



TOWN OF BLACK MOUNTAIN

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

Date: **May 8, 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

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. Parks and Recreation Annual Report – *Josh Henderson, Parks and Recreation Director*

B. Recreation Commission Annual Report – *Nathan West, Recreation Commission Chair*

C. Annual Water Report – *Jamey Matthews, Public Works Director*

5. CONSENT AGENDA

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

A. Adoption of Minutes – Savannah Parrish, Town Clerk

Motion: I move that Council adopt the minutes of April 6 Agenda Meeting, the April 10 Regular Meeting, the April 19 Special Meeting, the April 26 Special Meeting, and the March 29 Special meeting.

B. Budget Amendment NCLM RMS Safety Grant – Tammy Holland, Finance Director

Motion: I move that Council approve the budget amendment as presented.

C. Budget Amendment 2023 Valentine Greenway Challenge – Tammy Holland, Finance Director

Motion: I move that Council approve the budget amendment as presented.

Motion: I move that Town Council approve consent items A – C

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

PIN 0710419003000000 & 0710419092000000

8. NEW BUSINESS

A. Ordinance to Amend Chapter 48 Articles V and VI, Stormwater Management Utility and Enterprise Fund #O-23-06 – Tammy Holland, Finance Director

Motion: I move that Council approve ordinance O-23-06 as presented or amended.

B. Special Revenue Grant Fund Ordinance – Governor's Crime Commission Grant – Tammy Holland, Finance Director

Motion: I move that Council approve as presented the attached Special Revenue Grant Fund Ordinance and Budget for the US Dept. of Justice Governor's Crime Commission Grant.

- C. Field of Honor Parade – Kiwanis Club of Black Mountain/Swannanoa – Josh Harrold, Town Manager

Motion: *To approve or deny the request of Kiwanis Club of Black Mountain/Swannanoa to close State Street for the Field of Honor Parade on Sept. 11, 2023.*

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



TOWN OF BLACK MOUNTAIN

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

Date: April 19, 2023 Time: 5:00 p.m.

Special Call Meeting

Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, April 19 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. Harrold was seeking the council's guidance on how to spend the remaining \$1.19 million 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 to be spend at the Council's discretion. 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 came to a consensus on the following items:

- Updating the audio-visual equipment in the council chambers
- Repairing the Grey Eagle Monument
- Cragmont Park Improvements
 - Basketball court repair
 - Tennis court repair
 - Parking expansion
 - Restrooms
 - Path paving

- Lake Tomahawk Improvements
 - o Playground equipment update
 - o Gazebo replacement
 - o Installation of new benches and handrails
 - o Drainage improvements
- Swannanoa Avenue Sidewalk Repair

Several town council members expressed support for repairing or replacing the sidewalks along Vance Avenue, and for purchasing recycling and garbage toters, but the council elected to continue the conversation at a later date.

Vice Mayor Archie Pertiller moved to direct the Town Manager to include the selected projects in the FY23-24 budget. The motion was approved by a vote of 5-0.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:56 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: April 6, 2023 Time: 5:00 p.m.

Agenda Workshop Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular agenda workshop meeting on Thursday, April 6, 2023, at 5:00 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 5:00 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
Jennifer Tipton, Senior Admin
Savannah Parrish, Town Clerk – absent

Town Manager, Josh Harrold, presented the proposed agenda to the Town Council.

There was discussion among the council regarding 5B - Non-Profit Funding Application. The Town Manager requested that the Town Council add item 5E - Resolution to Adopt a Technical Assistance Memorandum of Agreement (MOA) with the NC League of Municipalities.

Councilmember King requested that Attorney Sneed prepare to speak regarding open meeting regulations at the regular session meeting.

Councilmember Doug Hay moved to approve the agenda as amended. The motion was approved by a vote of 5-0.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 5:18 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: April 10, 2023 Time: 6:00 p.m.

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, April 10, 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

2. PROCLAMATIONS | AWARDS | RECOGNITIONS

Mayor Sobol acknowledged the passing of Vice Mayor Pertiller's mother, Joyce Pertiller. Mayor Sobol then read a proclamation for Earth Day, encouraging all residents to care for the planet.

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.*

- Andrew Clark of Disabled American Veterans Chapter 14 spoke to inform the public of DAV which ensures veterans and can access their full range of benefits, advocates for the veteran community on Capitol Hill.
- Doug Brock spoke against the resolution to make S. Ridgeway Avenue a one-way street.

4. COMMUNICATIONS [AGENCIES COUNCILS, COMMISSIONS & STAFF]

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

Ed Newsome of National Fire Safety requested the permission of the Town Council to approach business in town to request support for the purchase of materials to provide to children regarding fire safety.

B. Annual Police Department Report – Chief Steve Parker

Chief Steve Parker presented the annual report to the Town Council. Chief Parker noted that employee retention, recruitment and staffing levels continue to be an urgent need for the department. Chief Parker also noted that he will be requesting two additional positions in the Fiscal Year 23-24 Budget.

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.*

E. Resolution to Adopt a Technical Assistance Memorandum of Agreement (MOA) with the NC League of Municipalities

Motion: *I move that Town Council approve the Resolution to Adopt a Technical Assistance Memorandum of Agreement as presented*

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

6. CITIZEN COMMENTS - NONE

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

After hearing briefly from each firm, Roberts and Stevens, Allen Stahl and Kilbourne, Van Winkle, and Teague Campbell the council engaged in a discussion regarding the pros and cons of each.

Councilmember Bill Christy moved that Council appoint the Van Winkle Law Firm as Town Attorney, effective July 1, 2023. The motion was approved by a vote of 5-0.

Mayor Sobol called for a 5-minute recess.

Following the 5-minute recess, Mayor Sobol called the meeting to order and announced that items 9A - Public Hearing for Voluntary Annexation for Portion of Property Owned by Vince and Libby Snelling and 9B - Public Hearing for Rezoning of Portion of Property Owned by Vince and Libby Snelling would be removed from the agenda.

B. Revised Babe Ruth Memorandum of Understanding

Town Manager Josh Harrold presented the revisions to the memorandum of understanding.

Vice Mayor Archie Pertiller moved to approve the MOU as presented. The motion was approved by a vote of 5-0.

8. NEW BUSINESS

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

Town Clerk Savannah Parrish presented the results of the Capital Project Survey. The Town Council and Town Manager discussed the results of the survey and potential capital projects. After much discussion, it was decided that the council would meet in a special workshop to make final decisions regarding capital project funding.

B. Advisory Board Appointments – Savannah Parrish, Town Clerk

a. Active Mobility Commission

The Active Mobility Commission received applications from Lisa 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.

The Town Council unanimously nominated Lisa Raleigh to serve as member of the Active Mobility Commission. The nomination was approved by a vote of 5-0.

b. Historic Preservation Commission

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

Councilmember Bill Christy moved that Council appoint Leigh Vidrine to serve as member of the Historic Preservation Commission. The motion was approved by a vote of 5-0.

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

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. Should the council wish to sale the property, town staff will follow the guidelines laid out in NCGS 160A-266.

The Town Council requested additional information and a documented agreement with Mr. Alexander regarding greenway access before moving forward.

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

Parks and Recreation staff is 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 in costs for chemicals, maintenance, and pool upkeep.

Councilmember Bill Christy moved to approve the Black Mountain Pool Budget Amendments as presented or amended. The motion was approved by a vote of 4-1, with Councilmember Alice Berry voting against.

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

Brent Miller presented the proposed increases to the Town Council. Brent proposed an increase in annual pass rates, cart fees, and greens fees in order to stay competitive with surrounding courses.

Mayor Sobol read a complimentary letter that was received by the Town Manager regarding the golf course.

Councilmember Pam King moved to approve the FY 23-24 golf course rates as presented. The motion was approved by a vote of 5-0.

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

Jessica Trotman presented information regarding the Downtown Association Community Program. 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.

Due to the cost associated with implementing the Downtown Association Community Program, the Town Council chose not to move forward with the application at this time.

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

Jessica Trotman presented the resolution to the Town Council, explaining that she was not expecting action on the resolution immediately. Colin Kinton, an engineer for Traffic Planning and Design, presented the analysis of the traffic study. Mr. Kinton recommended that Ridgeway be converted to a southbound-only flow, and additional Richardson traffic would be addressed by tweaking the light signal time.

The Town Council took no action on the matter.

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.

Items 9A - Public Hearing for Voluntary Annexation for Portion of Property Owned by Vince and Libby Snelling and 9B - Public Hearing for Rezoning of Portion of Property Owned by Vince and Libby Snelling would be removed from the agenda.

10. COMMUNICATION FROM STAFF

Town Attorney – Ron Sneed

Attorney Sneed presented information to the Town Council regarding open meetings and when it is acceptable for members of the council to meet and when gatherings should be noticed by the Town Clerk. Attorney Sneed recommended that if two or more members of the council, and the mayor will be present, there should be notice given. Attorney Sneed also explained the quorum calculation.

Attorney Sneed provided a legislative update.

11. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 9:42 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 29, 2023** Time: **4:00 p.m.**

Special Call Meeting Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, March 29, 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

Town Manager Josh Harrold requested guidance from the Town Council regarding short-term rental regulations for the pending Unified Development Ordinance. Councilmember Doug Hay will participate in the discussion around short-term rentals, but not be voting on the matter, due to a short-term rental located on his property.

Planning Director Jessica Trotman presented a report highlighting potential options that could allow the town to regulate short-term rentals through zoning compliance. The report reviewed options to limit the rental units in specific districts, including occupancy caps and parking restrictions.

Chip Craig of Greybeard Realty also presented information to the Council. Craig's report reviewed data on short-term rentals within the 28711 zip code.

The reports from Jessica Trotman and Chip Craig are included as an attachment to these minutes.

Following the reports, there was discussion among the Town Council. Mayor Sobol expressed support for stringent regulations, while councilmembers Christy, King, and Pertiller favored more minimal regulations. There was much discussion among the council. In Manager Harrold's summary comments at the end of the meeting, he confirmed that the Planning Board should begin exploring options to regulate short-term rentals that focus on safety and preserving neighborhood character.

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

DRAFT

2022 Annual Report

Recreation & Parks

Mission: The Department, in partnership with our citizens and with respect to our environment, will provide community-based recreation programs, wellness opportunities, facilities, and services to enrich the quality of life in Black Mountain.

****NOTE: All revenues listed in this report are GROSS REVENUES**

Points of Interest

- Partnerships
 - o Ridgecrest (conference center; hikes)
 - o YMCA Blue Ridge Assembly
 - o Warren Wilson (river clean-ups)
 - o Christmont (hikes and trail building)
 - o Asheville Green Works (river clean-ups)
 - o Four Sisters Bakery
 - o Owen High School (disc golf and tennis camp)
 - o Bounty and Soul (community garden donations and PumpkinPOST)
 - o G5 Trail Collective (trail building)
- Improvements
 - o Replaced pool cover
 - o Updated lighting and electrical panel in pool house
 - o Added shade structure and new fencing at the Riverwalk Dog Park
 - o Added new fencing at the Croquet Courts
 - o Began comprehensive master plan for recreation and parks through McGill and Associates
- Parks Director presented at Appalachian State University Recreation Department Senior Symposium
- Completed construction on new restrooms at Veteran's Park as part of the PARTF Grant

2022 Programs, Events and Areas of Interest

Special Events

- Valentines 5k
 - o 329 runners
 - o Revenue: \$6,040
 - o Donation to Black Mountain Children's Home: \$3,637
- Park Rhythms
 - o 2,610 (approx.) attendance; 8 weeks held at Veteran's Park

- PumpkinPOST
 - o 30 participants (rain); partnership with Community Garden
- Circle of Lights
 - o 375 participants

Youth Sports

- Indoor soccer
 - o 348 participants
 - o Revenue: \$20,430
- Outdoor soccer
 - o 309 participants; 2 seasons
 - o Revenue: \$13,925
- Youth disc golf league
 - o 13 participants
 - o Revenue: \$525
- Tennis clinics
 - o 41 participants
 - o Revenue: \$1,260
- Youth swim league
 - o 185 participants
 - o Revenue: \$10,860

Outdoor Programs

*All programs capped at 15 participants

- Cabin Fever Defeater Series (Jan-Feb)
 - o 9 events
 - o Indoor rock climbing, hikes, riverbank clean-ups
 - o 123 participants
- Spring Ascension Series (Mar-April)
 - o 9 events
 - o Outdoor rock climbing, hikes, river clean-ups
 - o 102 participants
- Arm's Length Adventure Series (Aug-Sept)
 - o 11 events
 - o Hikes, archery, river clean-ups, guided bike rides
 - o 108 participants
- Fall Peaks Hiking Series
 - o 10 events
 - o Six destination hikes
 - o 146 participants

Pool

- Total attendance: 13,061
- Revenues
 - o Gate: \$44,473
 - o Concessions: \$14,413
- Programs
 - o Lap swim: 675 participants
 - o Swim lessons: 73 participants

Summer Camps

Black Mountain Summer Camp

- 6 weeks
 - o 72 campers
 - o Revenue: \$5,880

Tennis Camp

- 38 participants, 14 volunteers

Active Aging Adults (Lakeview Center)

- Meal site
 - o 8,180 meals served through Council on Aging
- AARP tax assistance program
- Brought back 3 exercise classes per week that were previously postponed due to covid in 2021 and secured instructors.
- Added two new programs: art class and chair volleyball
- Collaborated with Warren Wilson on a project that allows active aging adults to read to preschoolers.

