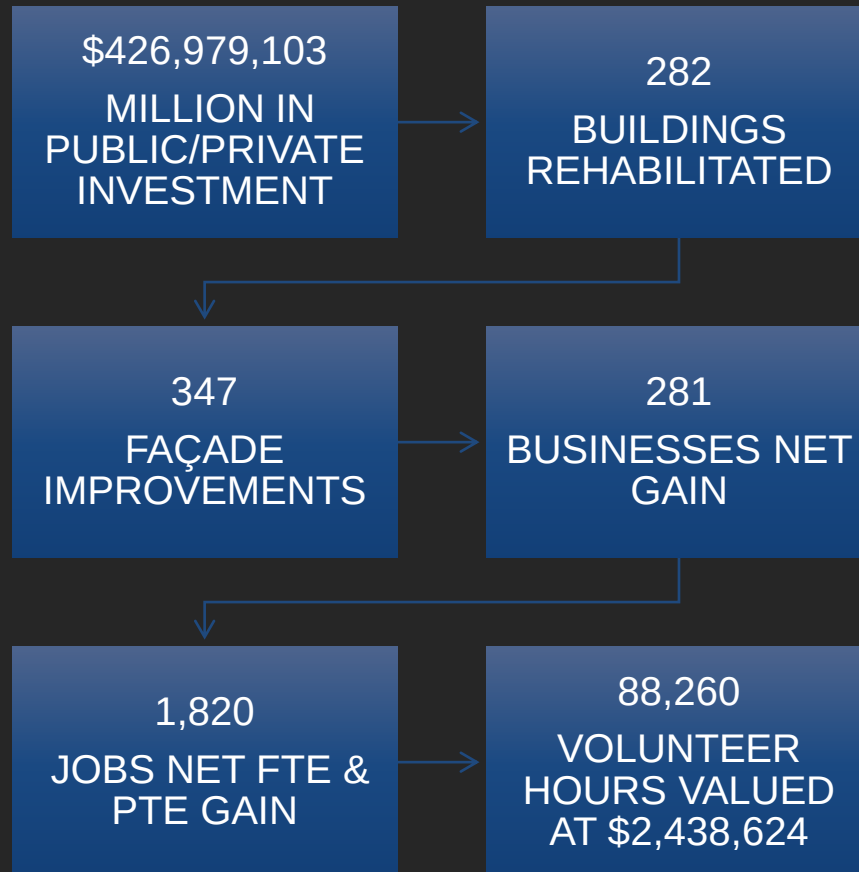
Main Street Statistical Data Since 1980



North Carolina
MAIN STREET
Community



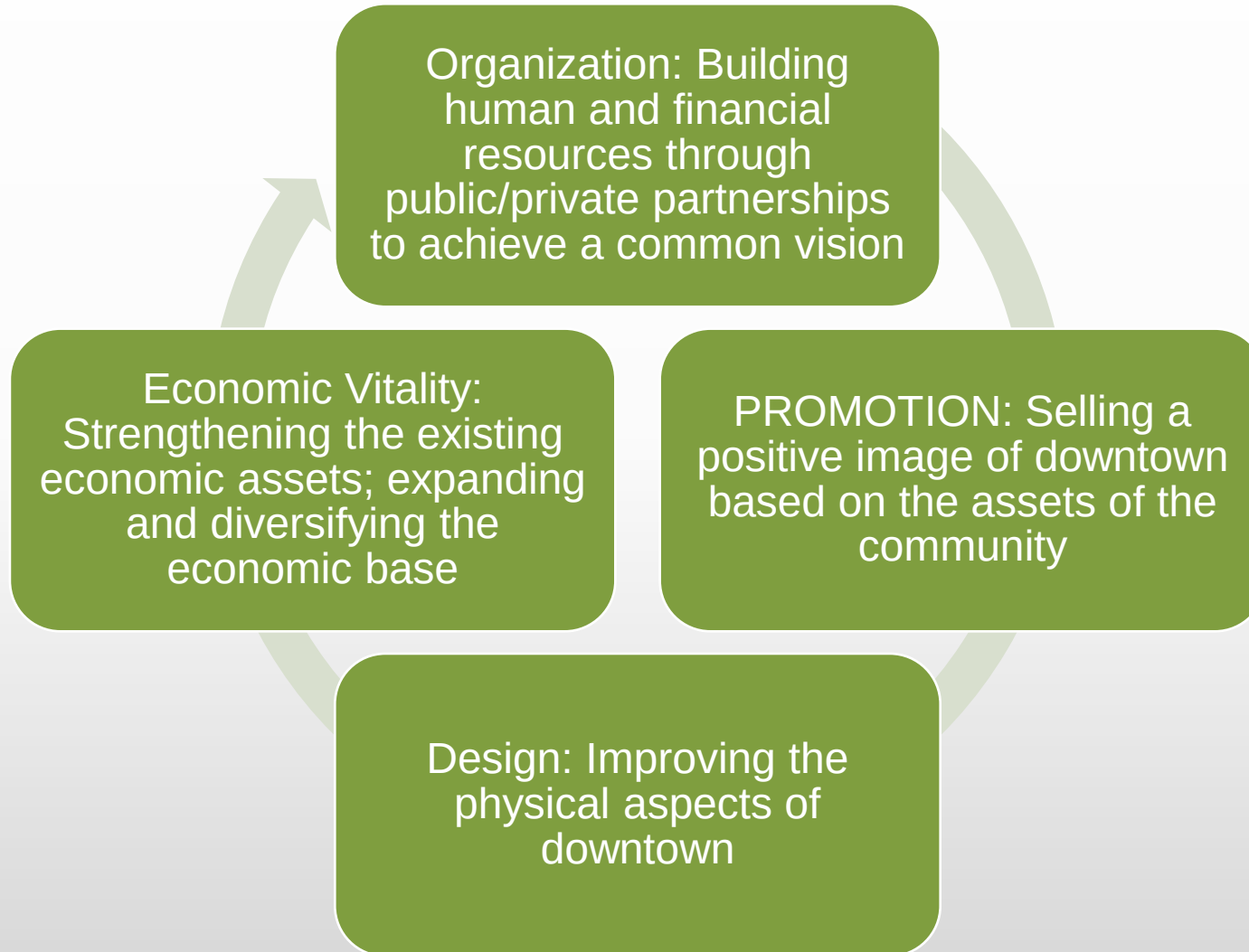
Main Street Statistical Data FY 2021-2022



North Carolina
MAIN STREET
Community



Main Street's Four Point Approach®



Eight Principles of Main Street

- Comprehensive
- Incremental
- Self-help
- Partnerships
- Builds on assets
- Quality focus
- Change
- Implementation



Main Street Four Point Approach®



ORGANIZATION

Building human and financial resources, through public/private partnerships, to achieve a common vision.



Organization

- Basic Areas of Focus for the Organization Committee:
- Plan for Downtown's Success
- Manage the Program
- Promote the Program



ORGANIZATION SNAPSHOT



Main Street Four Point Approach®

PROMOTION

Selling a positive image of downtown based on the assets of the community.



