



TOWN OF BLACK MOUNTAIN

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

Date: July 10, 2023 Time: 6:00 p.m.

Regular Session Agenda

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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
- 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. PROCLAMATIONS, AWARDS, RECOGNITIONS

3. CITIZEN COMMENTS

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

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

A. Planning, Building, and Zoning Annual Report – Jessica Trotman, Planning Director

B. Annual Streets Maintenance 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

B. Call for Public Hearing for Text Amendment to Vested Rights

C. System Development Fee Capital Reserve Fund Amendment

Motion: *To approve the consent items A – C as presented.*

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. Traffic Policy

Motion: *I move to approve the proposed traffic policy as presented or amended.*

8. NEW BUSINESS

A. Board Appointments

- a. Recreation Commission – *three applications received for two vacancies.*
- b. ABC Board – *one application received for one vacancy.*
- c. Planning Board – *two applications received for one vacancy.*
- d. One application received for Zoning Board (3 alternate positions), Historic Preservation Commission (one vacancy), or Planning Board (one vacancy).

B. Move Illicit Discharge to the Code of Ordinances – O-23-13

Motion: *To approve Ordinance #O-23-13 as presented.*

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.

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: **June 8, 2023** Time: **5:00 p.m.** **Agenda Workshop Minutes**

THE BLACK MOUNTAIN TOWN COUNCIL held their regular agenda workshop meeting on Thursday, June 8, 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
Savannah Parrish, Town Clerk

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

Fire Chief John Coffey requested that the Town Council consider denying all bids for fire apparatus, in favor of purchasing a stock truck which meets most of the tactical needs of the department for less financial investment and reduced wait for delivery over a custom-built truck. There was some discussion among the Council, Chief, and Town Manager.

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

Councilmember Pam King 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: **June 12, 2023** Time: **6:00 p.m.**

Regular Session Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held their regular meeting on Monday, June 12, 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

Mayor Sobol read the ethics statement and led those in attendance in the pledge of allegiance and a moment of silence.

2. PROCLAMATIONS, AWARDS, RECOGNITIONS

- A. Pride Month Proclamation – Mayor Sobol recognized Pride Month in the Town of Black Mountain.
- B. Proclamation for Town Attorney Ron Sneed – Mayor Sobol read and presented the Proclamation to Attorney Sneed and thanked him for his forty-two years of dedicated service to the Town. A copy of the proclamation is included as an attachment to these minutes.

3. CITIZEN COMMENTS

- A. Andrew Clark – Spoke on behalf of Disabled American Veterans Chapter 14. Mr. Clark asked the Town Council to support various legislation related to veteran support.

4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

- A. **Recreation Commission Annual Report** – *Nathan West, Recreation Commission Chair* – This item was removed from the agenda. Mr. West was unable to attend the meeting.

B. Metropolitan Sewer District Annual Report – Bob Watts, MSD Representative

Mr. Watts gave a brief update from the Metropolitan Sewer District.

C. Fire Department Annual Report – John Coffey, Fire Chief

The department responded to 2,381 calls in 2022. Of these, 49% were for rescue and emergency medical services and 2.69% were for fire calls.

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

B. Mountain Heritage Trout Waters Memorandum of Understanding – Jessica Trotman, Planning Director

C. Budget Amendment Insurance Proceeds – Tammy Holland, Finance Director

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

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

8. NEW BUSINESS

A. Direction for Short Term Rental Regulations – Jessica Trotman, Planning Director

The Planning Board is currently working on the first draft of the Unified Development Ordinance. Planning Director Trotman requested direction from Town Council regarding short term rental regulations to be included in the draft of the ordinance. The council agreed to review the ordinance as recommended by Planning Board, with the following guidelines:

- Require information about garbage and recycling be posted. Information about managing trash and bears to be included.
- Require information about noise ordinance to be posted.

- o Limit occupancy according to available parking.

B. Discussion of Potential Purchase for Expansion of Public Parking Lot – Josh Harrold, Town Manager

At the request of Mayor Sobol, staff reached out to the property owners of 200 NC Hwy 9, Black Mountain (PIN #061935429300000) expressing interest in potentially purchasing a 20 ft x 156 ft strip of land adjoining the Town's parking lot. The Town Council discussed the matter at the May 17, 2023 Budget Special Meeting. The property owners are requesting proposed acquisition plans, an appraisal, and an official offer letter in order to move forward. Staff requested direction from the Town Council. The Town Council chose not to move forward with any attempt to acquire the land at this time.