Community Garden

- Hired a new Garden Manager, Lucille Nelson
- 80 total plots; 19 are grown solely for donation
- 129 registered gardeners in 2022
 - o 129 (2021), 101 (2020), 95 (2019), 85 (2018)
 - o Plot revenue: \$2,710
- Produced 4,646 lbs of food for donation (Bounty & Soul)
 - o 5,189 (2021), 6,000+ (2020), 4,450lbs (2019), 3,055lbs (2018)
- Produced 6,810 lbs of compost
- 2,123 Volunteer hours logged
- Hosted Annual Christmas Tree Recycling Program
- 1 Interns in 2022 through BMPGF

Racquet/Paddle Sports

- Pickleball
 - o Days of organized play: 232
 - o Total players: Avg per month 420, for the year 5,034
- Tennis
 - o BMTA members: 140+
 - o BMTA matches: 18
 - o USTA matches: 40

Facility Rentals

- Lakeview upstairs
 - o Rentals: 68
 - o Revenue: \$22,080
- Lakeview downstairs
 - o Rentals: 20
 - o Revenue: \$5,320
- Pavilions (lake tomahawk & veteran's park)
 - o Rentals: 130
 - o Revenue: \$5,090
- Grey Eagle
 - o Rentals: 14
 - o Revenue: \$1,530
- Pool
 - o Rentals: 36
 - o Revenue: \$6,877
- Veteran's Park Ball Fields
 - o Rentals: 4
 - o Revenue: \$840



Town of Black Mountain
Public Works Department
Annual Water Operations Report 2022

- **2022 Water Operations Projects**

Installed 400 Ft. new 6" DIP water line on Toll Rd.

Installed 4 ultrasonic flow meters.

Replace well #5

Rebuilt altitude valve at south tank.

AMR (Automated meter) Install.

Asheville water transfer.

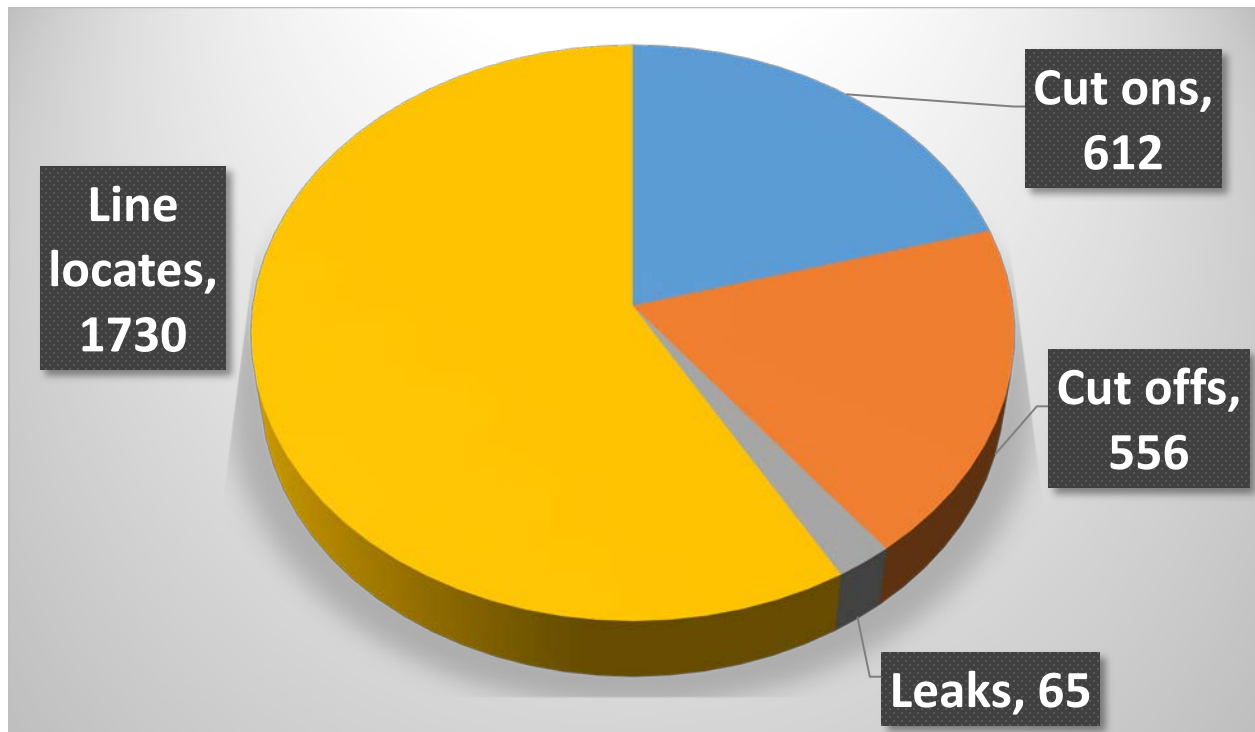
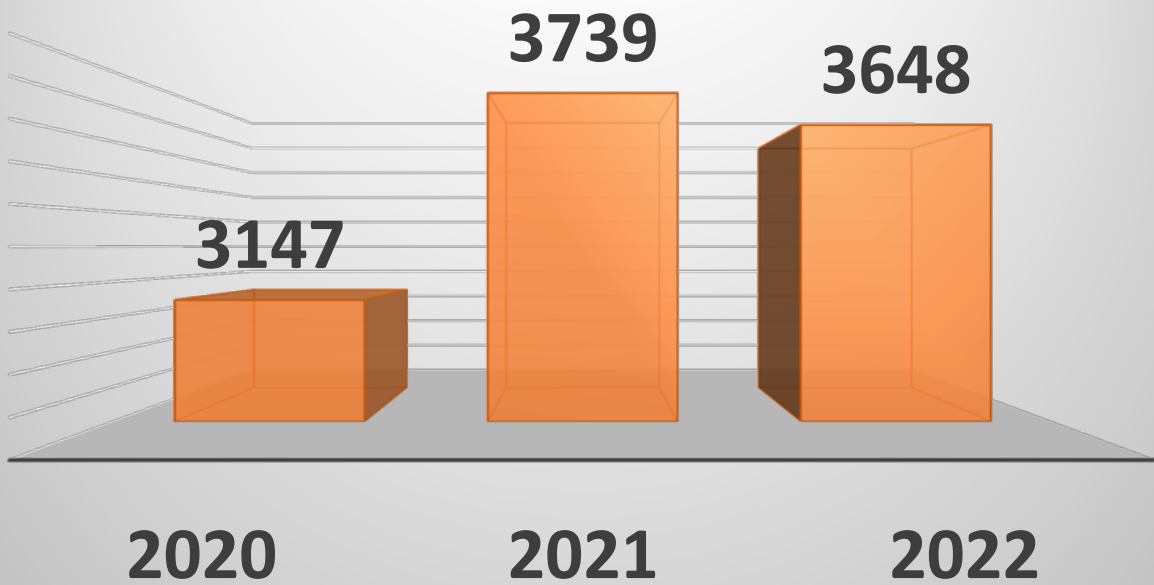
- **Work Orders Completed**

During 2022, the Public Works Department completed a total of 3648 water operations work orders. Below is a breakdown of the work orders completed.

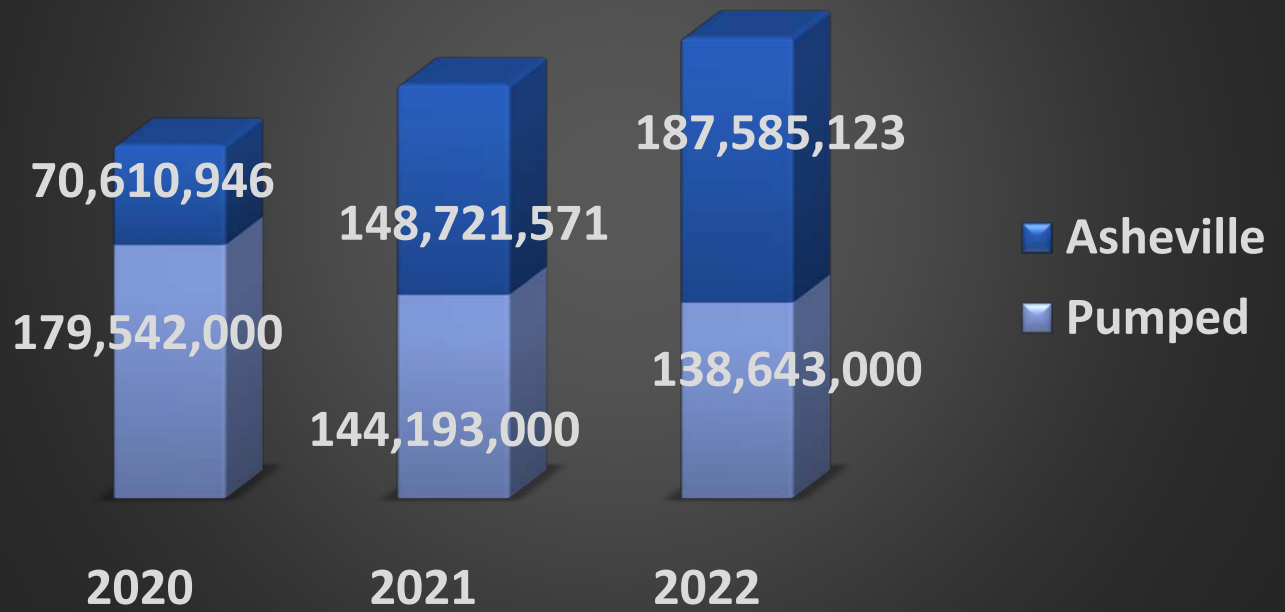
Description

Line Locates	1730
Cut On	612
Cut Off	556
Leaks	65
Leak Check	56
Meter Maintenance	331
Recheck Meter Reading	199
Watershed Maintenance	8
Well/Wellhouse Maint.	6
Miscellaneous Water	78
Hydrant Maintenance	<u>7</u>
	3648

Total Work Orders



Water Pumped vs. Water Purchased (gallons)





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** May 8, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM: Budget Amendment NCLM RMS Safety Grant

SUGGESTED MOTION(S):

I move that Council approve as presented the attached Budget Amendment for RMS Safety Grant Revenue and Match Expense

SUMMARY:

The Police Department has received a grant award for \$5,000 to be applied toward the purchase of Axon Virtual Reality Training System. The training system will be 9,999.96 for first year and 5033.48 per year for 4 years following the current year for a total of \$30,133.90. The police department is eligible to apply for an annual grant reimbursement from the NC League of Municipalities yearly for a maximum amount of \$5,000 each year.

BUDGET IMPACT:

Increase Non-Governmental Grant	100-4510-43400	\$5,000
Increase Employee Continuing Education/Training Supplies	100-4510-51512	\$5,000

ATTACHMENTS:

- i. Budget amendment
- ii. Grant Documents
- iii. Expense Quote



BUDGET AMENDMENT REQUEST FORM

DATE:

04/27/23

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
100-4510-51512	Employee continuing Education/Training Supplies	\$5,000.00	
100-4510-43400	Grant Revenue Non-Departmental		\$5,000.00
Total:		\$5,000.00	\$5,000.00

REASON FOR BUDGET AMENDMENT

NCLM RMS Safety Grant

Entered by:

Department Head signature:

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



12/8/2022

Steve Parker
Black Mountain
106 Montreat Road
Black Mountain, NC, 28711

Dear Steve:

Congratulations, your application for safety grant funding has been approved. The NC League of Municipalities is please to offer members of Workers' Compensation (WC) and Property & Liability (PL) insurance pools this resource to help mitigate liability exposures.

Grant Summary:

- Insurance Pool: WC
- Member is eligible for \$5000.00 based on annual premiums
- Approved Items
 - 1 Axon Virtual Reality training system at \$30285.00 each + 0.00 (Shipping & Fees)
- Total Quoted Costs: \$30285.00
- Amount Approved: \$5000.00
- **Maximum Annual Grant Reimbursement Award: \$5000.00**

To obtain your grant award, you have six months to complete the equipment purchase and provide NC League of Municipalities proof of purchase and payment. You may upload the following items to your original grant application online:

- A clear description of the items purchased
- Receipts from Purchased Goods showing cost per items and shipping
- Vendor invoice(s)
- Image of Transaction Completed by Bank (A cleared check with invoice number is Ideal.)
- For fire & security systems, include evidence that the system is centrally monitored. For onsite DVR/video surveillance systems, submit evidence that the DVR is securely located.
- Reimbursement for completed ergonomic functional analysis must include the completed functional analysis report and the updated job description that includes the new functional analysis information. This is in addition to the above financial documentation.

After six months, the award will expire and grant funds will no longer be encumbered. Grant funds can be awarded up to 50% of the allowable maximum based on annual premiums. Unused grant awards will immediately expire if a member leaves the RMS insurance pool.

- If multiple items are approved for this grant, the grant award will be based on the quoted cost for each individual item. Additional funding for one approved item cannot be allocated to other grant items. If all of the requested items are not purchased, funding will only be provided for those items that are approved for purchase and will not exceed 50% of the quoted cost for the individual item provided in the application. Please refer to your grant application to determine the distribution of funding.
- All purchased items must be identical to or of equivalent or superior quality to the items approved in the application process. Otherwise, they may not qualify for reimbursement. Substituting lesser quality items may result in no reimbursement for those items. Purchasing fewer items than what was proposed in the application will result in a reduction adjustment to any reimbursement. Please contact us if you have any questions.

- If actual expenditures on approved items exceed the quoted costs, reimbursement will be based on the above approved quoted costs for those items. If the actual purchase costs are less than the quoted costs, the reimbursement will be for the approved actual cost of the items. In no case will the grant pay more than the amount stated in the award letter.
- Grant awards not spent on equipment that was in the grant application may not be “reallocated” to other equipment. If specific items are not purchased, those reimbursement monies are forfeited unless prior approval has been obtained in writing from us.