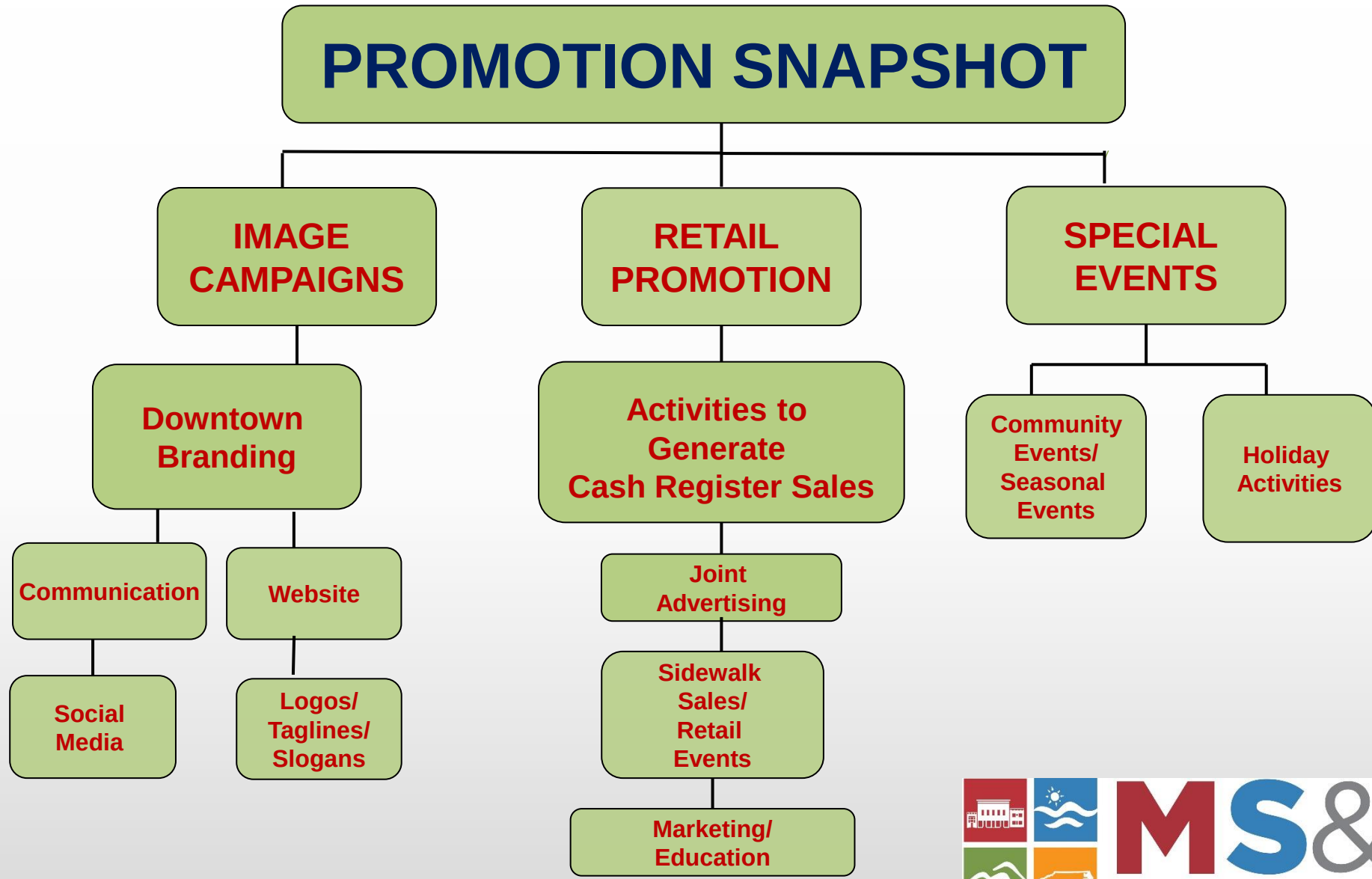
Main Street Four Point Approach®



Promotion

3 Basic Focus Areas

- Image Building Campaigns
- Retail Promotion
- Special Event Development



Main Street Four Point Approach®

Design

Improving the physical
aspects
of downtown.



Main Street Four Point Approach®

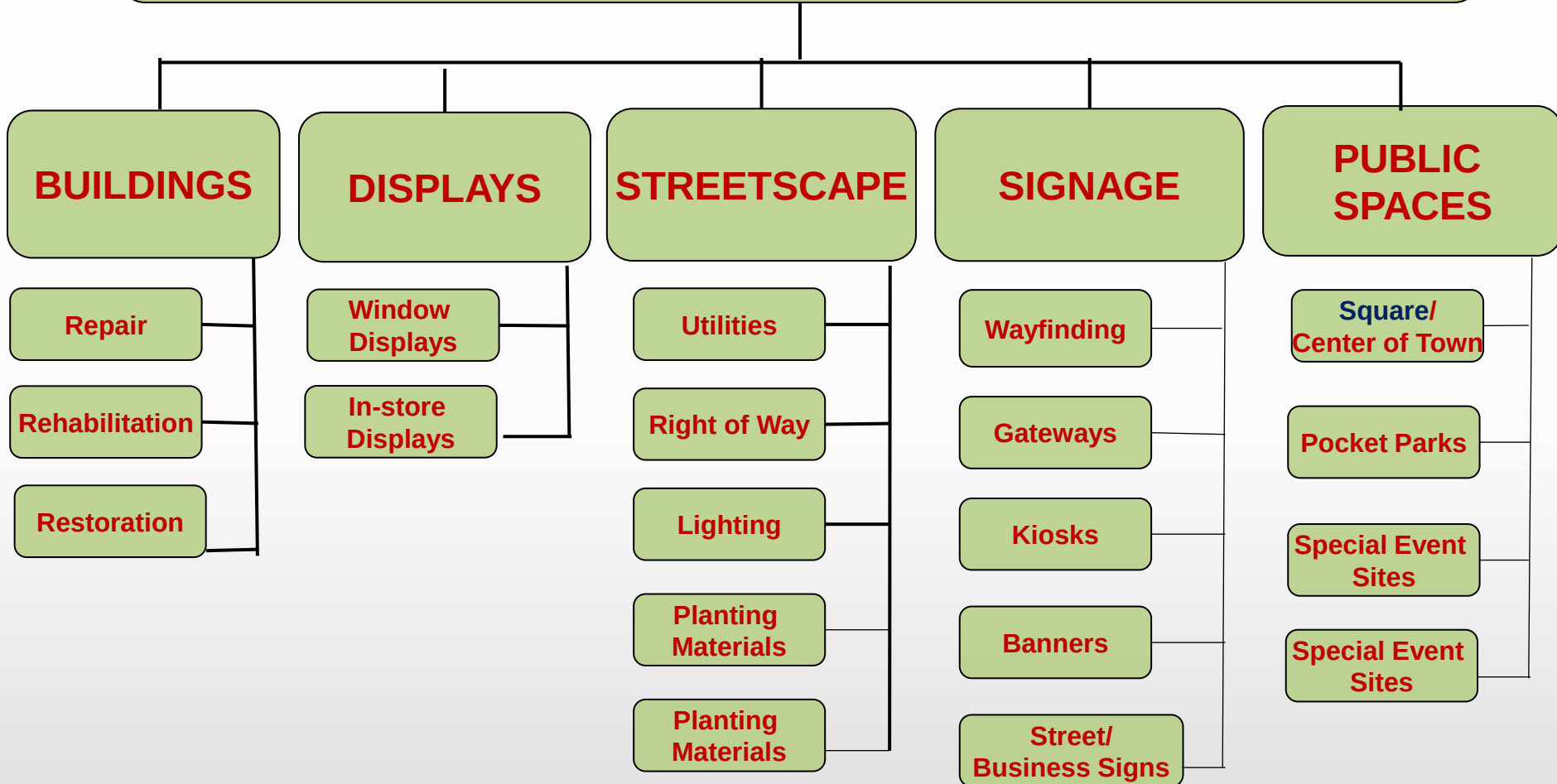
Design

5 Basic Areas of Focus:

- Buildings
 - Displays
 - Streetscapes
 - Signage
 - Public Spaces
-



DESIGN SNAPSHOT



Main Street Four Point Approach®

Economic Vitality

- Opportunity for increased density
- Adjacent to most important part of downtown
- Needs strong architectural edge



Economic Vitality focuses on strengthening the existing economic assets and expanding and diversifying the economic base.