C. Ordinance Amendment ARPA Grant Project O-23-08 – Tammy Holland, Finance Director

On June 14th, 2021 the Town Council approved the grant project ordinance for the Town of Black Mountain American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF). The Town elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all of the ARP/CSLFRF funds for the provision of government services. The recommended amendment would reflect grant funds in the amount of \$211,209.00 is needed to account for the actual revenues that were received. Upon approval of this amendment the Town will transfer the remaining funds from the ARP/CSLFRF fund to the general fund for salary replacement. The Transfer total will be \$1,120,408.54.

Councilmember Bill Christy moved that Council approve the amendment to the ARPA Grant Project Ordinance. The motion was approved by a vote of 5-0.

D. Fire Apparatus Bid Approval – John Coffey, Fire Chief

After some discussion, the Town Council chose to reject the bids in favor of purchasing a stock truck, as requested by staff. The department reviewed several stock apparatus options from various other manufacturers. The current option is close to meeting the tactical needs of the department and the community and can be available to the Town much sooner than a newly built truck.

Councilmember Pam King moved to reject the presented fire apparatus bids. The motion was approved by a vote of 5-0.

Vice Mayor Archie Pertiller moved to authorize a downpayment of \$300,000 on the stock apparatus. The motion was approved by a vote of 5-0.

E. Traffic Policy – Josh Harrold, Town Manager

This policy, requested by Town Council, establishes consistent procedures for addressing the traffic-related issues that may occasionally arise along roadways within or nearby residential areas in town. The Town Council requested that staff make changes to the policy before it is adopted.

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.

10. COMMUNICATION FROM STAFF

1. Town Attorney Ron Sneed provided a legislative update. SB 299 would direct the N.C. Department of Revenue to withhold a portion of governments' sales tax distribution when the counties or municipalities fail to file a copy of their annual audit reports within 12 months of the end of a fiscal year. This legislation is expected to pass.
2. Town Manager Josh Harrold recognized Town Clerk Savannah Parrish for achieving North Carolina Certified Municipal Clerk designation through NC Association of Municipal Clerks and School of Government of North Carolina at Chapel Hill.

11. COMMUNICATION FROM MAYOR AND TOWN COUNCIL

Councilmember Doug Hay thanked the public works department for their work on the Chapel Rd. water leak. Councilmember Hay recognized the new storybook walk at Lake Tomahawk and thanked the Friends of the Black Mountain Library and the Greenways and Trails Committee for their work on the project. Councilmember Hay requested that staff look into methods to improve parking conditions downtown.

All members of the council thanked Attorney Sneed for his forty-two years of service as Town Attorney.

12. CLOSED SESSION

Councilmember Bill Christy moved to enter into closed session to consult with an attorney as permitted by NC General Statute 143-318.11. (a)(3). The motion was approved by a vote of 5-0.

Councilmember Bill Christy moved to return to open session. The motion was approved by a vote of 5-0.

13. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 8:38 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: **June 14, 2023** Time: **5:30 p.m.**

Budget Public Hearing Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, June 14, 2023 at 5:30 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 with the following 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 manager's recommended Budget and Five-Year Capital Improvement Plan for FY23-24 was submitted to the Town Council on Wednesday, May 31, 2023. The Town Council met on June 14, 2023 at 5:30 p.m. for the budget public hearing.

Mayor Sobol began the meeting by suggesting cutting the cost-of-living adjustment increase to 2% this year and giving another 2% next year. He said the town would not have to raise taxes if this was done. He also gave other recommendations on where budgets could be cut, including the police department not buying two new patrol vehicles and postponing or changing paving projects. He also gave other recommendations on where budgets could be cut, including the police department not buying two new patrol vehicles and postponing or changing paving projects.

Town Manager Josh Harrold presented the fiscal year 2023-24 Recommended Budget to the Town Council. Included in the budget is a property tax increase of 1.5 cents, bringing the tax rate up to 32.1 cents per \$100 valuation, up from 30.6 cents. This marks the first property tax increase since 2010 and the second in 30 years.

The recommended budget for fiscal year 2023-2024 totals \$ 18,895,905 for all Town operations, capital improvements and debt service. This represents an 11.8% increase of the current budget. This increase can be attributed to an overall addition in personnel and capital items to be purchased across all departments, increases in operating expenses, as well as proposed capital projects in the Utility Fund.