Thank you for your participation in the League’s insurance programs. Our risk control consultants are available to assist you with your safety and risk management needs as we work together to mitigate accidents, injuries, and liability concerns for our members.

You may view this Grant Request and upload documentation by visiting the [Member's Only section of the NCLM website](#).

Steve Parker

From: donotreply@ncml.org
Sent: Tuesday, February 7, 2023 6:11 AM
To: Steve Parker
Subject: Your Grant Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



This is a monthly reminder to upload the necessary documentation for your RMS Safety Grant Application.

To obtain your grant award, you have six months to complete the equipment purchase and provide NC League of Municipalities proof of purchase and payment. You may upload the following items to your original grant application online:

- A clear description of the items purchased
- Receipts from Purchased Goods showing cost per items and shipping
- Vendor invoice(s)
- Image of Transaction Completed by Bank (A cleared check with invoice number is Ideal.)
- For fire & security systems, include evidence that the system is centrally monitored. For onsite DVR/video surveillance systems, submit evidence that the DVR is securely located.
- Reimbursement for completed ergonomic functional analysis must include the completed functional analysis report and the updated job description that includes the new functional analysis information. This is in addition to the above financial documentation.

After six months, the award will expire and grant funds will no longer be encumbered. Grant funds can be awarded up to 50% of the allowable maximum based on annual premiums. Unused grant awards will immediately expire if a member leaves the RMS insurance pool.

- If multiple items are approved for this grant, the grant award will be based on the quoted cost for each individual item. Additional funding for one approved item cannot be allocated to other grant items. If all of the requested items are not purchased, funding will only be provided for those items that are approved for purchase and will not exceed 50% of the quoted cost for the individual item provided in the application. Please refer to your grant application to determine the distribution of funding.
- All purchased items must be identical to or of equivalent or superior quality to the items approved in the application process. Otherwise, they may not qualify for reimbursement. Substituting lesser quality items may

result in no reimbursement for those items. Purchasing fewer items than what was proposed in the application will result in a reduction adjustment to any reimbursement. Please contact us if you have any questions.

- If actual expenditures on approved items exceed the quoted costs, reimbursement will be based on the above approved quoted costs for those items. If the actual purchase costs are less than the quoted costs, the reimbursement will be for the approved actual cost of the items. In no case will the grant pay more than the amount stated in the award letter.
- Grant awards not spent on equipment that was in the grant application may not be "reallocated" to other equipment. If specific items are not purchased, those reimbursement monies are forfeited unless prior approval has been obtained in writing from us.

Thank you for your participation in the League's insurance programs. Our risk control consultants are available to assist you with your safety and risk management needs as we work together to mitigate accidents, injuries, and liability concerns for our members.

Receiving this email means that your application is missing some required documentation. Ensure that the documentation you have uploaded satisfies all the requirements listed above. If you need assistance, please contact NCLM.

You may view this Grant Request and upload documentation by visiting the [Member's Only section of the NCLM website](#).



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

*Budget
Annual
Salary 1st*

Q-437544-44970.761RB

Issued: 02/13/2023

Quote Expiration: 04/30/2023

Estimated Contract Start Date: 06/01/2023

Account Number: 198139

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Black Mountain Police Dept.-106 Montreat Rd 106 Montreat Rd Black Mountain, NC 28711-3116 USA	Black Mountain Police Dept. - NC 106 Montreat Rd Black Mountain, NC 28711-3116 USA Email:	Ross Blank Phone: (480) 502-6269 Email: rblank@axon.com Fax: (480) 502-6269	Steve Parker Phone: (828) 419 9350 Email: steve.parker@tobm.org Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$30,133.90
ESTIMATED TOTAL W/ TAX	\$30,981.42

Discount Summary

Average Savings Per Year	\$778.03
TOTAL SAVINGS	\$3,890.13

Payment Summary

Date	Subtotal	Tax	Total
May 2023	\$9,999.96	\$281.24	\$10,281.20
May 2024	\$5,033.48	\$141.57	\$5,175.05
May 2025	\$5,033.48	\$141.57	\$5,175.05
May 2026	\$5,033.48	\$141.57	\$5,175.05
May 2027	\$5,033.50	\$141.57	\$5,175.07
Total	\$30,133.90	\$847.52	\$30,981.42

5,000

Quote Unbundled Price:	\$34,024.03
Quote List Price:	\$31,279.63
Quote Subtotal:	\$30,133.90

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
T7Basic	2021 Taser 7 Basic Bundle	1	60	\$91.74	\$46.00	\$46.00	\$2,760.00	\$170.37	\$2,930.37
A la Carte Hardware									
20378	HTC FOCUS 3 VR HEADSET	1			\$1,935.00	\$1,935.00	\$1,935.00	\$135.47	\$2,070.47
VRCK	VR Controller Kit	1			\$2,434.63	\$2,789.38	\$2,789.38	\$195.18	\$2,984.56
A la Carte Software									
100538	FULL VR STANDALONE USER ACCESS	16	60		\$20.00	\$18.44	\$17,699.52	\$0.00	\$17,699.52
A la Carte Services									
20379	VR 1-DAY SERVICE	1			\$4,950.00	\$4,950.00	\$4,950.00	\$346.50	\$5,296.50
Total							\$30,133.90	\$847.52	\$30,981.42

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
2021 Taser 7 Basic Bundle	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	1	05/01/2023
2021 Taser 7 Basic Bundle	20018	TASER 7 BATTERY PACK, TACTICAL	1	05/01/2023
2021 Taser 7 Basic Bundle	20062	TASER 7 HOLSTER - BLACKHAWK, RIGHT HAND	1	05/01/2023
2021 Taser 7 Basic Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	05/01/2023
2021 Taser 7 Basic Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	05/01/2023
2021 Taser 7 Basic Bundle	74200	TASER 7 6-BAY DOCK AND CORE	1	05/01/2023
2021 Taser 7 Basic Bundle	80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	1	05/01/2023
2021 Taser 7 Basic Bundle	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	1	05/01/2023
VR Controller Kit	100126	AXON VR TACTICAL BAG	1	05/01/2023
VR Controller Kit	100186	HTC FOCUS 3 WRIST TRACKER	2	05/01/2023
VR Controller Kit	20296	SAMSUNG S7+ TABLET FOR VR SIMULATOR	1	05/01/2023
VR Controller Kit	20297	SAMSUNG S7+ TABLET CASE FOR VR SIMULATOR	1	05/01/2023
VR Controller Kit	20298	VR-ENABLED GLOCK 19 CONTROLLER	1	05/01/2023
VR Controller Kit	22196	TASER 7 VR CARTRIDGE, STANDOFF (3.5-DEGREE)	2	05/01/2023
VR Controller Kit	22197	TASER 7 VR CARTRIDGE, CLOSE-QUARTERS (12-DEGREE)	2	05/01/2023
A la Carte	20378	HTC FOCUS 3 VR HEADSET	1	05/01/2023

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
2021 Taser 7 Basic Bundle	20248	TASER EVIDENCE.COM ACCESS LICENSE	1	06/01/2023	05/31/2028
2021 Taser 7 Basic Bundle	20248	TASER EVIDENCE.COM ACCESS LICENSE	1	06/01/2023	05/31/2028
A la Carte	100538	FULL VR STANDALONE USER ACCESS	16	06/01/2023	05/31/2028

Services

Bundle	Item	Description	QTY
A la Carte	20379	VR 1-DAY SERVICE	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
2021 Taser 7 Basic Bundle	80374	EXT WARRANTY, TASER 7 BATTERY PACK	1	05/01/2024	05/31/2028
2021 Taser 7 Basic Bundle	80395	EXT WARRANTY, TASER 7 HANDLE	1	05/01/2024	05/31/2028
2021 Taser 7 Basic Bundle	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	1	05/01/2024	05/31/2028

Payment Details

May 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	100538	FULL VR STANDALONE USER ACCESS	16	\$5,873.62	\$0.00	\$5,873.62
Year 1	20378	HTC FOCUS 3 VR HEADSET	1	\$642.13	\$44.95	\$687.08
Year 1	20379	VR 1-DAY SERVICE	1	\$1,642.67	\$114.98	\$1,757.65
Year 1	T7Basic	2021 Taser 7 Basic Bundle	1	\$915.90	\$56.53	\$972.43
Year 1	VRCK	VR Controller Kit	1	\$925.64	\$64.78	\$990.42
Total				\$9,999.96	\$281.24	\$10,281.20

May 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	100538	FULL VR STANDALONE USER ACCESS	16	\$2,956.47	\$0.00	\$2,956.47
Year 2	20378	HTC FOCUS 3 VR HEADSET	1	\$323.22	\$22.63	\$345.85
Year 2	20379	VR 1-DAY SERVICE	1	\$826.83	\$57.88	\$884.71
Year 2	T7Basic	2021 Taser 7 Basic Bundle	1	\$461.04	\$28.46	\$489.50
Year 2	VRCK	VR Controller Kit	1	\$465.92	\$32.60	\$498.52
Total				\$5,033.48	\$141.57	\$5,175.05

May 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100538	FULL VR STANDALONE USER ACCESS	16	\$2,956.47	\$0.00	\$2,956.47
Year 3	20378	HTC FOCUS 3 VR HEADSET	1	\$323.22	\$22.63	\$345.85
Year 3	20379	VR 1-DAY SERVICE	1	\$826.83	\$57.88	\$884.71
Year 3	T7Basic	2021 Taser 7 Basic Bundle	1	\$461.04	\$28.46	\$489.50
Year 3	VRCK	VR Controller Kit	1	\$465.92	\$32.60	\$498.52
Total				\$5,033.48	\$141.57	\$5,175.05

May 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	100538	FULL VR STANDALONE USER ACCESS	16	\$2,956.47	\$0.00	\$2,956.47
Year 4	20378	HTC FOCUS 3 VR HEADSET	1	\$323.22	\$22.63	\$345.85
Year 4	20379	VR 1-DAY SERVICE	1	\$826.83	\$57.88	\$884.71
Year 4	T7Basic	2021 Taser 7 Basic Bundle	1	\$461.04	\$28.46	\$489.50
Year 4	VRCK	VR Controller Kit	1	\$465.92	\$32.60	\$498.52
Total				\$5,033.48	\$141.57	\$5,175.05

May 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	100538	FULL VR STANDALONE USER ACCESS	16	\$2,956.49	\$0.00	\$2,956.49
Year 5	20378	HTC FOCUS 3 VR HEADSET	1	\$323.21	\$22.63	\$345.84
Year 5	20379	VR 1-DAY SERVICE	1	\$826.84	\$57.88	\$884.72
Year 5	T7Basic	2021 Taser 7 Basic Bundle	1	\$460.98	\$28.46	\$489.44

May 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	VRCK	VR Controller Kit	1	\$465.98	\$32.60	\$498.58
Total				\$5,033.50	\$141.57	\$5,175.07

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

2/13/2023





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** May 8, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM: Budget Amendment and Donation Valentine 5K

SUGGESTED MOTION(S):

I move that Council approve the Valentine 5K Budget Amendment recognizing revenues and donation.

SUMMARY:

The Parks and Recreation Department held the 2023 Valentine Greenway Challenge in February of 2023. The department has elected to donate 50% of Registration fees to Black Mountain Parks and Greenways-Greenway and Trails Committee. The Town received \$9,158 in registration fees, which resulted in a donation of \$4,579 to the selected recipient.

BUDGET IMPACT:

Increase Special Event Revenue	100-4700-44412	\$4,579.00
Increase Donation Expense	100-4700-56110	\$4,579.00

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded. Special Event Revenue increased with this amendment

ATTACHMENTS:

- i. Budget amendment

Race Name Valentine Greenway Challenge 5K & 10K

Financial Account No.

		# of Holdbacks/Refund								
Payment No.	Payment Date	# of Registrations	Race Fees	# of Refunds	Refunds	Reserve Transfers	# of Adjustments	Adjustments	Total Race Fees	
Payment A4857612	Feb 14, 2023	115	\$3,496.00	0	\$0.00	1	1	-\$10.00	\$3,486.00	
Payment A4840533	Feb 7, 2023	87	\$2,430.00	2	-\$10.00	4	1	-\$10.00	\$2,410.00	
Payment A4808555	Jan 24, 2023	31	\$841.00	0	\$0.00	0	1	-\$10.00	\$831.00	
Payment A4793910	Jan 17, 2023	62	\$1,491.00	0	\$0.00	0	1	-\$10.00	\$1,481.00	
Payment A4767971	Jan 3, 2023	41	\$960.00	0	\$0.00	2	1	-\$10.00	\$950.00	
Totals		336	\$9,218.00	2	-\$10.00	7	5	-\$50.00	\$9,158.00	



BUDGET AMENDMENT REQUEST FORM

DATE:

04/26/23

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
100-4700-44412	Permits - Special Events		\$4,579.00
100-4700-56110	NonProfit Contributions/Donations	\$4,579.00	
Total:		\$4,579.00	\$4,579.00

REASON FOR BUDGET AMENDMENT

Valentine 5K race fees collected and donated.