ECONOMIC VITALITY

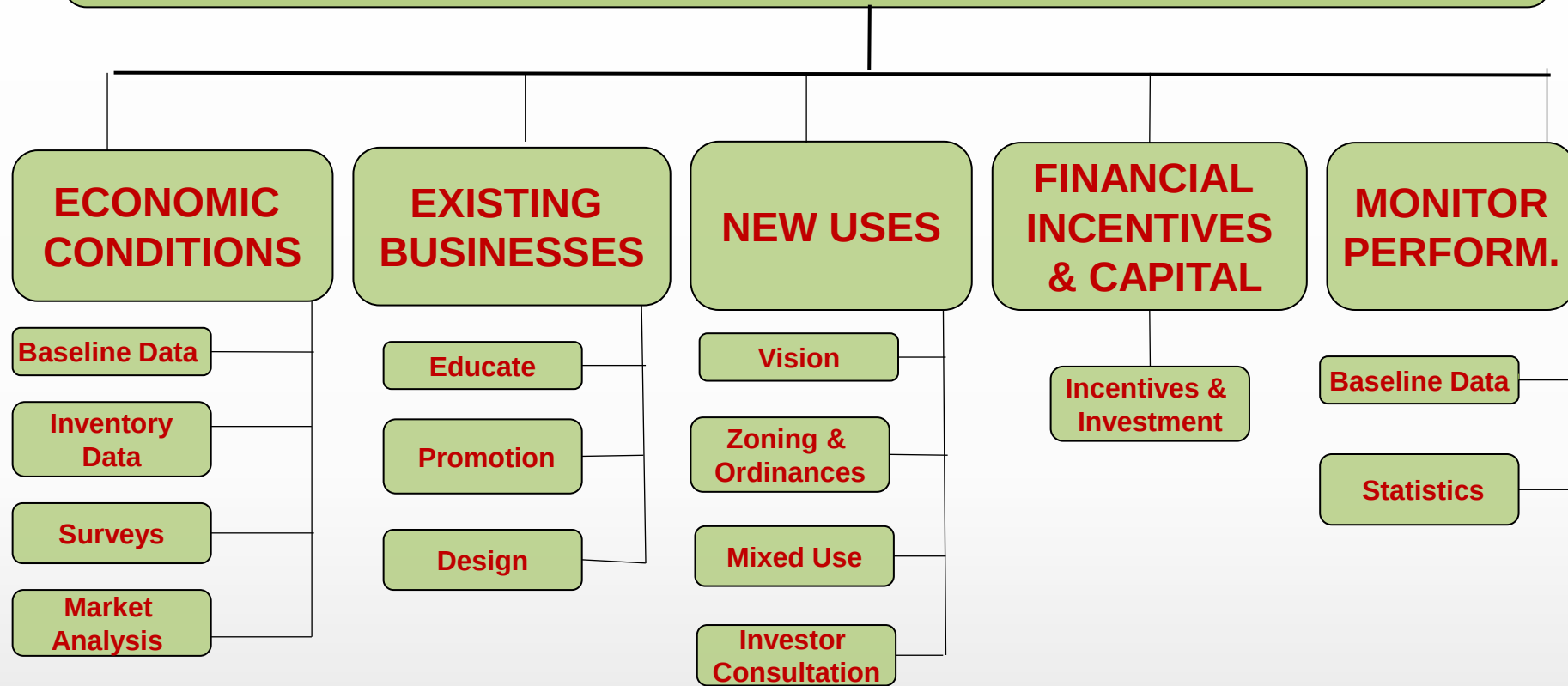
5 Basic Areas of Focus

- Understand Current Economic Conditions
- Strengthen Existing Businesses
- Find New Economic Uses
- Develop Financial Incentives & Capital for Building Rehabilitations & Business Development
- Monitor the Economic Performance of Downtown

Know what's in your existing toolbox & grow & expand your toolbox



ECONOMIC VITALITY SNAPSHOT



Benefits of the Downtown Associate Community Program

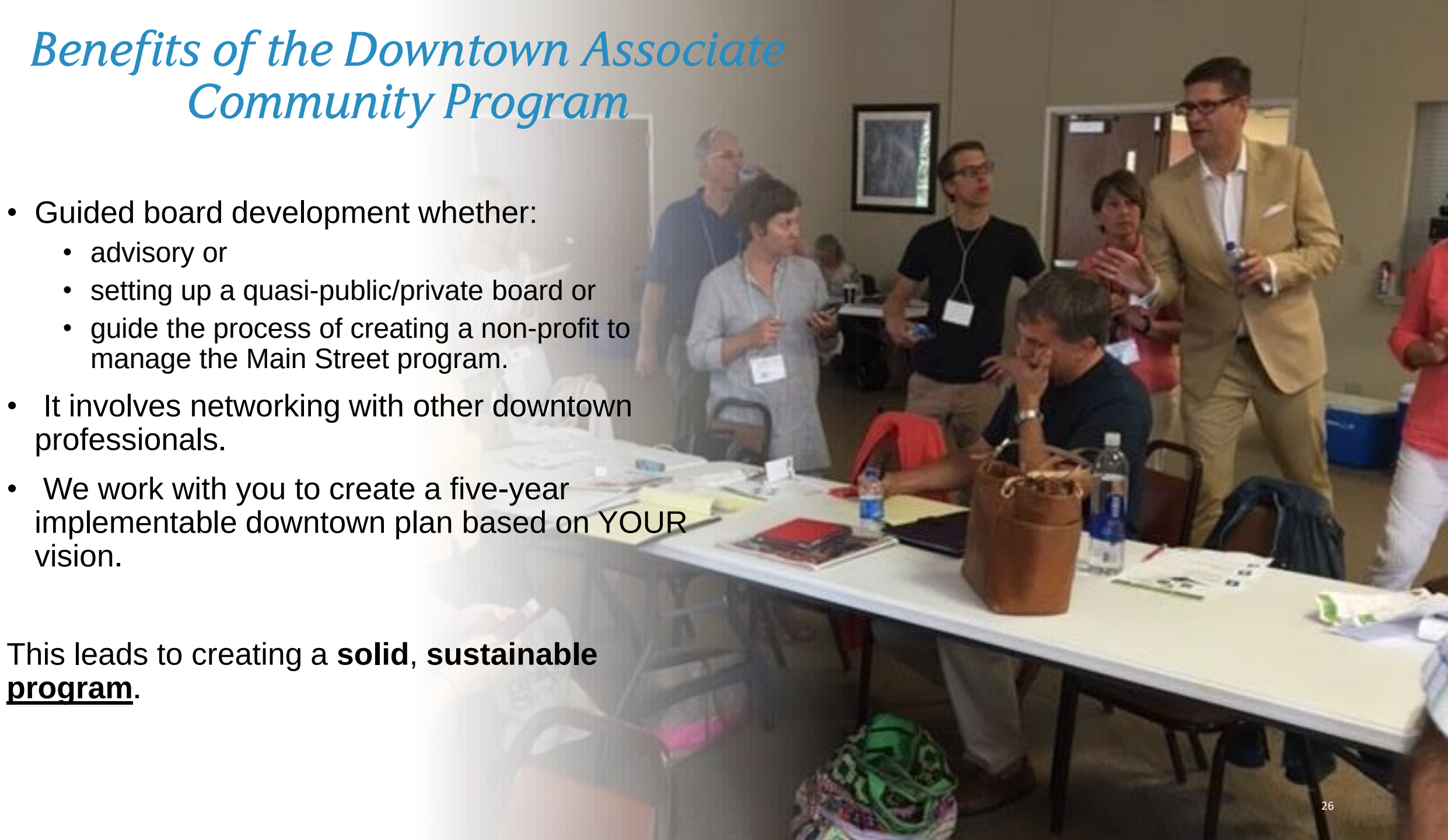
- It is a partnership.
- It involves specialized training.
- It includes technical assistance: creating a vision, develop economic development strategies that will transform downtown and produce action plans.
- Retail Market Snapshot analysis.
- Our staff conducts annual budget & salary analysis of NC Main Street programs.
- NC is among the nation's leading authority when it comes to downtown development.