Water fees and charges at current rates generate \$2,564,100. Residential customers using an average of 5000 gallons a month will see an increase of \$2.76 per month. Water fees and charges for out-of-town customers will see an increase of \$10.62 per month.

The proposed budget includes a cost-of-living increase of 4% beginning July 1, 2023, rising retirement costs, as well as the creation of 3 new positions and expansion of 2 others.

The budget contains \$871,200 for the Town's part of the North Carolina State Health Plan and supplemental insurance. In general, health insurance costs continue to rise faster than inflation.

Councilmember Doug Hay moved to open the public hearing. The motion was approved by a vote of 5-0.

Robin Stiles spoke in favor of the tax increase.

Dan Cordell asked that the Town Council not increase taxes.

Vice Mayor Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Councilmember King reminded the public that the Town Council had been working on the budget for several months, and all of the decisions were made very thoughtfully. She thanked the staff for their work on the budget, and for making many cuts to their requests.

Vice Mayor Pertiller thanked the staff for their work on the budget.

Councilmember Hay expressed his desire to balance fiscal responsibility and the needs of the community, and felt this budget found that balance. He conveyed his pride in the work done on the budget, both by council and staff.

Councilmembers Christy and Berry also thanked staff and indicated support for the recommended budget.

Vice Mayor Archie Pertiller moved to adopt Budget Ordinance O-23-10 as recommended. 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 6:07 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: **June 21, 2023** Time: **8:30 a.m.**

Special Call Meeting Minutes

THE BLACK MOUNTAIN TOWN COUNCIL held a special call meeting on Wednesday, June 21, 2023, at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC.

1. CALL TO ORDER

Vice Mayor Archie Pertiller called the meeting to order at 8:30 a.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
Ron Sneed, Town Attorney

Black Mountain Center for Research & Technology and Mountain Life Development requested a meeting with the Town Council through attorney Jeff Roether of the Morning Star Law Group. This meeting was requested after representatives of the businesses were informed that no agreement in writing was found supporting their assertion that an agreement was made not to annex Black Mountain Center for Research & Technology property. Such agreement was allegedly made by former town manager Matt Settlemeyer at the time of the economic development agreement negotiations for incentives for infrastructure improvements to support the construction of an Avadim factory on property owned by Black Mountain Center for Research & Technology.

The attorney for Black Mountain Center for Research & Technology, Jeff Roether, requested that the Town Council ratify the unwritten agreement made between Mr. Settlemeyer and Black Mountain Center for Research & Technology.

The property owners paid \$172,420 towards the design and engineering of the water and sewer extensions that are now incorporated into the municipal systems and paid \$52,580.00 to cover the local government matching component of the economic development grant. The Avadim development did not move forward as planned due to financial issues that eventually led to its filing for Chapter 11 bankruptcy. Black Mountain Center for Research & Technology intends to develop the property for another purpose and seeks now to formalize the water supply agreement.

Town Attorney Ron Sneed advised the Town has no authority to contract away its annexation authority or obligate itself to annex.

After much discussion, the Town Council agreed to allow attorneys for Black Mountain Center for Research & Technology and incoming Town Attorney Craig Justus to attempt an agreement to provide water service. However, they did not agree to support such an agreement, only that they would consider it.

2. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 10:07 a.m.

ATTEST:

C. Michael Sobol, Mayor

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

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

AGENDA SECTION: CONSENT **DEPARTMENT:** Planning

TITLE OF ITEM: Call for Public Hearing for Text Amendment to Vested Rights

SUGGESTED MOTION(S):

To call for the public hearing to amend text for vested rights related to conditional zoning to be held on Monday, August 14, 2023, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

SUMMARY:

The current ordinance incorrectly places conditional zoning into a category of site-specific development plans with a two-year time limit for vested rights. Conditional rezoning is not subject to this time limit because the site plan is part of the zoning regulation for a parcel which exists until such time it is amended by rezoning request or amendment specific to the parcel.

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:

Ordinance #O-23-14



LEGAL NOTICE

BLACK MOUNTAIN TOWN COUNCIL

PUBLIC HEARING

Monday, August 14, 2023, at 6:00 p.m.

The Black Mountain Town Council will meet on **Monday, August 14, 2023, at 6:00 p.m.** in the Council Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing to amend text for vested rights.