Entered by:

Department Head signature:

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



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, *Town Manager* **MEETING DATE:** May 8, 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

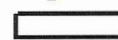
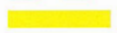
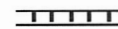


May 1, 2023



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

	Panels		Flood Hazard Areas
	Political Areas		AE
	Stream Centerline		Floodway (AE)
	Cross Sections		0.2 % Chance Annual Flood Hazard
	Levee		Future Conditions 1% Annual Chance Flood Hazard

North Carolina Floodplain Mapping Program





TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** May 8, 2023

AGENDA SECTION: NEW BUSINESS AGENDA **DEPARTMENT:** Finance

TITLE OF ITEM: Ordinance Amendment Chapter 48, Articles V and VI – Stormwater Management Utility and Enterprise Fund

SUGGESTED MOTION(S):

Staff move that Council approve the Amendment to Stormwater Management Utility and Enterprise Fund Ordinance as presented.

SUMMARY:

June 4, 2021, Town Council adopted ordinances establishing the Town's Stormwater Management Utility and Enterprise Fund. The proposed revisions to these ordinances as a result of town staff continued efforts of improve levels of service while ensuring compliance and enforcement of State and Federal regulations. Staff continue to analyze policies and procedures while diligently working towards ideas and plans that address both the present and future utility needs of the Town.

The Town implemented new software solutions that allowed for streamlining and improving our overall level of service offered to the citizens.

The ordinances revision provides language to effectively ensure the utility and enterprise fund operations, clearly convey the intent and purpose of the utility, while dedicating and protecting funding generated by the utility fee.

The revised policy includes the billing and accounting procedures, collections, exemptions, credits, enforcement, and appeals process.

The Town Attorney has reviewed and provided the attached ordinance amendment and Ordinance Comparison

BUDGET IMPACT: none.

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

If no, describe how it will be funded.

ATTACHMENTS:

- i. Ordinance Amendment
- ii. Ordinance Comparison

ORDINANCE #0-23-06

AN ORDINANCE TO AMEND CHAPTER 48, ARTICLES V AND VI, STORMWATER MANAGEMENT UTILITY AND ENTERPRISE FUND

WHEREAS, Article XIV, Section 5 of the Constitution of North Carolina provides, “it shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions ... to control and limit the pollution of our air and water”; and

WHEREAS, There are continuing and growing threats to the public health, safety and welfare of the Town and its residents created by stormwater, including flooding, erosion, water pollution, traffic hazards caused by flooding, and other similar hazards; The Town of Black Mountain values protecting and preserving the natural resources that are a benefit to its citizens and an important aspect of the Town’s heritage and identity, while mitigating the threats created by stormwater; and

WHEREAS, Section 402(p) of the Federal Clean Water Act requires that local governments obtain and comply with the terms of National Pollutant Discharge Elimination System (“NPDES”) permits for stormwater discharges from municipal storm sewer systems; and

WHEREAS, the Town of Black Mountain is subject to the provisions of the Federal Water Pollution Control Act, as amended (commonly referred to as the Federal Clean Water Act), 33 U.S.C. Par. 1251 et seq. (the Federal Clean Water Act), and the regulations promulgated thereunder; and

WHEREAS, the Town of Black Mountain Town Council adopted a resolution on May 11, 2020 acknowledging “the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan”; and

WHEREAS, the Town of Black Mountain’s stormwater management program funding was insufficient to provide the construction, maintenance and administration of appropriate infrastructure including conveyance systems, stormwater management controls and programming efforts required to comply with the requirements of the MS4 Permit; and

WHEREAS, owners or users of improved property within the Town, whether public or private, are served by and benefit from the Town’s stormwater system in that the manmade impervious surface on such improved property contributes to stormwater runoff which occurs from such property, beyond the amount which would occur if such property were undeveloped and in its natural state; and

WHEREAS, North Carolina General Statute Chapter 160A, Article 16 authorizes the town to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of stormwater management programs designed to protect water quality by controlling the level of

pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types; and

WHEREAS, the Town of Black Mountain and the Town of Extra Jurisdictional Territory if the Town does elect to extend its authority to such territory, referred to herein as "town," is authorized to adopt this article pursuant to state law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; G.S. 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2006-246 (Senate Bill 1566), G.S. 160A-174, 160A- 185, 160A-372 and 160A-459; and

WHEREAS, the Town of Black Mountain did establish a stormwater management utility and a stormwater enterprise fund by ordinances adopted on June 4, 2021, as permitted and authorized by N.C.G.S. Sections 160A-314; and

WHEREAS, experience with the stormwater management utility and advances in technology have shown a need for some clarifications in the Town's ordinances and provided a means for a better means of billing and collecting the utility fees; and

WHEREAS, the Town Council hereby finds and determines that the establishment of a stormwater utility fee, as herein provided, to be collected from all water and/or sewer customers, or owners or users of improved property, whether public or private; and

WHEREAS, the establishment of a Stormwater Utility Fee based on a flat rate is an accepted rate methodology for a stormwater program and such changes have been imposed by numerous public stormwater systems throughout the United States; and

WHEREAS, the stormwater utility fee bears a substantial relationship to and is designed to cover the costs of meeting the National Pollutant Discharge Elimination System (NPDES) permit requirements, as herein provided and the revenues to be delivered from such stormwater utility fee will be set aside in a separate fund and used for the purpose of meeting the Town's stormwater permit requirements and for the purpose of operating and maintaining the stormwater system; and

WHEREAS, in accordance with the authority granted by North Carolina General Statutes, Section 160A-314, the Town Council desires to adopt this ordinance establishing a stormwater utility fee.

NOW, THEREFORE, BE IT ORDAINED, that Chapter 48, Articles V and VI, are hereby amended as follows:

Article V, Division 1, Section 48-252 is amended to read as follows:

Sec. 48-252.-Establishment of Stormwater Service Utility. There is hereby established a stormwater services utility for the town. Pursuant to Article 16 of Chapter 160A of the North

Carolina General Statutes, the Town of Black Mountain hereby creates a stormwater utility and authorizes establishment of a schedule of stormwater utility service fees to fund a stormwater management program and construct and maintain a structural and natural stormwater drainage system for stormwater runoff from town-maintained streets. This utility shall provide for stormwater management programs including the protection, regulation, quantity, quality, control, use and enhancement of city owned and maintained stormwater and drainage systems. The utility is responsible for implementing, operating, and administering the town's stormwater management program.

Article V, Division 1, Section 48-253 is amended to read as follows:

Sec. 48-253. Boundaries and Jurisdiction: The boundaries and jurisdiction of the stormwater management utility shall extend to the corporate limits of the Town, as they may exist from time to time, including all areas hereafter annexed hereto, and such areas lying outside the corporate limits of the Town when the Town's extraterritorial jurisdiction if the Town does elect to exercise its authority to identify and regulate such areas of the county.

Article V, Division 1, is amended to add Section 48-255, which shall read as follows:

Sec. 48-255. Severability of provisions. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Articles V or VI of Chapter 48 of the Code of Ordinances for the Town of Black Mountain is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Article VI, Division 1, Section 48-262 is amended to read as follows:

Sec.48-262.- Establishment.

- (a) There is hereby established a stormwater management enterprise fund. The enterprise fund is established for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater services utility including but not limited to, rents, rates, fees, charges, and penalties as may be established, after notice and a public hearing by the town council and other funds that may be transferred or allocated to the stormwater services utility. All revenues and receipts of the stormwater services utility shall be placed in the stormwater management enterprise fund and all expenses of the utility shall be paid from the stormwater management enterprise fund. Stormwater service charges and interest generated by such charges shall be placed in a separate enterprise fund and shall be used by the town solely for the operational costs, indirect costs, debt principal and debt service, and establishment of a reserve fund for stormwater services.
- (b) Funds generated for the stormwater management utility from fees, bonds issued, other borrowing and other sources shall be utilized only for those purposes for which the stormwater management utility has been established. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the Town for

investment and reinvestment of funds. The Town Council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the stormwater management utility.

Article VI, Division 2, Section 48-280 is amended to read as follows:

Sec. 48-280. - Stormwater Service Charges

- (a) Jurisdiction: All developed land in the town, whether public or private, shall be subject to a stormwater service charge set by the town council. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Service charges may be subject to a credit system as further provided.
- (b) Establishment of Stormwater Charges and Fees: There is hereby established a Stormwater Utility Fee to be imposed on all property within the boundaries and jurisdiction corporate limits of the town, including all areas hereafter annexed thereto, whether public or private, based on the fees, charges, and penalties adopted by the town council. Stormwater service charges on developed land shall be based on a schedule of rates, charges, tiers, and late fees fixed and established from time to time by the town council, adopted in the annual budget ordinance and maintained on file in the offices of the town clerk. Stormwater utility service fees will be determined and modified so that the total revenues generated by said fees will be used to pay such expenses as are reasonably necessary or convenient in the management, administration, planning, regulatory compliance, public education, construction, operation, and maintenance of the stormwater system and to pay principal of and interest on the debt incurred for stormwater purposes.
- (c) Fees shall be assessed using a flat tiered system based on the intensity of the principal use of each parcel. Any parcel classified as mixed-use shall be assessed the stormwater utility fee associated with the most intensive use occurring on the property.
 - (1) The principal use shall be determined by the planning director who shall base such determination on:
 - a. Any zoning certificate issued for the parcel Classification of parcels made by the Buncombe County Tax Assessor
 - b. Use categories assigned in the permitted use table of Chapter 4 of the Black Mountain Land Use Code
 - c. Images and personal observations of the use occurring on the property
 - d. Any other resources tending to show the principal use actually occurring on the property.
 - (2) The principal use of each parcel shall be categorized as residential, commercial, institutional, industrial, or undeveloped.
 - (3) The following tier classifications shall be used to determine the monthly stormwater utility fee assessed to each parcel

- a) Tier 1 –Minimal Impact, residential. Each parcel upon which the principal use is single-family residential dwellings, including duplexes, condominiums, and townhomes, shall be assessed at the Tier 1 rate.
- b) Tier 2 –Moderate Impact, commercial and institutional. Each parcel upon which the principal use is neither residential nor industrial, including but not limited by way of limitation, retail establishments; medical offices, restaurants, professional services, automotive services; fitness centers, spas and salons, religious services; apartment complexes; and residential care facilities, shall be assessed at the Tier 2 rate.
- c) Tier 3 – Undeveloped. Each parcel upon which there is no residential, industrial, commercial, institutional, or other non-residential use and which remains in its natural, vegetative state, shall be assessed at the Tier 3 rate.
- d) Tier 4 – Exempt. Each parcel owned by the Town of Black Mountain, Buncombe County, the state of North Carolina, or the United States of America.
- e) Tier 5 –Significant Impact, industrial. Each parcel upon which the principal use is light or heavy industrial, including, but not limited by way of limitation, asphalt; mining; warehousing; and processing facilities, shall be assessed at the Tier 5 rate.

Article VI, Division 2, Section 48-281 is amended to read as follows:

Sec. 48-281. Exemptions and credits. Except as provided in this section, no developed property shall be exempt from stormwater utility service fees or receive credit against such fees.

- (a) There shall be no exception, credit, offset, or other reduction in stormwater service charges based upon age, race, tax status, economic status, or religion of the customer, or any other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities.
- (b) The owner or current resident of any parcel may be eligible to receive a monthly credit against the assessed stormwater utility fee in recognition of on-site or off-site systems, facilities, measures, and actions taken by customers that exceed minimum requirements for stormwater management, provided that such credit shall be conditioned upon the continuing performance of the systems, facilities, measures, or actions upon which the credits are granted for the remainder of months, and the maximum credit shall not exceed 50 percent of the original assessed fee.
- (c) The planning director shall prepare a Stormwater Credit and Incentive Manual setting forth the appropriate credit application process, eligibility criteria, and standards upon which such credits are given.

(d) Credits shall be in the amounts set forth in the schedule of rates, fees, charges, and penalties adopted annually by the town council.

(e) This section 48-281 shall be effective by January 1, 2024.

Article VI, Division 2, Section 48-282 is amended to read as follows:

Sec. 48-282. Billing and collection of stormwater service fees, rents, rates, charges, and penalties shall be administered by the Finance Director, who is hereby authorized to develop policies and procedures to effectuate the purpose and intent of this section.

- (a) Stormwater service charges may be billed on a combined utility bill that also contains fees and charges for other utility services provided by the Town such as, water and/or sewer service. The stormwater utility fee shall be billed monthly upon the normal utility billing and shall be shown as a separate item. (Stormwater service bills for a property that receives other town-provided utilities shall be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the stormwater service bill may be sent to the property owner.
- (b) A stormwater bill will either be sent through the United States mail or delivered by an alternate method, notifying each customer of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for nonpayment. The owner of each parcel of developed land shall be ultimately obligated to pay such fee
- (c) Stormwater utility service fees shall be due and payable as set forth in the town's adopted Utility Billing Policy And Procedures Manual and will be subject to rates, fees, and penalties listed within the schedule of utility rates and fees. The property owner is ultimately responsible for payment of the stormwater utility service fee for property for which the party billed has not paid the stormwater fee As authorized by N.C.G.S., sec. 160A-314.
- (d) Combined utility billing: Where stormwater service charges appear on a combined utility bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be prorated and applied to the respective utilities in the following order:
 - 1. delinquent stormwater utility fees and service charges,
 - 2. delinquent combined sewer and water charges,
 - 3. current stormwater charges, and
 - 4. current combined sewer and water charges.
- (e) Where a property receives water and/or sewer service, if stormwater service charges for that property are not paid, water and/or sewer service to that property may be terminated, whether or not the stormwater charges were included on a combined utility bill.

Termination will be handled in accordance with Adopted Utility Billing Policy And Procedures Manual.