Benefits of the Downtown Associate Community Program

- Guided board development whether:
 - advisory or
 - setting up a quasi-public/private board or
 - guide the process of creating a non-profit to manage the Main Street program.
- It involves networking with other downtown professionals.
- We work with you to create a five-year implementable downtown plan based on YOUR vision.

This leads to creating a **solid, sustainable program**.



Requirements & Responsibilities of the Downtown Associate Community

1. Incorporated NC municipality with a downtown district
2. A certified population of less than 50,000
3. Sign a Memorandum of Agreement with the NC Main Street and Rural Planning center agreeing to participate in all services provided by the NC Main Street Center & Rural Planning Center and agree to designate a Downtown Associate Community Coordinator. As well as establish broad-based support for the commercial district revitalization process, with strong support from both the public and private sectors. The agreement also spells out a long list of requirements such as reporting annual statistics, the coordinator will participate in training, attend the annual conference, reimburse the state for travel expenses, etc. and;

Requirements & Responsibilities of the Downtown Associate Community

4. *Must meet requirements by the end of year two (June 2025) in order to become a designated NC Main Street community*
5. *Downtown Associate Communities program applications will be available in late March 2023. Anyone wishing to apply MUST attend a DAC information meeting either at the Conference in Statesville in March or virtually in March, the following week.*
6. *Also note a Downtown Coordinator must be hired within 18 months. This person must be a paid employee of the town.*

If accepted into DAC expectations:

- Set a schedule
- Each visit will have:
 - Public Educational component
 - Expect minimum of two in person visits per year & 6 – 8 virtual meetings a year with the State coordinating staff.
- Asset mapping
- Economic Driver Identification
- Stakeholder and Partner Identification
- SWOT Analysis
- Benchmarks & Timeline





Before Applying

- Strongly consider if you are ready
- Do you have the human capacity?
- Are you ready to commit to hiring a Downtown/Main Street coordinator?
- Are you ready to commit to striving toward meeting the Main Street America™ Six Standards?
- Are you ready to embrace preservation practices?
- Are you ready to do the work?
- Remember, this isn't a project – it's a program.

Important Dates if Accepted in July into DAC program

- You must send your DAC Coordinator to the Annual Directors meeting held August 2-4, 2023
- You must send have your DAC Coordinator participate in the Organization Basic Training, August 17, 2023 (virtually as of now)



To Summarize

- You must have attended 1 of 2 Downtown Associate Community information sessions (next one will be March 21 at 9:00 a.m. virtually)
- Applications will be emailed to a city/town contact by the first week in April
- Applications are due by April 28, 5:00 p.m.
- If your application makes it into the finalist category, we will schedule a site visit in early June.
- We will accept between 2 to 4 applications
- Please make sure your elected officials are aware this is a program that **MUST** have a dedicated staff member to this position – please refer to the hiring guidelines when you review the application.

To Summarize

- This is a program that goes into perpetuity not a short-term project
- Our team invests in time and talent up to \$100,000 over the two-year period with training, strategic planning, retail market analysis
- You must budget for NC Main Street staff's travel (lodging, mileage, meals)
- You must budget for your coordinator's training which will include travel to annual director's meeting (August) and the annual Main Street Conference in 2024
- Main Street is a community engagement program. It is a public/private partnership, therefore so is Downtown Associate Community program.
- NC Main Street also has an Annual Agreement that all Main Street Towns must annually sign. This will be included with the application for your review.

PLANNING TO APPLY – SIGN IN

- Before you leave this session, We'll need:
 - Town Name
 - Primary City Contact
 - Email Address
 - Phone Number



QUESTIONS?



Contact:

Chuck Halsall, chalsall@commerce.nc.gov 252-974-1308

Sherry Adams, sadams@commerce.nc.gov 828-747-8218

RESOLUTION #R-23-09

RESOLUTION OF COMMITMENT TO THE NC MAIN STREET & RURAL PLANNING CENTER TO PARTICIPATE IN THE DOWNTOWN ASSOCIATE COMMUNITY PROGRAM IF SELECTED

WHEREAS, the Town of Black Mountain desires to be selected as a community participating in the Downtown Associate Community program administered by the NC Main Street & Rural Planning Center; and

WHEREAS, the Town of Black Mountain and its Council embraces the concept of downtown revitalization as economic development within the context of historic preservation and wishes to ensure the ongoing vitality of its downtown business district and support the local downtown initiative; and

WHEREAS, the Town of Black Mountain and its Council understands that the Downtown Associate Community program will focus on the organizational development process for up to three years to create a sustainable downtown organizational structure to implement a vision, develop strategies and produce action plans; and

WHEREAS, the Town of Black Mountain is dedicated to utilizing the foundation of the National Main Street Center's Main Street Four-Point Approach® to downtown revitalization and the principles of Organization, Design, Promotion and Economic Vitality; and

WHEREAS, the Town of Black Mountain recognizes the nationwide success of the principles of the Main Street Program for creation of new businesses, significant private sector capital investment that increases the property tax base and a significant increase in net employment; and

WHEREAS, the Town of Black Mountain will agree to budget up to \$5,000 for fiscal year 2023-2024, in order to reimburse the NC Main Street & Rural Planning Center for travel related expenses at the current IRS rate as well as meals and lodging at the state per diems when applicable and for travel and training of designated coordinator for the local Downtown Associate Community program; and

WHEREAS, the Town of Black Mountain acknowledges that if selected to participate in the Downtown Associate Community program, that the Town/City will sign a Memorandum of Understanding (MOU) with the N.C. Department of Commerce, NC Main Street & Rural Planning Center, outlining the requirements for participation in the Downtown Associate Community program with the Center; and

WHEREAS, the Town of Black Mountain agrees that if selected acknowledges that selection does not guarantee future designation as a North Carolina Main Street community; and

WHEREAS, the Town of Black Mountain and its Council understands that the foundation of a successful local Downtown Associate Community program is based in the knowledge that both the public and private sectors have a vital interest in the success of the downtown business district and must partner together in order for it to succeed.