- (f) No property for which stormwater service charges are outstanding is entitled to receive water and/or sewer service until the outstanding stormwater service charge on that property is paid. No customer with a delinquent stormwater service account is entitled to open a water and/or sewer account at the same or different location until the delinquency has been satisfied.
- (g) Non-combined and/or separate stormwater utility billing: For properties not having otherwise active utility accounts, the stormwater utility service fee shall be billed to the owners or other persons listed on the real property tax records. These accounts will be billed monthly through the town's utility billing. A stormwater utility fee, charge or other billing for rents, rates, fees, charges and penalties associated with the stormwater utility shall be declared delinquent and subject to the delinquent fees, charges, and collections as set forth in the town's utility fee schedule and the Town's Adopted Utility Billing Policy And Procedures Manual.
- (h) No criminal penalty: A violation of this section subjects the offender to a civil penalty pursuant to the authority granted by N.C.G.S., sec. 160A-175 and does not subject the offender to the criminal penalty provisions of N.C.G.S., sec. 14-4.
- (I) Back billing: If property is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may back bill a property for up to a three-year period.
- (j) Collection of unpaid stormwater fees shall be done in conformance with the Town of Black Mountain Adopted Utility Billing Policy And Procedures Manual.

Article VI, Division 2, Section 48-283 amended to be reserved for future use.

Article VI, Division 2, is amended to renumber Section 48-285 to be Section 48-284, which shall read as follows:

Sec.48-284.- Appeals. This Ordinance shall not be construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all means in said prior ordinance or otherwise provided by law. No adjustment to a customer's bill may be made by the director or the manager for more than the three-year period immediately preceding the date that the customer's appeal is received by the manager. Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

- (a) In the event a current resident or the property owner disputes the stormwater utility charges assessed to that current resident's or property owner's property, including determination of the applicable tier rate or determination of applicable credits, the current

resident or owner may apply for a redetermination. The planning director shall decide to approve or deny the application within 30 days of receipt of the completed application. The planning director's decision shall be in writing and if a denial, shall state the reasons for the denial.

- (b) In the event the application for a redetermination is denied, the applicant may appeal the denial to the town manager by filing a written notice of appeal with the office of the town manager within ten calendar days of the date of denial. The town manager shall review the application for redetermination, including supporting evidence provided with the application, and make a decision to allow or deny the appeal within 30 days of receipt of the completed notice of appeal. The decision shall be in writing, and if denied, shall state the reasons for the denial.
- (c) The decision of the town manager may be appealed to Superior Court in the nature of certiorari.
- (d) If an application for redetermination is approved, the planning director or town manager may adjust the fee as long as the adjustment is in conformance with the intent of this article. The stormwater fee shall be adjusted accordingly for the specific parcel and the adjusted rate shall apply to the next regularly generated bill for the entirety of the billing period.
- (e) No provision of this Article allowing for administrative appeal shall be deemed to suspend the due date for payment in full of the stormwater utility service fee.

Article VI, Division 2, is amended to add a new Section 48-285 which shall read as follows:

Sec. 48-285.- Use of Revenue; investment of funds; borrowing. Funds generated for the stormwater management utility from fees, bonds issued, other borrowing and other sources shall be utilized only for those purposes for which the stormwater management utility has been established. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the City for investment and reinvestment of funds. The Town Council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the stormwater management utility.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 8th day of May, 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk

WordPerfect Document Compare Summary

Original document: C:\Users\Ron\Desktop\stormwater\Existing ordinance.wpd

Revised document: C:\Users\Ron\Desktop\stormwater\Stormwater ordinance if amended(2).wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 109 Deletions, 117 Insertions, 0 Moves.

ARTICLE V. - STORM WATER MANAGEMENT UTILITY

DIVISION 1. - GENERALLY

Sec. 48-251. - Purpose.

It is the purpose of this section to establish a stormwater management utility and an associated stormwater management enterprise fund as an identified fiscal and accounting fund to finance the cost of comprehensively addressing the stormwater management needs of the town and its citizens. This article provides a schedule of rates, fees, charges, and penalties necessary to assure that all aspects of the stormwater management program are managed in accordance with all federal, state and local laws, rules, and regulations.

Sec. 48-252. - Establishment of Stormwater Service Utility.

(a) — ~~There is hereby established a stormwater management utility to provide for the management, protection, control, regulation, use, construction,~~services utility for the town. Pursuant to Article 16 of Chapter 160A of the North Carolina General Statutes, the Town of Black Mountain hereby creates a stormwater utility and authorizes establishment of a schedule of stormwater utility service fees to fund a stormwater management program and construct and maintain a structural and natural stormwater drainage system for stormwater runoff from town-maintained streets. This utility shall provide for stormwater management programs including the protection, regulation, quantity, quality, control, use and enhancement of city owned and maintained stormwater and drainage systems. The utility is responsible for implementing, operating, and administering the town's stormwater system and facilities. The utility will be administered by the planning director, who shall, with consent of the town manager, have the authority to designate another town employee, within or without the planning department, to carry out those duties and responsibilities required for management of the utility and the programs it administers.

~~Sec. 48-253. -Jurisdiction.~~

management program.

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Sec. 48-253. Boundaries and Jurisdiction: The boundaries and jurisdiction of the stormwater management utility shall extend to the corporate limits of the ~~t~~Town, as they may exist from time to time, including all areas hereafter annexed ~~thereto~~hereto, and such areas lying outside the corporate limits of the Town when the Town's extraterritorial jurisdiction if the Town does elect to exercise its authority to identify and regulate such areas of the county.

Sec. 48-254. - Definitions.

For purposes of this article, words, terms, and phrases used herein shall have the meaning giving to them in Section 1.2. Chapter 1, of the Land Use Code, except those words, terms, and phrases

defined as follows:

(a) Impervious surface area: Impervious surface area is a developed area of land that prevents or significantly impedes the infiltration of stormwater into the soil. Typical impervious surface areas include, but are not limited to, the following: roofs, sidewalks, walkways, patios, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces, provided, however, that swimming pools and wooden decks are not considered impervious surfaces for purposes of this article.

Sec. 48-255. Severability of provisions. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Articles V or VI of Chapter 48 of the Code of Ordinances for the Town of Black Mountain is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Secs. 48-25~~5~~⁶-259. - Reserved.

ARTICLE VI. - STORMWATER MANAGEMENT ENTERPRISE FUND

DIVISION 1. - GENERALLY

Sec. 48-260. - Authority.

Pursuant to N.C.G.S. Article 16 of Chapter 160A, the Town of Black Mountain is authorized to establish an enterprise fund to furnish the town and its citizens with stormwater management programs.

Sec. 48-261. - Purpose.

It is the purpose of this section to establish a stormwater management utility and an associated stormwater management enterprise fund as an identified fiscal and accounting fund to finance the cost of comprehensively addressing the stormwater management needs of the town and its citizens. This article provides a schedule of rates, fees, charges, and penalties necessary to assure that all aspects of the stormwater management program are managed in accordance with all federal, state, and local laws, rules, and regulations.

Sec. 48-262. - Establishment.

(a) There is hereby established a stormwater management enterprise fund. The enterprise fund is established for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater ~~management~~^{services} utility including but not limited to, rents, rates, fees, charges, and penalties as may be established, after notice and a public hearing by the town council and other funds that may be transferred or allocated to the stormwater ~~management~~^{services} utility. All revenues and receipts of the stormwater ~~management~~^{services} utility shall be placed in the stormwater management enterprise fund and all expenses of the utility shall be paid from the stormwater management enterprise fund, ~~except that other revenues, receipts, and resources not~~

accounted for in. Stormwater service charges and interest generated by such charges shall be placed in a separate enterprise fund and shall be used by the town solely for the operational costs, indirect costs, debt principal and debt service, and establishment of a reserve fund for stormwater services.

(b) Funds generated for the stormwater management enterprise fund may be applied to utility from fees, bonds issued, other borrowing and other sources shall be utilized only for those purposes for which the stormwater management programs, and stormwater and drainage systems as deemed appropriate by town council.
utility has been established. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the Town for investment and reinvestment of funds. The Town Council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the stormwater management utility.

Secs. 48-263-48-279. - Reserved.

DIVISION 2. - STORM WATER SERVICE CHARGES

Sec. 48-280. - ~~Fees charged.~~

~~(a) A stormwater utility fee shall be assessed each calendar year to the owner of record as of January 1 of each parcel of land located wholly or partially within the~~Stormwater Service Charges

(a) Jurisdiction: All developed land in the town, whether public or private, shall be subject to a stormwater service charge set by the town council. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Service charges may be subject to a credit system as further provided.

(b) Establishment of Stormwater Charges and Fees: There is hereby established a Stormwater Utility Fee to be imposed on all property within the boundaries and jurisdiction corporate limits of the Town of Black Mountain, except those parcels owned by the United States of America, the State of North Carolina, Buncombe County, or the Town of Black Mountain. The owner of each parcel of land annexed into the town shall be assessed a stormwater utility fee for the then-current calendar year, which fee shall assessed on the date the annexation petition is approved by the town council and shall not be subject to proration.

~~Sec. 48-281. - Schedule of rates, fees, town, including all areas hereafter annexed thereto, whether public or private, based on the fees,~~ charges, and penalties:

~~(a) The annual stormwater utility fee shall be assessed according to~~ adopted by the town council. Stormwater service charges on developed land shall be based on a schedule of rates, ~~fees,~~ charges, tiers, and ~~penalties adopted annually~~ late fees fixed and established from time to time by the town council:

~~(b, adopted in the annual budget ordinance and maintained on file in the offices of the town clerk. Stormwater utility service fees will be determined and modified so that the total revenues generated by said fees will be used to pay such expenses as are reasonably necessary or convenient in the management, administration, planning,~~

regulatory compliance, public education, construction, operation, and maintenance of the stormwater system and to pay principal of and interest on the debt incurred for stormwater purposes.

(c) Fees shall be assessed using a flat tiered system based on the intensity of the principal use of

each parcel. Any parcel classified as mixed-use shall be assessed the stormwater utility fee associated with the most intensive use occurring on the property.

(1) The principal use shall be determined by the planning director who shall base such determination on:

(1) a. Any zoning certificate issued for the parcel;

(2) Classifications of parcels made by the Buncombe County Tax Assessor;

(3) b. Use categories assigned in the permitted use table of Chapter 4 of the Black Mountain Land Use Code;

(4) c. Images and personal observations of the use occurring on the property; and

(5) d. Any other resources tending to show the principal use actually occurring on the ~~parcel~~ property.

(2) The principal use of each parcel shall be categorized as residential, commercial, institutional, industrial, or undeveloped.

(d3) The following tier classifications shall be used to determine the ~~annual~~ monthly stormwater utility fee assessed to each parcel:

(1)

a) Tier 1 ~~R~~ Minimal Impact, residential, minimal impact. Each parcel upon which the primary principal use is single-family residential dwellings, including duplexes, condominiums, and townhomes, shall be assessed at the Tier 1 rate.

(2) b) ~~Tier 2~~ C Tier 2 –Moderate Impact, commercial and institutional, moderate impact. Each parcel upon which the principal use is neither residential nor industrial, including but not limited by way of limitation, retail establishments; medical offices; restaurants; professional services; automotive services; fitness centers, spas and salons; religious services; apartment complexes; and residential care facilities, shall be assessed at the Tier 2 rate.

(3) c) Tier 3 Undeveloped. Each parcel upon which there is no residential, industrial, commercial, institutional, or other non-residential use and which remains in its natural, vegetative state, shall be assessed at the Tier 3 rate.

- ~~(4)~~ ~~d)~~ Tier 4 ~~=~~ Exempt ~~impacts~~. Each parcel owned by the Town of Black Mountain, Buncombe County, the ~~S~~state of North Carolina, or the United States of America.
- ~~(5)~~ ~~e)~~ Tier 5 ~~=~~ ~~Industrial, heavy impact~~ ~~Significant Impact, industrial~~. Each parcel upon which the principal use is light or heavy industrial, including, but not ~~limiting~~ ~~limited~~ by way of limitation, asphalt; mining; warehousing; ~~and~~ processing facilities, shall be assessed at the Tier 5 rate.

Sec. 48-2821. ~~=~~ Exemptions and credits. Except as provided in this section, no developed property shall be exempt from stormwater utility service fees or receive credit against such fees.

- (a) There shall be no exception, credit, offset, or other reduction in stormwater service charges granted based upon age, race, tax status, economic status, or religion of the customer, or any other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities.

=

- (b) The owner or current resident of any parcel ~~shall~~ may be eligible to receive ~~an annual~~ a monthly credit against the assessed stormwater utility fee in recognition of on-site or off-site systems, facilities, measures, and actions taken by customers that exceed minimum requirements for stormwater management, provided that such credit shall be conditioned upon the continuing performance of the systems, facilities, measures, or actions upon which the credits are granted for the remainder of ~~the calendar year~~ months, and the maximum credit shall not exceed 50 percent of the original assessed fee.

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- (c) The planning director shall prepare a Stormwater Credit and Incentive Manual setting forth the appropriate credit application process, eligibility criteria, and standards upon which such credits are given.

- (d) Credits shall be in the amounts set forth in the schedule of rates, fees, charges, and penalties adopted annually by the town council.

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- (e) This ~~subsection shall~~ section 48-281 shall be effective by January 1, 2024.

Sec. ~~48-283.~~ ~~=~~ Billing and collection:

- ~~-(a) The owner of record as of January 1 of each calendar year of every parcel of land subject to this division shall be liable for payment of the annual stormwater utility fees, along with any associated charges and penalties.~~
- ~~-(b) Bills for stormwater utility fees shall be sent at regular, periodic intervals no less frequently than annually.~~
- ~~-(c) 48-282. Billing and collection of stormwater utility service fees, rents, rates, charges, and penalties shall be administered by the planning and Finance Director, who is hereby authorized to develop such policies and procedures as are necessary to effectuate the purpose and intent of this section.~~
- ~~-(d) Failure to receive a)~~ Stormwater service charges may be billed on a combined utility bill that also contains fees and charges for other utility services provided by the Town such as, water and/or sewer service. The stormwater utility fee shall be billed monthly upon the normal utility billing and shall be shown as a separate item. (Stormwater service bills for a property that receives other town-provided utilities shall be sent to the customer receiving such service. However, where multiple water and sewer accounts exist for a single parcel, the stormwater service bill may be sent to the property owner.
- (b) A stormwater bill will either be sent through the United States mail or delivered by an alternate method, notifying each customer of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not a basis justification for nonpayment.
- ~~-(c) Stormwater~~ The owner of each parcel of developed land shall be ultimately obligated to pay such fee
- (c) Stormwater utility service fees shall be due and payable as set forth in the town's adopted Utility Billing Policy And Procedures Manual and will be subject to rates, fees, and penalties listed within the schedule of utility rates and fees. The property owner is ultimately responsible for payment of the stormwater utility service fee for property for which the party billed has not paid the stormwater fee As authorized by N.C.G.S., sec. 160A-314.
- (d) Combined utility billing: Where stormwater service charges appear on a combined utility bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be prorated and applied to the respective utilities in the following order:
 1. delinquent stormwater utility fees not paid by the date when due and service charges,
 2. delinquent combined sewer and water charges,
 3. current stormwater charges, and
 4. current combined sewer and water charges.

- (e) Where a property receives water and/or sewer service, if stormwater service charges for that property are not paid, water and/or sewer service to that property may be terminated, whether or not the stormwater charges were included on a combined utility bill. Termination will be handled in accordance with Adopted Utility Billing Policy And Procedures Manual.
- (f) No property for which stormwater service charges are outstanding is entitled to receive water and/or sewer service until the outstanding stormwater service charge on that property is paid. No customer with a delinquent stormwater service account is entitled to open a water and/or sewer account at the same or different location until the delinquency has been satisfied.
- (g) Non-combined and/or separate stormwater utility billing: For properties not having otherwise active utility accounts, the stormwater utility service fee shall be billed to the owners or other persons listed on the real property tax records. These accounts will be billed monthly through the town's utility billing. A stormwater utility fee, charge or other billing for rents, rates, fees, charges and penalties associated with the stormwater utility shall be declared delinquent and ~~shall be subject to additional fees and charges as provided in the schedule of rates, subject to the delinquent~~ fees, charges, and ~~penalties adopted annually by the town council.~~
- ~~(a) collections as set forth in the town's utility fee schedule and the Town's Adopted Utility Billing Policy And Procedures Manual.~~
- (h) No criminal penalty: A violation of this section subjects the offender to a civil penalty pursuant to the authority granted by N.C.G.S. § ~~sec.~~ 160A-175 and does not subject the offender to ~~criminal penalties.~~
- ~~Sec. 48-284. - Reserved.~~
- ~~Sec. 48-285. - Appeals.~~
- ~~(a) the criminal penalty provisions of N.C.G.S., sec. 14-4.~~
- (I) Back billing: If property is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may back bill a property for up to a three-year period.
- (j) Collection of unpaid stormwater fees shall be done in conformance with the Town of Black Mountain Adopted Utility Billing Policy And Procedures Manual.

Sec. 48-283. - Reserved for future use..

Sec. 48-284. - Appeals. This Ordinance shall not be construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all means in said prior ordinance or otherwise provided by law. No adjustment to a customer's bill may be made by the director or the manager for more than the three-year period immediately preceding the date that the customer's

appeal is received by the manager. Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

(a) In the event a current resident or the property owner disputes the stormwater utility charges assessed to that current resident's or property owner's property, including determination of the applicable tier rate or determination of applicable credits, the current resident or owner may apply for a redetermination. The planning director shall ~~make a decision~~decide to approve or deny the application within 30 days of receipt of the completed application. The planning director's decision shall be in writing; and if a denial, shall state the reasons for the denial.

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(b) ~~In the event the application for a redetermination is denied, the applicant may appeal the~~denial to denial to the town manager by filing a written notice of appeal with the office of the town manager within ten calendar days of the date of denial. The town manager shall review the application for redetermination, including supporting evidence provided with the application, and make a decision to allow or deny the appeal within 30 days of receipt of the completed notice of appeal. The decision shall be in writing, and if denied, shall state the reasons for the denial.

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(c) The decision of the town manager may be appealed to Superior Court in the nature of certiorari.

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(d) If an application for redetermination is approved, the planning director or town manager may adjust the fee as long as the adjustment is in conformance with the intent of this article. The stormwater fee shall be adjusted

~~—~~accordingly for the specific parcel and the adjusted rate shall apply to the next regularly generated bill for the entirety of the billing period.

(e) No provision of this Article allowing for administrative appeal shall be deemed to suspend the due date for payment in full of the stormwater utility service fee.

Sec. 48-285.- Use of Revenue; investment of funds; borrowing. Funds generated for the stormwater management utility from fees, bonds issued, other borrowing and other sources shall be utilized only for those purposes for which the stormwater management utility has been established. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the City for investment and reinvestment of funds. The Town Council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the stormwater management utility.

Sec. 48-286. - Use of funds.

Revenues generated from stormwater management utility fees, charges, and penalties shall be

held in the enterprise fund, which shall be and remain separate and apart from other city funds and shall be used only to fund stormwater management programs and infrastructure. Service charges and fees shall not be used for general or other governmental or proprietary purposes of the town except to pay for costs incurred by the town in rendering serves to the stormwater management utility.



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** May 8, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM: Special Revenue Grant Fund Ordinance – GCC Grant

SUGGESTED MOTION(S):

I move that Council approve as presented the attached Special Revenue Grant Fund Ordinance and Budget for the US Dept of Justice Governor's Crime Commission Grant.

SUMMARY:

The Police Department has received a grant award in the amount of \$29,908.50 to be applied toward expenses incurred as a result of the department's goal of achieving the State Accreditation Standards. The Police Department has chosen to purchase equipment needed for evidence collection and safeguarding.

BUDGET IMPACT:

Increase Special Revenue Fund Governmental Grant	\$29,900
Increase Special Revenue Fund Capital Outlay – Equipment	\$27,000
Increase Special Revenue Fund Technology Supplies and Equipment	\$2,909

ATTACHMENTS:

- i. Budget amendment
- ii. Grant Documents
- iii. Expense Quote



**Town of Black Mountain
U.S Dept. Of Justice Governor's Crime Commission Grant
Special Revenue Grant Fund Ordinance**

WHEREAS, the Governor's Crime Commission Office at the US Dept of Justice, has awarded a grant (PROJ015581) in the amount of \$29,908.50 to the Town of Black Mountain Police Department through the North Carolina Statewide Accreditation Priority – Local Agency; and

WHEREAS, grant funds will be used to help support the agency achieve the State Accreditation Standards. This will be funding with federal grant proceeds requiring no local match.

Section 1. Authorizing US Dept of Justice Governor's Crime Commission Grant PROJ015581

Section 2: The officers of this unit are hereby directed to proceed with the special revenue project within the terms of the grant documents, and the budget contained herein.

Section 3. The following anticipated Revenues are hereby adopted:

GCC - Accreditation Grant		
<u>Account Number</u>	<u>Account Description</u>	<u>Revenue Amount</u>
265-0000-43100	Grant Revenue - Federal	\$29,909.00
	Total Revenue	\$29,909.00

Section 4. The following anticipated appropriations are hereby adopted:

GCC - Accreditation Grant		
<u>Account Number</u>	<u>Account Description</u>	<u>Expense Amount</u>
265-0000-57510	Capital Outlay - Furnishings & Non-Motorized Equipm	\$27,000.00
265-0000-52419	Technology Supplies and Materials	\$2,909.00
	Total Expenses	\$29,909.00

Section 5. The Finance Director is hereby directed to maintain within the Special Revenue Grant Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.



Section 6. Copies of this Special Revenue Grant Ordinance shall be furnished to the Town Clerk, the Town Manager and the Finance Director for the direction in carrying out this project.

Section 7. Authorized project expenditures represent appropriations necessary for the completion of projects and therefore do not require re-appropriation in any subsequent fiscal year. However, per G.S. 159-13.2 information on project ordinances will be included in the annual budget. Each year the finance officer shall include in the budget, information in such detail as he or the governing board may require concerning each grant project or capital project. This information will be detailed for any new project funds expected to be authorized by project ordinance during the budget year and also include information on projects authorized by previously adopted project ordinances which have remaining appropriations available for expenditure during the budget year.

Duly adopted by the Town Council of Black Mountain on this the 8th day of May, 2023.

C. Michael Sobol
Mayor

ATTEST:

Savannah Parrish
Town Clerk



BUDGET AMENDMENT REQUEST FORM

DATE:

04/27/23

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
265-0000-43100	Grant Revenue - Federal		\$29,909.00
265-0000-57510	Capital Outlay - Furnishings & Non-Motorized Equipm	\$27,000.00	\$5,000.00
265-0000-52419	Technology Supplies and Materials	\$2,909.00	
Total:		\$29,909.00	\$34,909.00

REASON FOR BUDGET AMENDMENT

GCC Accreditation Grant

Entered by:

Department Head signature:

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

Project Overview

Project ID	Project Name
PROJ015581	2022 - Black Mountain Police Department - Accreditation
Start Date	End Date
10/01/2022	09/30/2023
Final Reimbursement Deadline	Final Adjustment Deadline
11/28/2023	07/02/2023
Grant Manager	Project Director
keith.bugner@ncdps.gov	Chris Staton
	chris.staton@tobm.org
	828-419-9350
Financial Officer	Authorizing Official
Tammy Holland	Josh Harrold
tammy.holland@tobm.org	josh.harrold@tobm.org
828-419-9301	828-419-9300

Project Summary

Black Mountain Police Department has been selected from the North Carolina Law Enforcement Accreditation program as 1 of the 7 pilot programs for the State of NC Accreditation program. Black Mountain will utilize the Power DMS, Benchmark Analytics, and Lexipol software to accomplish this goal.

The 'Remaining' columns in the below budget table reflects all reimbursements that have been paid or currently in process.

BUDGET FILTER

Name	Quantity		Unit Cost	Fed Share		Match Share	
	Budgeted	Remaining		Budgeted	Remaining	Budgeted	Remaining
EQUIPMENT							
10-10-5100-450	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Laptop computer for accreditation manager	1.00	1.00	\$2,893.25	\$2,893.25	\$2,893.25	\$0.00	\$0.00
RFID Evidence Software	1.00	1.00	\$26,818.76	\$26,818.76	\$26,818.76	\$0.00	\$0.00
SURPLUS							
Surplus	196.49	196.49	\$1.00	\$196.49	\$196.49	\$0.00	\$0.00
SUPPLIES							
10-10-5100-740	0.00	0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary

This project requires a match of **0%**. This can be either cash match or in-kind match. Matching funds may include local, state or private funds, but not other federal funds.

Category	Year 1	Total
EQUIPMENT		\$29,712.01
SURPLUS		\$196.49
SUPPLIES		\$0.00
Total Budget		\$29,908.50
(-)Match Funds		\$0.00
TOTAL FEDERAL REQUEST		\$29,908.50

Describe amount & source of matching funds.

Matching funds may include local, state or private funds, but not other federal funds.

Do you need to request for match waiver? If yes, state the reasons below. Else leave the field blank.

Please note: A request for match waiver does not guarantee the waiver will be granted.

Organization

Name:	Town of Black Mountain	Tax ID:	566001182
DUNS:	832626659	UEI(Unique Entity Identifier):	FBFRMA4EHMM5
Address:	106 Montreat Rd.	City:	Black Mountain
State:	North Carolina	Zip:	28711-3116
Phone:	(828) 419-9350	Fax:	(828) 669-8143
Fiscal Year End Date:	06/30		

Implementing Agency

Name:	Black Mountain Police Department	# Of Sworn Officers (Law Enforcement Agencies):	20
Address:	106 Montreat Road	City:	Black Mountain
State:	North Carolina	Zip:	28711-3116
Phone:	(828) 419-9350	Fax:	(828) 669-8143

General Information

NC House Districts	NC Senate Districts	
115	49	
US Congressional Districts	NC Counties	
11	Buncombe	
Project Area Population	Principle Place of Performance	Zip
8,165	Black Mountain	28711-3116

Abstract & Narrative

Project Abstract (The Problem): Briefly describe project’s purpose, identify target population, and discuss program components which address the identified problem. Include local statistics to substantiate the need.

The purpose of the Accreditation project is an Increased Community Advocacy, Increased Police professionalism and Increased industry best practices. Black Mountain serves a diverse community of over 8,000 citizens with an even more diverse transient population that visits the community daily. Accreditation embodies the precepts of community-oriented policing. It creates a forum in which law enforcement agencies and citizens work together to prevent and control challenges confronting law enforcement and provides clear direction about community expectations. Staunch Support from Government Officials provides objective evidence of an agency’s commitment to excellence in leadership, resource management, and service-delivery. Thus, government officials are more confident in the agency’s ability to operate efficiently and meet community needs. Stronger Defense Against Civil Lawsuits Accredited agencies are better able to defend themselves against civil lawsuits. Also, many agencies report a decline in legal actions against them once they become accredited.