NOW THEREFORE, BE IT RESOLVED that the Black Mountain Town Council endorses the Town of Black Mountain's application to the North Carolina Department of Commerce, NC Main Street & Rural Planning Center for participation in the Downtown Associate Community program; and

BE IT FURTHER RESOLVED that the Town of Black Mountain and its Council commits funding in the dollar amount of \$6,000.00 for the required travel and current staff to the administration of the local Downtown Associate Community program.

I move and adopt the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this 10th day of April 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** April 10, 2023
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Planning
TITLE OF ITEM: Resolution for S. Ridgeway Avenue One-Way **#R-23-10**

SUGGESTED MOTION(S):

To approved **Resolution #R-23-10** to turn S. Ridgeway Avenue one-way going south from US 70 Hwy (E. State Street).

SUMMARY:

The engineer report supports turning S. Ridgeway Avenue one-way going south from US 70 Hwy (E. State Street) to Sutton Avenue.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. *Resolution #R-23-10*

RESOLUTION #R-23-10

RESOLUTION CHANGING S. RIDGEWAY AVENUE TO ONE-WAY TRAVEL

WHEREAS, the Town of Black Mountain seeks to protect public safety; and

WHEREAS, the Town of Black Mountain has completed a traffic pattern analysis from Traffic Planning and Design, Inc, dated March 2023, which has received support from the Town of Black Mountain Fire Department and Town of Black Mountain Police Department; and

WHEREAS, the described traffic pattern analysis recommends one-way travel south from US 70 Hwy (E. State Street) to Sutton Avenue; and

WHEREAS, it is the public interest for S. Ridgeway Avenue to have one-way travel from US 70 Hwy (E. State Street) to Sutton Avenue;

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA THAT the Town Council support and authorize the changing of S. Ridgeway Avenue to a one-way street as recommended in the traffic pattern analysis from Traffic Planning and Design, Inc, dated March 2023, to be effective immediately.

I move and adopt the foregoing resolution:

Council Member

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this 10th day of April 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** April 10, 2023
AGENDA SECTION: PUBLIC HEARING **DEPARTMENT:** Planning
TITLE OF ITEM: Public Hearing for Voluntary Annexation for Portion of Property Owned by
Vince and Libby Snelling **#O-23-03**

SUGGESTED MOTION(S):

1. To open the public hearing for the proposed voluntary annexation for a portion of Buncombe County PIN #0710-10-9234.00000.
 2. To close the public hearing.
 3. To adopt ***Ordinance #O-23-03*** as presented.
-

SUMMARY:

There is an 8.41-acre parcel located off of N. Fork Road (identified as Buncombe County PIN #0710-10-9234.00000) that is partially located outside of town limits. The property owners would like to subdivide three parcels from the main parcel and annex those parcels into the town. The Planning Board heard this request at their March 27, 2023, meeting and felt that the property would be a good addition and would fit in with the surrounding area.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. ***Ordinance #O-23-03***
2. ***Voluntary Annexation Packet***

ORDINANCE #0-23-03

AN ORDINANCE ANNEXING THAT PORTION OF PROPERTY OF VINCE AND LIBBY SNELLING SHOWN ON THAT PLAT RECORDED IN PLAT BOOK 6012 AT PAGE 1286-1289 INTO THE TOWN OF BLACK MOUNTAIN

WHEREAS, Vince and Libby Snelling have requested that the Town of Black Mountain annex that portion of property owned by Vince and Libby Snelling and described as that 8.41 acre tract of land shown on that plat recorded in Plat Book 6012 at Page 1286-1289, Buncombe County Registry; and

WHEREAS, Vince and Libby Snelling own all of the property proposed to be annexed and submitted an application in their name and signed by them, so that such application and petition is signed by or on behalf of all the property owners as required by N.C.G.S. 160A-31 et seq.; and

WHEREAS, The Town Clerk has investigated the annexation petition and has certified that she found as a fact that the petition was signed by all owners of the property lying within the area to be annexed; and

WHEREAS, Vince and Libby Snelling have asserted that no vested rights that they wish to retain after annexation; and

WHEREAS, a public hearing was held by the Town Council of the Town of Black Mountain after proper notice was given to the public and the parties; and

WHEREAS, the Town of Black Mountain will benefit from annexation of the proposed area to be annexed in that its annexation will allow the Town to regulate development and insure a use of such property that is beneficial to the area where it is located and not detrimental to the properties surrounding it.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Black Mountain, North Carolina, that the property described as being a portion of that 8.41-acre parcel of land shown on that plat record in Plat Book 6012 at Page 1286-1289, Buncombe County Registry, is hereby annexed and made a part of the corporate limits of the Town of Black Mountain, North Carolina.

This ordinance shall become effective on the 10th day of April, if confirmed by the Town Council at its regular meeting in April 2023. In the absence of a majority vote of the Council to confirm this ordinance at that meeting, it shall become void and have no force or effect.

I move the adoption of the foregoing ordinance.

Council Member

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 10th day of April 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Approved as to form:

Ronald Sneed, Town Attorney



Doc ID: 034471130004 Type: CRP
Recorded: 01/28/2021 at 12:13:16 PM
Fee Amt: \$26.00 Page 1 of 4
Revenue Tax: \$0.00
Workflow# 0000664687-0001
Buncombe County, NC
Drew Reisinger Register of Deeds

BK **6012** PG **1286-1289**

NORTH CAROLINA SPECIAL WARRANTY DEED

This instrument prepared by Stephanie B. Irvine, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of the closing proceeds.

Excise Tax: None

Parcel Identifier No. 0710-22-1290-0000, 0710-10-9234-0000, 0710-10-6251-0000

Mail/Box to: Grantee at address below ✓

This instrument was prepared by: Stephanie B. Irvine 825-C Merrimon Ave #321, Asheville, NC 28804

No title search requested or performed.

THIS DEED made this 25th day of January, 2021, by and between

GRANTOR

**Elizabeth Baugh Roberts, Administrator CTA of
the Estate of John Alexander Roberts;**

**Elizabeth Baugh Roberts and husband
Vincent R. Snelling
POB 541
Hamilton, MT 59840**

GRANTEE

**Grey Eagle Revocable Living Trust
POB 541
Hamilton, MT 59840**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Town Mountain Township, Buncombe County, North Carolina and more particularly described as follows:

All those certain tracts or parcels of land located in Black Mountain Township, Buncombe County North Carolina acquired by John A. Roberts, aka John Alexander Roberts by Deed dated July 11, 1989 recorded in Book 1542, page 83 and subsequently corrected by Deed recorded in Book 1568, page 779 and Deed dated January 24, 1978, recorded in Book 1187, Page 591 of the Buncombe County Registry. See also Deed Book 457, Page 561 for further chain of title.

2

The tracts herein conveyed include Buncombe County Tax Parcel No:
0710-22-1290-0000, containing 34.58 Acres
0710-10-9234-0000, containing 8.41 Acres
0710-10-6251-0000, containing .43 Acres

Less and Except Lots 1 and 2 as shown on Survey for John Alexander Roberts recorded in Plat Book 152, Page 111 and Plat book 156, Page 189 which were conveyed by Deeds recorded in Book 5437, Page 232 and Book 5476, Page 1226 subject to the following as set forth in said Deeds:

TOGETHER WITH AND SUBJECT TO all restrictions, easements and rights of way of record, including, but not limited to, those Declaration of Covenants, Conditions and Restrictions and Road Maintenance Agreement dated June 16, 2016, and recorded in Book 5437, at Page 229, of the Buncombe County Public Registry.