Project Narrative (Operation): Include a description of how grant funded positions are integral to the project and how contractual, travel, operating, and equipment expenses will support the project. Discuss how you will collaborate with other agencies. Focus on the project – do not give agency history, do not repeat abstract. With the accreditation project the Black Mountain Police Department will incur increased cost on operations. Requirements on the Black Mountain Police Department will be substantial. The department will be required to purchase and operate software’s such as Power DMS, Benchmark Analytics, Lexipol, and hire an administrator to work full-time on evidence management and accreditation standards. We will be collaborating with the NCLEA Program manager, NCLEAN, and the 7 other pilot program agencies to help us best focus on the project task and networking to accomplish the goal. We will attend monthly accreditation meeting and travel across the state to find out best practices and procedures. The evidence room will require an entire makeover to include cost of camera’s, security keypads, and enhanced software management to bring into compliance with NCLEA standards. Having this program grant funded will be an integral part to the success of the overall program. To be able to have funds to hire a accreditation manger will be a key element in the success of the agency.

Project Timeline of Activities

NCLEA has entered into a contract with Black Mountain Police Department giving the department a 2-year deadline to meet all the standards, proofs, and on-site visit. The Black Mountain Police plan on having all the Policies and Procedures in Place by July of 2022, with the

expectation of meeting compliance proofs and standards in July of 2023. Black Mountain will have to meet the standards of 142 chapters and policies with nearly 1,000 proofs of compliance by July of 2023.

Describe your formal, working sustainability plan for the project and how it will result in permanent operational funding (not GCC funding) once this grant ends. The project of accreditation will be set up to become a sustainable stronghold within the organization to maintain and operate as an accredited agency as part of the foundational foothold within the organization. We will set up a monthly accreditation review board to maintain continued growth and management of policies and procedures to make them living documents. The cost of all the grant funding will be become a normal budgeted item after incurring all the up-front cost.

Goals

Goal 1 - The goal of the project is to reach NC accreditation compliance and assessment with 142 chapters and policies.

Objectives

Objective 1	Performance Measure	Evaluation Method
The Objective of Accreditation will be to show a commitment to excellence in leadership, resource management, and service-delivery.	The performance measure will be to successfully develop, and maintain 142 chapters of policies and over 1,000 proofs to meet with NCLEA compliance	The evaluation method will take place by independent auditors with the NCLEA who will conduct a on-site assessment in July of 2023

Job Information

Employee/Contractor/Volunteer Name	Job Title
Christopher Staton	Patrol Lieutenant
Position Type	Professional Licensure
Volunteer	
Job Type	Time Spent
Full Time	25%
Job Duties	Fringe Benefits
Patrol Lieutenant with Black Mountain Police Department. Supervise squads to ensure town is covered and all state/local and federal laws are enforced.	

Certification

A.

Certification of Non-Supplanting

☒

The applicant hereby certifies that federal funds will not be used to supplant or replace State or local funds, but will instead be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for project activities.

B.

Certification of Filing an Equal Employment Opportunity Program

☐

The project director certifies that the applicant/grantee has formulated an Equal Opportunity Program, which is dated 2012-06-18 in accordance with the Amended Equal Employment Opportunity Guidelines (28 C.F.R. 42.301, et seq.) and that it is on file in the office of:

Office:

Town of Black Mountain

Name:

Rhonda Freeman

Title:

Human Resources

Address:

160 Midland Ave, Black Mountain NC 28711

Telephone:

828-419-9309

☐

The project director certifies that the Amended Equal Employment Guidelines (28 C.F.R. 42.301, et seq.) have been read and that no Equal Employment Opportunity Program is required to be filed by the implementing agency because:

Please check all the boxes that apply.

- ☐ Recipient has less than 50 employees
- ☐ Recipient is an Indian tribe
- ☐ Recipient is a non-profit organization
- ☐ Recipient is an educational institution
- ☐ Recipient is a medical institution
- ☐ Recipient is receiving an award less than \$25,000

C. Certification of Submission of Annual Audit:

- ☒ The project director certifies that a copy of the annual audit will be submitted to the Office of the State Auditor and the Governor’s Crime Commission, as required by General Statute 143C-6-23. NOTE: If you receive, expend, or obligate over \$500,000 in State and Federal pass-through grants funds received directly from a State agency, then you must file a “yellow book” audit, done by a CPA, with your funding agencies and with the Office of State Budget and Management.

D. Certification of Submission of Current Annual Operating Budget:

- ☒ The project director certifies that a copy of the implementing agency’s current annual operating budget will be submitted upon request.

E. Certification that Applicant is Eligible to Receive Federal Funds:

- ☒ The project director certifies that neither the grant applicant nor any of its officers, directors or consultants are presently debarred, proposed for debarment, suspended, declared ineligible or voluntarily excluded from receiving federal funds. [If the director cannot make this certification, an explanation must be attached. If this certification cannot be provided, the applicant will not necessarily be denied participation in this program. The certification or explanation will be considered in connection with the determination by the Governor's Crime Commission as to whether or not to approve the application. However, if neither the certification nor an explanation is provided, the application will be rejected.]

F. Certification Regarding Lobbying:(for agencies receiving \$100,000 or more)

- ☒ The project director certifies that (1) no federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any agreement; (2) If any non-federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant, the project director shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions

G. Drug Free Workplace Compliance: (for state agencies only)

- ☐ The project director certifies that (1) a drug-free workplace awareness program was held on and/or will be held annually on which all grant project employees are required to attend; (2) a copy of the agenda of that program, including an attendance sheet signed by all employees, will be provided to the Governor's Crime Commission; (3) a statement will be published notifying employees that any unlawful involvement with a controlled substance is prohibited in the grantees workplace and that specific actions will be taken against employees who violate this rule; (4) all employees will receive a copy of this notice; (5) all employees must agree to abide by the statement and to notify the applicant of any criminal drug statute conviction for a violation occurring in the workplace within 5 days of the conviction; (6) within 10 days of receiving such notice, the applicant will inform the Governor's Crime Commission of an employee's conviction; (7) any employee so convicted will be disciplined or required to complete a drug abuse treatment program; and (8) the applicant will make a good faith effort to maintain a drug-free workplace, in accordance with the requirements of Sections 5153 and 5154 of the Anti-Drug Abuse Act of 1988 and Sections 8103 and 8104 of Title 41 of the United States Code.

H. Certification of Compliance with General Statute 114-10.01: (for law enforcement agencies only)

- ☒ The project director certifies that the implementing agency is presently in compliance and will remain in compliance with the traffic stop reporting provisions of General Statute 114-10.01 for the duration of the funded project. An agency may be in compliance with the reporting provisions of General Statute 114-10.01 where traffic stops are reported to the Division of Criminal Information, North Carolina Department of Justice, or where the agency does not meet any of the statutory criteria requiring the reporting of stops. A listing of law enforcement agencies currently required to report traffic stop information may be found at <http://www.ncdoj.gov/AgenciesRequiredList.aspx>.

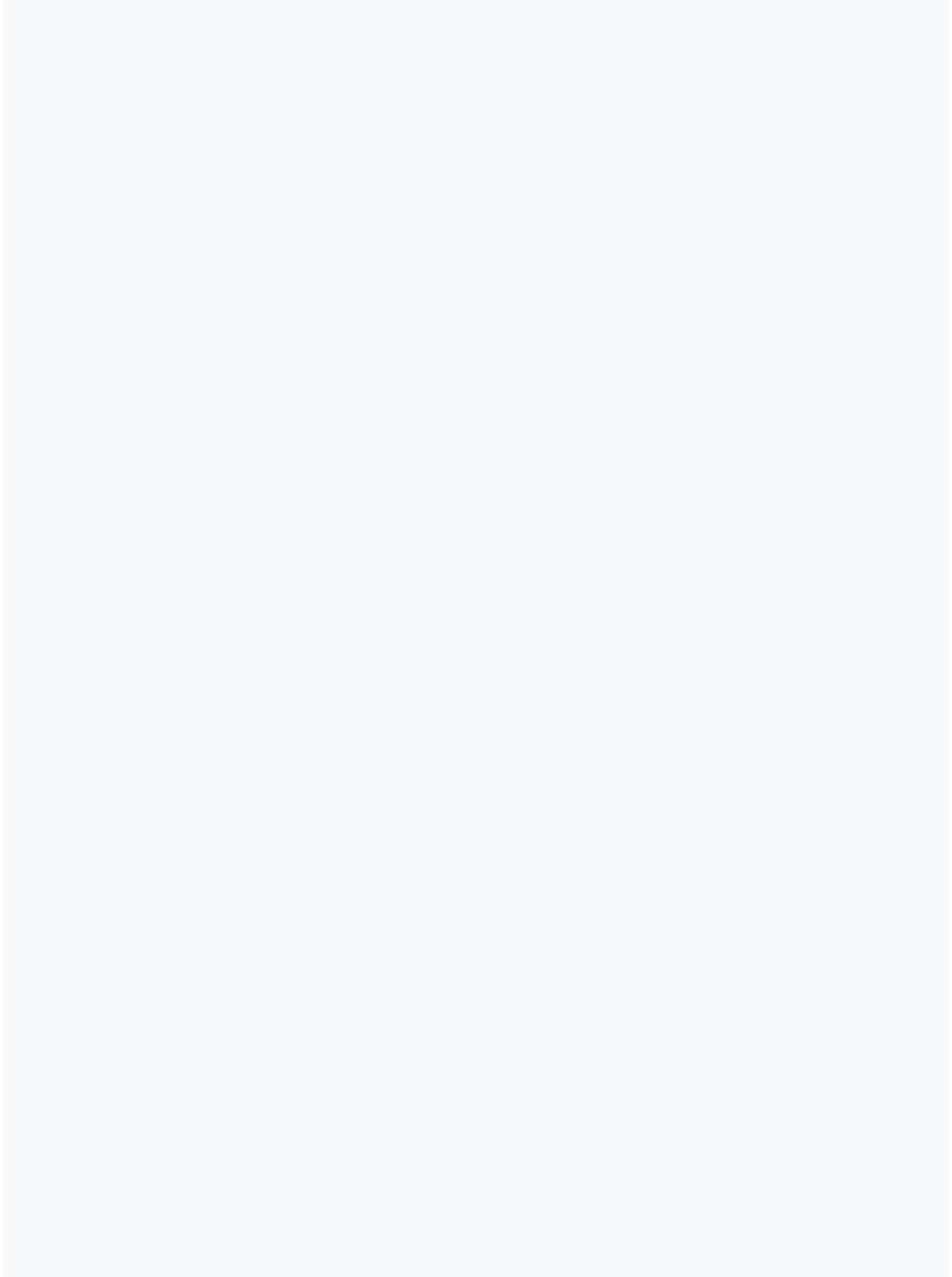
I. IRS Form 990 and IRS Form 990-EZ:

- ☐ The project director certifies that the most recently-filed IRS Form 990 (“Return of Organization Exempt From Income Tax”) or IRS Form 990-EZ (“Short Form Return of Organization Exempt from Income Tax”) for the implementing agency has been uploaded with this project application as one or more pdf (Portable Document Format) attachments.

The project director certifies that neither an IRS Form 990 nor an IRS Form 990-EZ has been uploaded with this project application for the following reason:

- ☒ The implementing agency is not a nonprofit organization.
- ☐ The implementing agency is a nonprofit organization that is exempt from the requirement to file an IRS Form 990 or an IRS Form 990-EZ.
- ☐ The implementing agency is a nonprofit organization that is not exempt from the requirement to file an IRS Form 990 or an IRS Form 990-EZ and that has not to-date filed an IRS Form 990 or an IRS Form 990-EZ.

- ☒ The financial officer certifies that no staff are funded more than 100% salaried effort across all funding sources including, but not limited to, funding provided by the Governor’s Crime Commission.





C & A Associates, Inc.

1814 S. Range Avenue Denham Springs, LA 70726
(800)-679-7764
www.PADtrax.com

Quote Number 00001892

Expiration Date 5/31/2023
Prepared By Matt Moss
Email mattmoss@caassociates.com

Account Name Black Mountain PD (NC)
Contact Name Stacy J. Cox
Phone (828) 419-9350
Email ctacy.cox@tobm.org

Bill To 106 Montreat Rd.
Black Mountain, NC 28711

Ship To 106 Montreat Rd.
Black Mountain, NC 28711

Product Code	Product	Sales Price	Quantity	Total Price
RF-SW-2013	RFID Evidence Software License	\$6,000.00	1.00	\$6,000.00
RF-BL-2400	RFID Block Reader	\$565.00	1.00	\$565.00
RF-SENTHER HANDHELD	RFID Handheld	\$3,500.00	1.00	\$3,500.00
RF-ZONE-017	RFID Read-Zone	\$3,350.00	3.00	\$10,050.00
RF-EVTAG-4X2	RFID Evidence Tag	\$0.41	2,000.00	\$820.00
RF-PRINT-500R300	RFID Printer	\$2,300.00	1.00	\$2,300.00
RF-SIG-460HSBR	RFID Signature Pad	\$325.00	1.00	\$325.00
RF-RIBBON RESIN-3X4	RFID Printer RESIN Ribbons Law Enforcement	\$15.50	2.00	\$31.00
Installation & Training	Installation & Training	\$3,000.00	1.00	\$3,000.00
Subtotal				\$26,591.00
Shipping and Handling				\$227.76
Grand Total				\$26,818.76

Annual Support & Maintenance

Maintenance \$ 4,200
Software License, Support & Updates
Hardware Depot Maintenance

General Conditions

- PADtrax Software has Unlimited Licenses.
- The Purchaser Agrees to Pay Grand Total to the Seller.
- Deposit of 35% Due at Signing. Balance Due Upon Completion of Installation.
- All Servers and PC's to be Provided by Purchaser Based on C&A Specs.
- Purchaser is Responsible for Providing Network Connection from the Server to All Read-Zones.
- Travel, Food, & Lodging Included in Installation & Training Costs.
- 4.0% Surcharge Fee If Paying by Credit Card.
- Annual Software Maintenance/Support will be invoiced for payment after the warranty period.

Approvals

Accepted and Executed by:

Accepted and Executed by:
C&A Associates, Inc.

Preferred Communications

A Division of Bullins Guynn, Inc.
 410 Central Ave
 Butner NC 27509
 United States
 919 575 4600
<http://www.satstar.com>

Quotation

Quote #	2885
Quote Date	02/28/2023
Expires	03/30/2023
Sales Rep	Headspeth, Michael T
Terms	Net 30

Bill To

Accounts Payable
 Black Mountain Police Department
 106 Montreat Rd
 Black Mountain NC 28711
 United States

Ship To

Chris Kuhn
 Black Mountain Police Department
 106 Montreat Rd
 Black Mountain NC 28711
 United States

Item	Quantity	Description	Price/Unit	Tax	Total
SP2NTCDASDXX	1	GETAC : S410G4 Basic - i5-1135G7, FHD Webcam, WIN10 Pro x64 with 16GB RAM, 512GB PCIe SSD (main storage), Sunlight Readable (LCD +TS+ Stylus), US KBD + US Power Cord, Membrane Backlit KBD, WIFI + BT, Thunderbolt 4, HDMI, RJ45, 3YLimWty	2,278.99	Yes	2,278.99
GAD2X4	1	GETAC : Getac 11-16V, 22-32V DC Vehicle adapter / Charger (120W for Docking Station) (Cigarette Lighter Plug Version)	109.99	Yes	109.99
GDODU4	1	GETAC : S410G4 - Office Dock with 120W AC adapter (US	299.99	Yes	299.99
SHIPPING	1	Shipping Charge	15.00	Yes	15.00

Subtotal 2,703.97
Tax Total (NC_BUNCOMBE_0 7.0%) 189.28
Total \$2,893.25

TERMS & CONDITIONS:

*Quote is valid for 30 days unless otherwise noted. If Quote is expired, please contact your Sales Rep to ensure pricing is still valid.

*Shipping charges and Sales Tax shown are estimated. Your final costs may be higher or lower, based on shipment method(s) and delivery location(s).

*Please send in Sales Tax Exemption Certificate with Purchase Order, if exempt.

*Due to increasing fees charged by banks for credit card transactions, credit card orders may be subject to a 4% administrative processing fee.

*Installation, if required, will be invoiced separately from equipment.

*Duties and Taxes: Import duties, taxes, and brokerage fees are not included in the product price or shipping cost. These charges are the buyer's responsibility as Preferred Communications is only charging the transportation fee for your order. You may check with your country's customs office to determine if there will be additional costs.



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Josh Harrold, *Town Manager* **MEETING DATE:** May 8, 2023

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Administration

TITLE OF ITEM: Field of Honor Parade – Kiwanis Club of Black Mountain/Swannanoa

SUGGESTED MOTION(S):

To approve or deny the request of Kiwanis Club of Black Mountain/Swannanoa to close State Street for the Field of Honor Parade on Sept. 11, 2023.

SUMMARY:

Kiwanis Club is requesting permission to hold a parade on Sept. 11, 2023. Should Council choose to approve the parade, staff will follow up with an ordinance to close State St. for the duration of the parade at the July, 2023 regular session meeting.

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 Kiwanis Club of Black Mountain



Kiwanis Club of Black Mountain-Swannanoa

April 13, 2023

Dear Black Mountain Town Council,

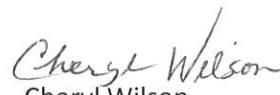
The Kiwanis Club of Black Mountain/Swannanoa is in the process of planning a Field of Honor® for our community to recognize those men and women who have served or are serving both in the military and as first responders. We would like to have including in our opening ceremony a parade. We are asking your permission for the closure of State Street at 1:00 pm on Monday, September 11, 2023. The parade would begin at Flat Creek Road and the parade will end at Daugherty Street.

The Field of Honor® will be in the lot between Black Mountain United Methodist Church and Harwood Home for Funerals. We plan on having 100 flags that individuals can purchase to honor or remember a loved one who has served or is currently serving. Proudly, 100% of the proceeds raised from the Field of Honor® will go back into the Swannanoa Valley to support schools (in the Owen District), non-profits, and scholarships.

For questions you can contact Cheryl Wilson at (828) 301-2845 or cherylbwilson59@gmail.com or Renee Weaver at (828) 301-6701 or reneeweaver22@yahoo.com

Sincerely,


Renee Weaver
Co-Chair


Cheryl Wilson
Co-Chair



BLACK MOUNTAIN, NC | 2023



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** May 8, 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 8th day of May, if confirmed by the Town Council at its regular meeting in May 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 8th day of May 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.

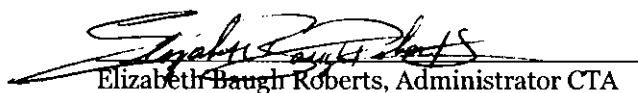
The property hereinabove described was acquired by Grantor through the Estate of John Alexander Roberts, Buncombe County File 19-E-348.

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

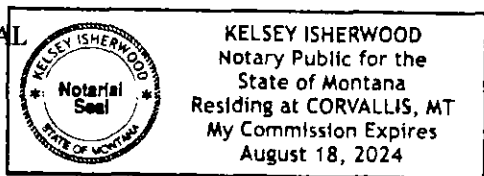
State of Montana - County of Beavert

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

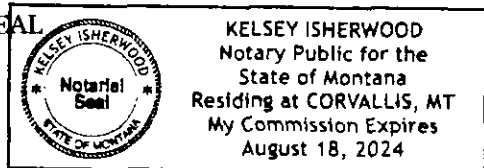
State of Montana - County of Beavert

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

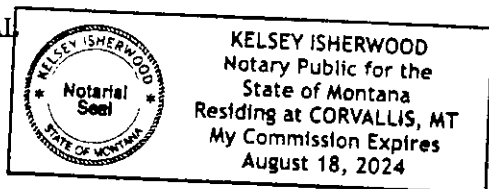
I, the undersigned Notary Public of the County and State aforesaid, certify that Vincent R. Snelling, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 day of January,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

My Commission Expires: Aug 18, 2024

Kelsey Isherwood
Notary Public - Signature

Kelsey Isherwood
Notary Public – Printed Name

SEAL



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): 07101092340000

Current County Zoning District: R-6D

Town Zoning District designation requested: UR-8

Buncombe 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 ☐ no

Number 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.

<i>Libby Roberts-Snelling</i>	dotloop verified 02/03/23 2:35 PM MST ICRR-SXIW-DCQH-SMMO
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<i>Vince Snelling</i>	dotloop verified 02/03/23 2:32 PM MST WWBS-9CHY-ZTAE-9ESB
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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



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** May 8, 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 SR-2.
 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 SR-2.
-

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 SR-2 to Town Council. The property owner was agreeable to the recommendation of the SR-2 zoning 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. ***Zoning Ordinance #Z-O-23-04***
2. Rezoning Application
3. Staff Report

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 Suburban Residential (SR-2). 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 8th day of May 2023.

Savannah Parrish, Town Clerk

C. Michael Sobol, Mayor

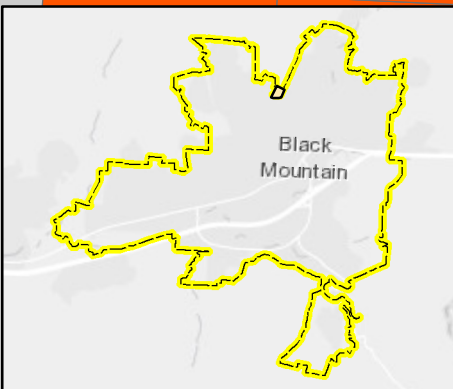
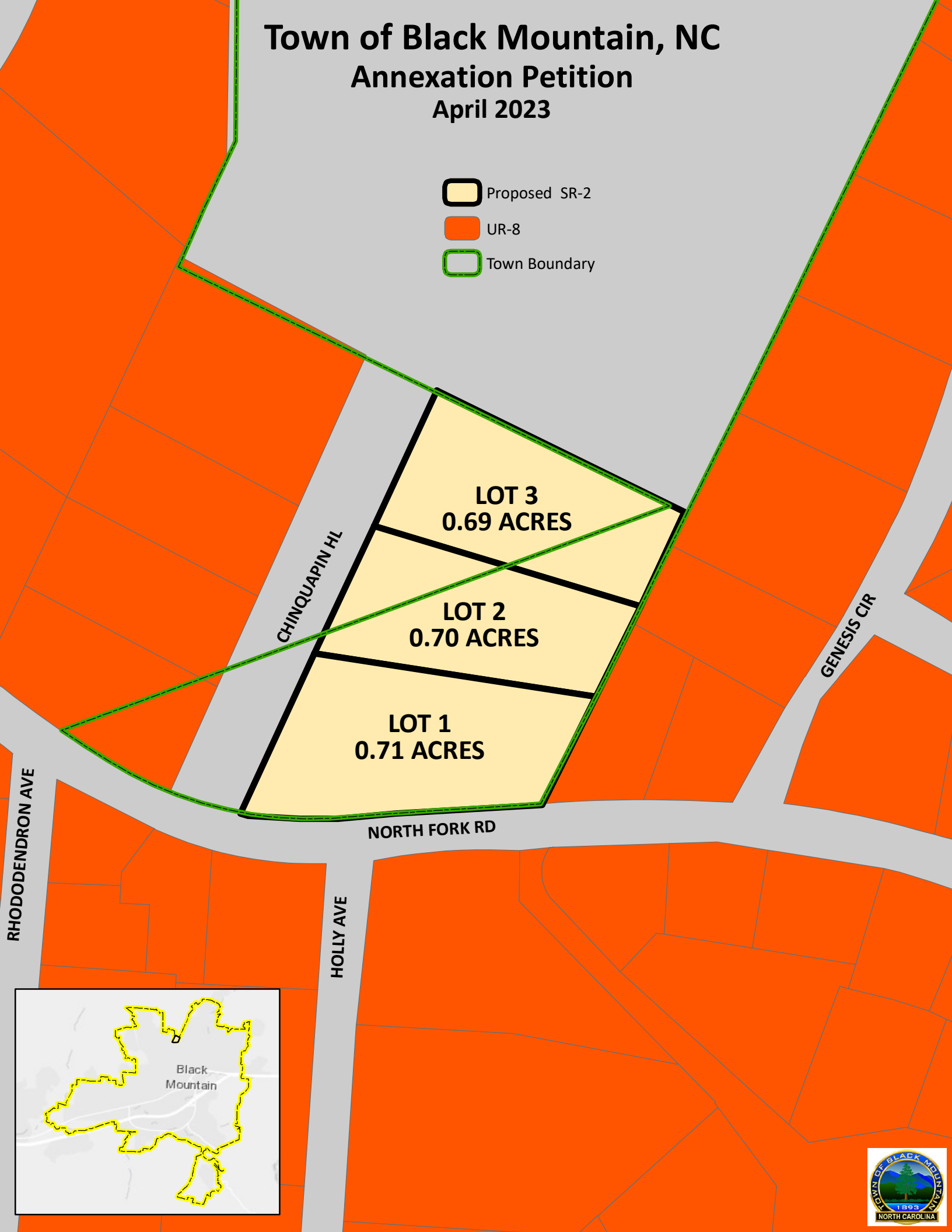
Approved as to form

Town of Black Mountain, NC

Annexation Petition

April 2023

-  Proposed SR-2
-  UR-8
-  Town Boundary





**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: February 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 SR-2 (Suburban 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.
SR-2 (Suburban Residential District)	Purpose: The suburban residential district is established to protect areas in which the principal use of the land is single-family residential and where less dense development is preferred for the protection of slopes or environmentally sensitive areas, traditional single-family neighborhoods and the preservation of open space.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-LD	SR-2
Max. Density:	2 units per acre	2 units/acre
Front Setback:	10'	30' (25' for steep hillside)
Side Setback:	10'	10'
Rear Setback:	20'	30'
Min. Lot Size:	43,560 sf	1/2 acre (21,780 sf)
Max. Height:	35'	35'
Min. Width:	N/A	60' (15' at street)
Min. Depth:	N/A	100'

Permitted Uses:

- | | |
|---|--|
| <ul style="list-style-type: none">• Single-family residential dwelling, including modular• Two residential dwelling units (attached or detached) | <ul style="list-style-type: none">• Single-Family Residences• Two-Family Residences (duplex)• Government facilities• Places of worship• Public utilities |
|---|--|

- 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
- 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
- Garden Markets

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)
- 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 SR-2 district is similar to the county's R-LD district in being focused on residential development. R-LD is intended for lots where topographic or other constraints preclude intense urban development. Similarly, SR-2 is focused on slope protection and protection of environmentally sensitive areas, as well as preservation of open space. One difference is that R-LD has a minimum lot size of one acre while SR-2 has a minimum lot size of ½ acre.

The initial application was for UR-8 (Urban Residential). At the February 27, 2023, Planning Board meeting, Board members said that they would like to see a zoning designation of SR-2 because of the slope and residual lot size. The Town Attorney said that the situation would appear to meet the higher standard for Council to zone to something other than UR-8, since this would be a spot zone as the area surrounding the parcel is zoned UR-8. A motion to recommend a zoning classification of SR-2 passed by consensus.



REZONING WORKSHEET

PIN #: 0710-10-9234-00000

Current Zoning District: R-LD Requested Zoning District: SR-2

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.