FURTHER TOGETHER WITH AND SUBJECT TO, a non-exclusive and permanent right of way and easement for ingress, egress, and regress over that 50' right of way commonly known as Chinquapin Hill as shown on said Plat recorded in Book 156, at Page 189, Buncombe County Registry, from Lot 1 or 2 to North Fork Road (S.R. 2474).

AND FURTHER, TOGETHER WITH a permanent easement for ingress, egress, and regress for the installation, maintenance, repairing, inspecting and operation of all water, sanitary sewer and utility lines over, under and upon that 50' right of way as shown on said Plat, referenced above, so as not to interfere with the vehicular access for the use the private drive known as Chinquapin Hill. See easement recorded in Book 5465 page 1466 and Plat Book 164, Page 83 which detail the Sanitary Sewer Easement relative to Lots 1 and 2 on Chinquapin Hill.

Less and Except Lot 4 as shown on the Survey for John Alexander Roberts recorded in Plat Book 156, Page 189, which Lot bears Buncombe County Parcel Number 0710-10-7302-00000 and is known as 1 Chinquapin Hill.

John Alexander Roberts passed away on December 9, 2018. Elizabeth Baugh Roberts was granted Letters Testamentary as Administrator CTA pursuant to the Last Will and Testament of John Alexander Roberts on February 7, 2020. She has administered the Estate of John Alexander Roberts pursuant to the laws of North Carolina, including the publishing of Notice to Creditors. Elizabeth Baugh Roberts is the sole heir of John Alexander Roberts.

The property herein conveyed is not the primary residence of the Grantor.

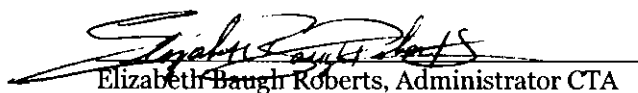
The property hereinabove described was acquired by Grantor through the Estate of John Alexander Roberts, Buncombe County File 19-E-348.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: None.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Estate of John Alexander Roberts

 (SEAL)
Elizabeth Baugh Roberts, Administrator CTA

Elizabeth Baugh Roberts (SEAL)
Elizabeth Baugh Roberts

Vincent R. Snelling (SEAL)
Vincent R. Snelling

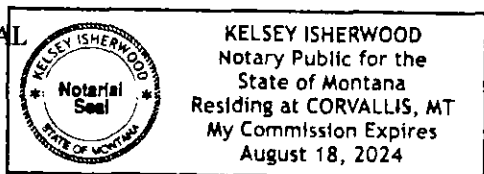
State of Montana - County of Beavert

I, the undersigned Notary Public of the County and State aforesaid, certify that Elizabeth Baugh Roberts, Administrator CTA of the Estate of John Alexander Roberts personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 day of January, 2021.

My Commission Expires: Aug 18, 2024

Kelsey Isherwood
Notary Public - Signature

SEAL



Kelsey Isherwood
Notary Public - Printed Name

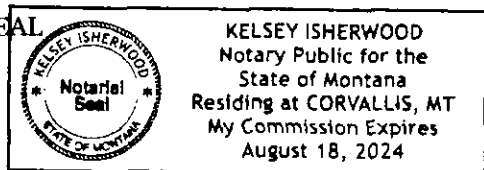
State of Montana - County of Beavert

I, the undersigned Notary Public of the County and State aforesaid, certify that Elizabeth Baugh Roberts, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 day of January, 2021.

My Commission Expires: Aug 18, 2024

Kelsey Isherwood
Notary Public - Signature

SEAL



Kelsey Isherwood
Notary Public - Printed Name

State of Montana – County of Beavalli

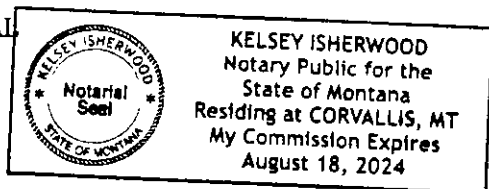
I, the undersigned Notary Public of the County and State aforesaid, certify that Vincent R. Snelling, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 day of January, 2021.

My Commission Expires: Aug 18, 2024

Kelsey Isherwood
Notary Public - Signature

Kelsey Isherwood
Notary Public – Printed Name

SEAL



ORIGINAL DOCUMENT RETURNED TO CUSTOMER AT TIME OF RECORDING

PLAT NORTH
PB 210, PAGE 172

CERTIFICATE OF APPROVAL FOR SPECIAL SUBDIVISIONS

THIS FINAL PLAT HAS BEEN REVIEWED BY THE BUNCOMBE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT AND MEETS THE REQUIREMENTS FOR A SPECIAL SUBDIVISION. ACCESS TO THIS SUBDIVISION IS CONSIDERED A PRIVATE DRIVEWAY OR PRIVATE ROAD. ADDITIONAL LOTS PAST THE FIRST TWO (2) RECORDED LOTS WITHIN THIS SPECIAL SUBDIVISION MAY NOT BE SUBDIVIDED FOR THREE (3) YEARS AFTER THE DATE OF THE RECORDATION OF THIS PLAT. ANY FURTHER SUBDIVISION THAT OCCURS WITHIN THE THREE (3) YEARS FROM THE DATE OF RECORDATION SHALL BE CONSIDERED A MINOR SUBDIVISION. THIS APPROVAL SHALL BE VOID UNLESS THE FINAL PLAT IS RECORDED IN THE OFFICE OF THE BUNCOMBE COUNTY REGISTER OF DEEDS WITHIN 180 DAYS FROM THE DATE OF APPROVAL BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

DATE _____ COUNTY PLANNER _____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

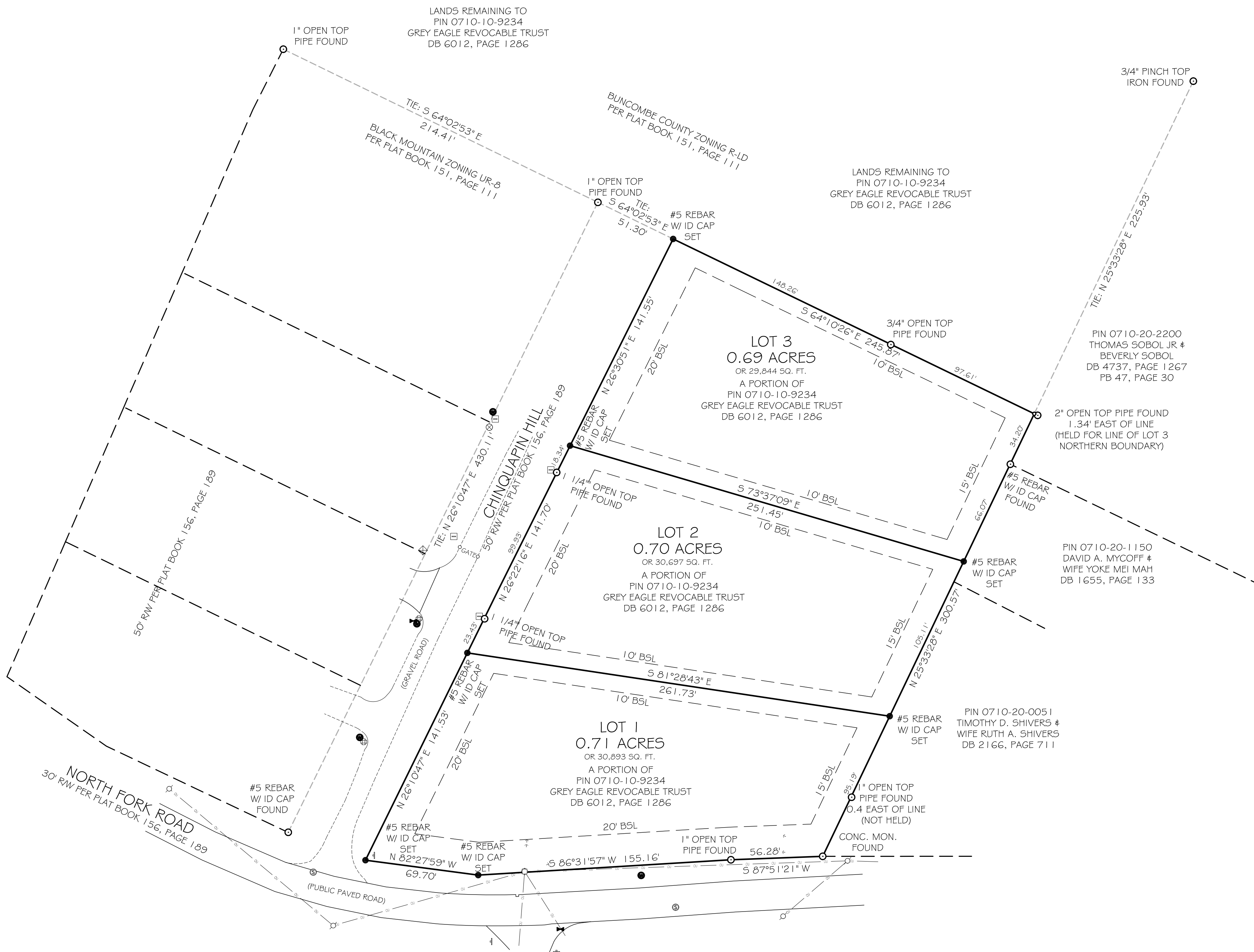
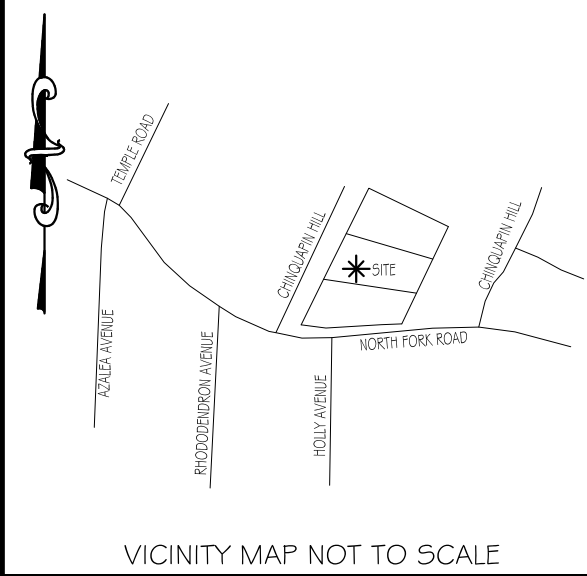
I, _____, REVIEW OFFICER OF BUNCOMBE COUNTY,
CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

REGISTERED THIS THE _____ DAY OF _____
2022 AT _____ M, RECORDED IN BOOK _____
AT PAGE _____.

REGISTER OF DEEDS

BY _____ DEPUTY



LEGEND:
-O- = OVERHEAD UTILITY LINE
- - - = EDGE OF GRAVEL
+ = CALCULATED POINT
= MONUMENT AS NOTED
= IRON FOUND (AS NOTED)
#5 REBAR W/ ID CAP SET
= WATER METER
= WATER VALVE
= FIRE HYDRANT
= FENCE
= UTILITY POLE
= SEWER MANHOLE
= CABLE PEDESTAL
= TELEPHONE PEDESTAL
= ELECTRICAL PEDESTAL
= MAILBOX
= LIGHT POLE
BSL = BUILDING SETBACK LIMITS

NOTES:

- * TOTAL AREA IS 2.10 ACRES OR 91,433 SQ. FT.
- * ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.
- * THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.
- * THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.
- * ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE BUNCOMBE COUNTY GIS WEBSITE.

NOTES:

- * NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.
- * NO HORIZONTAL CONTROL FOUND WITHIN 2000'.
- * BASED ON GRAPHICAL LOCATION, THE SUBJECT PROPERTY IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON FIRM MAP NUMBER 3710071000J WITH EFFECTIVE DATE OF JANUARY 6, 2010.
- * ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC., LOCATED ON THIS PROPERTY SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PERSON(S) / FIRM(S) AUTHORIZED, BY THE PROPER AUTHORITIES, TO MAKE SUCH DETERMINATION.
- * ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- * ZONED AS R-LD WITH SETBACK LIMITS OF
FRONT: 10'
SIDE: 10'
REAR: 20'

I, JAMES A. MITCHELL, III, N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

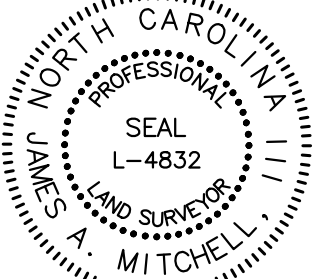
I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(1):

PRELIMINARY
NOT FOR RECORDING,
SALES, OR
CONVEYANCE

WITNESSED AND TESTED TO MY HAND AND SEAL THIS 31ST DAY OF OCTOBER, A.D., 2022.

N.C. PROFESSIONAL LAND SURVEYOR

L-4832
LICENSE #



JAMES A. MITCHELL, III, PLS, PLLC
P.O. BOX 98
OLD FORT, NC 28762
828-606-3646
jmmitchell3pls@gmail.com
P-2272

CURRENT OWNER(S)
GREY EAGLE REVOCABLE TRUST
P.O. BOX 541
HAMILTON, MT 59840

SUBDIVISION OF LAND FOR
LIBBY ROBERTS
SNELLING
AND
THE GREY EAGLE FAMILY
TRUST

REFERENCES

A PORTION OF PIN 0710-10-9234
DEED BOOK 6012, PAGE 1286

TOTAL AREA = 2.10 AC. OR 91,433 SQ. FT.
BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY, N.C.
DATE: 10-20-22 DRAWN BY: J. GREY
JOB #220810 CHECKED BY: J. MITCHELL



SCALE 1" = 40'

DWG. # 220810

VOLUNTARY ANNEXATION PETITION FORM

To: The Town of Black Mountain Board of Aldermen

Date: 1-5-2023

We, the undersigned, being all of the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☒ **contiguous** ☐ **non-contiguous** to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): 07101092340000Current County Zoning District: R-6DTown Zoning District designation requested: UR-8Buncombe County property tax valuation: \$217,200 (prior to subdivision)Do you declare vested rights*? ☐ yes ☒ no

*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

Are you requesting water service from the Town of Black Mountain? ☒ yes ☐ noNumber of existing residential dwelling units: 0 Number of commercial units: 0

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Board of Aldermen in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

Property Owner(s): Address: Signature: Date:

All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

Libby Roberts-Snellingdotloop verified
02/03/23 2:35 PM MST
ICRR-SXIW-DCQH-SMMOVince Snellingdotloop verified
02/03/23 2:32 PM MST
WWBS-9CHY-ZTAE-9ESB

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.



TOWN OF BLACK MOUNTAIN

VOLUNTARY ANNEXATION SUBMITTAL REQUIREMENTS

Only complete submittals will be processed. The following items are required to be submitted to the Planning and Development Department in order for your application to be deemed complete:

- ☒ Original Petition Form Signed by ALL Owners of the property
- ☒ Legal Description of the area to be annexed in both hard and digital (Word) format
- ☒ A complete copy of the last deed of record for each parcel of property to be annexed
- ☒ 3 paper copies of the draft annexation plat prepared by a registered land surveyor including the following information:

- Title block:
Annexation File #: _____
- Vicinity map showing location of property in relation to the primary corporate town limits (indicate where corporate limits are adjacent to the property or the location of the closest point of the primary Town Limits)
- Surveyor's certificate
- The following review officer's certificate:
Review Officer's Certificate
State of North Carolina
Buncombe County
I, _____, Review Officer of Buncombe County, certify that the plat or map to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

After the draft annexation plat is approved by Town staff, one (1) mylar and two (2) paper copies of the Annexation Plat as well as ten 11x17 paper copies will be required to be submitted prior to the Public Hearing and official action by the Board of Aldermen.

Received by: Jennifer Tipton Date: 2/3/2023
Application Complete: ☒ Yes ☐ No

Completed annexation petition form certified by: Jennifer Tipton
Date: 2/3/2023

Dear Planning Board,

Please accept this description of the property in lieu of a Legal Description. Our attorney requested a recorded survey of the property in order to provide a legal description. We can't record the survey until the property is accepted for annexation.

The properties to be annexed are shown on the attached survey as Lot 1, Lot 2, and Lot 3.



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** April 10, 2023
AGENDA SECTION: PUBLIC HEARING **DEPARTMENT:** Planning
TITLE OF ITEM: Public Hearing for Rezoning of Portion of Property Owned by Vince and Libby Snelling
#Z-O-23-04

SUGGESTED MOTION(S):

1. To open the public hearing to rezone a portion of 99999 Chinquapin Hill from R-LD to UR-8.
 2. To close the public hearing.
 3. To adopt ***Zoning Ordinance #Z-O-23-04*** (statement of consistency included) to rezone a portion of 99999 Chinquapin Hill from R-LD to UR-8.
-

SUMMARY:

There is an 8.41-acre parcel located off N. Fork Road (identified as Buncombe County PIN #0710-10-9234.00000) that is located outside of town limits. The owner is seeking annexation for a portion of the property and would like the zoning designation of UR-8 (urban residential) for that portion of the property. The Planning Board heard this request at their March 27, 2023, meeting and recommended the zoning designation request of UR-8 to Town Council.

BUDGET IMPACT:

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

1. ***Zoning Ordinance #Z-O-23-04***
2. Rezoning Application
3. Staff Report



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Planning Board Meeting Date: March 27, 2023

GENERAL INFORMATION

APPLICANT:	Libby Roberts-Snelling and Vince Snelling
HEARING TYPE:	Rezoning Request
REQUEST:	R-LD (Low-Density Residential District - Buncombe County) to UR-8 (Urban Residential district)
CONDITIONS:	This rezoning is for a parcel that is in the process of being annexed into the town.
LOCATION:	Parcel is off Chinquapin Hill
PARCEL ID NUMBER(S):	0710-10-9234-00000
PUBLIC NOTIFICATION:	The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). # notices were mailed to those property owners in the mailing area.
TRACT SIZE:	8.41 acres
TOPOGRAPHY:	18.30% slope
VEGETATION:	Wooded field

SITE DATA

EXISTING USE

Undeveloped Tract

SUMMARY OF DISTRICT PURPOSES

R-LD (Low-Density Residential District - Buncombe County)	Purpose: The R-LD Low-Density Residential District is primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development. These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. These are environmentally sensitive areas that are characterized by one or more of the following conditions: Steep slopes, fragile soils, or flooding.
UR-8 (Urban Residential District)	Purpose: The mixed residential district is established to provide a variety of housing types, promote density in the more urbanized and developable areas of town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-LD	UR-8
Max. Density:	2 units per acre	8 units/acre
Front Setback:	10'	20'
Side Setback:	10'	10'
Rear Setback:	20'	15'
Min. Lot Size:	43,560 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None
Permitted Uses:	• Single-family residential dwelling, including modular • Two residential dwelling units (attached or detached) • Shared housing/Community living facilities. • Single-Family Residences • Two-Family Residences (duplex) • Government facilities • Places of worship	

- HUD-labeled manufactured homes-Residential
- Subdivisions
- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Cemetery
- Family care home
- Home occupations
- Places of worship
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals
- Public utilities
- Accessory structures
- Camps, summer
- Bed and Breakfast Homes
- Home Occupations

Additional Requirements:

- Bed and breakfast inns (10 occupants or less)
- Day nursery and private kindergarten (up to 8 students)
- Manufactured Homes on individual lots
- Secondary Dwellings
- Boarding House
- Family Care Homes
- Agriculture
- Bed and Breakfast Inns
- Day care centers

Special Uses:

- Bed and breakfast inns (more than 10 occupants)
- Private utility stations and substations, pumping stations, water and sewer plants, water

storage tanks (2 acres or greater in total footprint)

- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)
- Radio, TV and telecommunications towers
- Recreation use, non-governmental

Special Use Permit:

- Conservation Subdivision
- Cottage Housing Development (CHD)
- Residential Planned Unit Development (PUD)
- Manufactured Home Parks
- Multi-family residential – all levels

Exclusions:

- All uses not specifically enumerated
- All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellhead Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A
Stream	N/A

Utilities

Water	N/A
Sewer	6" sewer line runs along Chinquapin Hill

Landscaping

There are no landscaping requirements for residential property.

Transportation

Street Classification	Chinquapin Hill is a private street. North Fork Rd. is a state roadway.
Site Access	The parcel is bordered by Chinquapin Hill and North Fork Rd.
Traffic Counts	N/A
Sidewalks	There are no sidewalks on Chinquapin Hill and North Fork Rd.
Transit in Vicinity	None
Traffic Impact Analysis (TIA)	Not required by Land Use Code
Street Connectivity	N/A
Other	N/A

IMPACT/POLICY ANALYSIS

The UR-8 district is similar to the county's R-LD district in being focused on residential development. Two significant differences are:

- R-LD is intended for lots where topographic or other constraints preclude intense urban development; UR-8 has no such focus.
- R-LD has a minimum lot size of one acre; UR-8 has a minimum lot size of 1/8 acre.

UR-8 conforms to current zoning nearby.



REZONING WORKSHEET

PIN #: 0710-10-9234-00000

Current Zoning District: R-LD Requested Zoning District: UR-8

The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning () is / () is not reasonable compared to the size of the zoning district in which the subject property is located.
2. The proposed rezoning () is / () is not consistent with the comprehensive plan or elements thereof.
3. The impact to the adjacent property owners and the surrounding community () is / () is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.
4. The allowed uses with the proposed zoning district () are / () are not similar or comparable to the permitted uses as currently zoned.

ORDINANCE NO. #Z-O-23-04

**AN ORDINANCE AMENDING THE ZONING MAP FOR A PORTION OF PROPERTY
LOCATED AT 99999 CHINQUAPIN HILL**

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 portion of real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0710-10-9234, recorded in Deed Book 6012, Page 1286-1289 and currently owned by Vince and Libby Snelling, from R-LD to Urban Residential (UR-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 10th day of April 2023.

Savannah Parrish, Town Clerk

C. Michael Sobol, Mayor

Approved as to form

Town of Black Mountain, NC

Annexation Petition

February 2023

-  Proposed UR-8
-  UR-8
-  Town Boundary