The meeting is open to the public.

Savannah Parrish
Town Clerk

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

Posted to the Town Bulletin Board 07/13/2023
Published in the Black Mountain News 07/20/2023 and 07/27/2023

www.townofblackmountain.org

ORDINANCE #0-23-14

**AN ORDINANCE TO AMEND APPENDIX A, LAND USE CODE, CHAPTER 1,
SECTION 1.9.2, SITE-SPECIFIC VESTING PLANS**

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

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

WHEREAS, upon recommendation of the Planning Board, the following text amendment is consistent with the comprehensive plan and reasonable in the public interest because it supports the vibrant economy and the walkable and livable goal.

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

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

- Removes a barrier to using conditional zoning with the correct settings because it meets the needs of conditional zoning.

WHEREAS, after notice duly given, a public hearing was held on August 14, 2023, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE, BE IT RESOLVED that Chapter 4, Section 1.9.2 of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown as red struck text):

Section 1.9.2 – Site-specific vesting plans.

A. The following types of development approvals are site-specific vesting plans for purposes of this section.

1. Any development for which a special use permit is required;
2. Major and minor subdivisions;
- ~~3. Conditional zoning designation.~~

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 14th day of August 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Tammy Holland, *Finance Director* **MEETING DATE:** July 10, 2023

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Finance

TITLE OF ITEM: System Development Fee Capital Reserve Fund Amendment

SUGGESTED MOTION(S):

Staff move that Council approve the Amendment to SDF Capital Reserve Fund and Adopt Budget Amendment # 4

SUMMARY:

On July 8th, 2019 the Town of Black Mountain governing board adopted System Development Fee Capital Reserve Fund in accordance with the General Statutes of the State of North Carolina 159-18 and Chapter 162A, Art. 8 for the purpose of allocating system development fees to the cost of capital projects related to its water system, and to make debt service payments on existing debt related to past capital projects for its water system. The System Development Fee Capital Reserve Fund may be amended from time to time by adopting an amended resolution.

The attached resolution establishes system development fees as a funding source and accounts for SDF's collected for current projects and/or debt service associated with current projects as defined within the resolution.

Recommended Amendment:

- An amendment to this ordinance to increase SDF Revenue fees collected within FY23 and to make available within the SDF Capital Reserve Fund. \$309,163.60 is needed to account for the actual revenues that were received. \$61,451.00 was collected within the SDF Capital Reserve Fund and \$247,712.60 was collected within the Water Enterprise Fund and will be transferred to the Capital Reserve Fund.
- Upon approval of this amendment System Development Fees in the amount of \$940,000 will be transferred to be used for the completion of the AMR Project. Remaining funds of \$153,254.88 will remain within the SDF Capital Reserve Fund for future water capital projects.

BUDGET IMPACT: Increase in SDF Capital Project Funds budgeted funds from the water enterprise fund of \$241,712.60

System Development fees in the amount of \$940,000 will be used as a funding source for AMR capital project related to capacity expansion of the water

infrastructure system. Funds will be transferred from the System Development Fee Capital Project Reserve into the Automated Meter Capital Project Fund

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.** Budget Amendment



Resolution # R-23-14

RESOLUTION
AUTHORIZING THE ESTABLISHMENT OF A SYSTEM DEVELOPMENT FEE (SDF) CAPITAL
RESERVE FUND (CRF) FOR PUBLIC UTILITIES
Revision #4

WHEREAS there is a need in the Town of Black Mountain to provide funds for future capital projects related to its water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system; and

WHEREAS NCGS 159-18 authorizes the creation of a capital reserve fund; and

WHEREAS NCGS 162A, Art. 8 requires that all system development fee (SDF) proceeds be accounted for in a capital reserve fund,

NOW, THEREFORE, BE IT RESOLVED that the governing board of Town of Black Mountain hereby adopts and enacts the following:

Section 1. The following additional system development fee revenues were collected within FY2023 and are to be made available within this fund:

System Development Fees	\$370,614.60
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<i>In FY 2022 SDF Capital Reserve Fund Balance</i>	<i>\$784,091.28</i>
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<i>Total Capital Reserve Fund Balance with FY23 additional revenue collections</i>	<i>\$1,154,705.88</i>
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Section 2. The Governing Board hereby creates a Capital Reserve Fund (CRF) for the purpose of funding the following capital projects related to the Town's water and wastewater system:

AUTOMATED METER READING (AMR) PROJECT. Automatic meter reading, or AMR, includes automatic collecting consumption, diagnostic, and status data from a water meter (or other utility meter) and transferring that data to a central database for billing, troubleshooting, and analyzing. With AMR, the meter readers can collect meter readings much quicker by simply driving by meter locations. The new meters will assist customers in detecting leaks and will assist utility staff in detecting malfunctioning or tampered meters. Additionally, this timely information coupled with analysis, can help both utility staff and customers better manage the Town's potable water usage. The AMR project was originally projected to cost \$840,000 spread out over 4 years. Due to the rising cost and limited supply the updated total cost of this project is \$1,390,000. Staff hopes to complete the project within FY 2024. The town intends to appropriate \$940,000 of the cost of this project with SDF proceeds.

The FY 23-24 appropriations from the actual SDF collections to the CRF for this purpose is \$940,000.

Expend the Following SDF proceeds carried forward:

<i>FY19-20</i>	<i>\$28,834.00</i>
<i>FY20-21</i>	<i>\$369,477.00</i>
<i>FY21-22</i>	<i>\$386,230.28</i>

Expend the following SDF proceeds collected and transferred into the CRF fund from the Water Enterprise Fund:

<i>FY22-23</i>	<i>\$153,254.88</i>
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RESERVE FOR WATER CAPITAL PROJECTS. Reserve funds for the purpose capital projects that are considered eligible for recoverable cost through system development fees. Items to be included within this capital project category are:

- current and future capital waterline improvements and replacements throughout the Town.
- Future water line extensions
- upgrade and replacement of existing pumps. Pumps will help safeguard the town's ability to provide a consistent supply of water for years to come.
- Future System Development Fee Study required every five years

Appropriation of the following SDF proceeds collected and transferred into the CRF fund from the Water Enterprise Fund:

<i>FY22-23</i>	<i>\$153,254.88</i>
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Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

Duly adopted by the Town Council of Black Mountain on this the 10th day of July, 2023.

C. Michael Sobol
Mayor

ATTEST:

Savannah Parrish
Town Clerk



BUDGET AMENDMENT REQUEST FORM

DATE:

06/29/23

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
600-7000-59510	Transfer Out	\$247,712.60	
600-0000-44130	System Development Fee Revenue		\$247,712.60
456-7000-48590	Transfer In		\$247,712.60
456-7000-59510	Transfer Out	\$247,712.60	
Total:		\$495,425.20	\$495,425.20

REASON FOR BUDGET AMENDMENT

Transfer and Recognize stormwater fees received during FY23 within water enterprise fund.

Entered by:

Department Head signature:

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



BUDGET AMENDMENT REQUEST FORM

DATE:

07/01/23

BUDGET NUMBER

Fund-Function-Dept-Account Number	Account Desc	DEBIT	CREDIT
456-0000-48900	Appropriated Fund Balance		\$940,000.00
456-7000-59510	Transfer Out	\$940,000.00	
450-7000-48590	Transfer In		\$940,000.00
450-5000-57510	Capital Outlay - Furnishings and Non-Motorized	\$940,000.00	
Total:		\$1,880,000.00	\$1,880,000.00

REASON FOR BUDGET AMENDMENT

Transfer appropriated system development fees within the capital reserve fund to the AMR Capital Project

Entered by:

Department Head signature:

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



Town of Black Mountain

Detail Report Account Detail

Date Range: 07/01/2022 - 06/30/2023

Account	Name				Beginning Balance	Total Activity	Ending Balance
Fund: 456 - System Development Fee Capital Reserve Fund							
456-0000-44130 Water System Development Fees					0.00	-61,451.00	-61,451.00
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Amount	Running Balance
07/31/2022	GLPKT00005	JN00145		SYSTEM DEVELOPMENT FEE		-40,163.00	-40,163.00
Activity for July, 2022:						-40,163.00	
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-43,711.00
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-47,259.00
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-50,807.00
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-54,355.00
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-57,903.00
08/30/2022	GLPKT01533	JN00321		SYSTEM DEVELOPMENT FEE		-3,548.00	-61,451.00
Activity for August, 2022:						-21,288.00	
Total Fund: 456 - System Development Fee Capital Reserve Fund:					Beginning Balance: 0.00	Total Activity: -61,451.00	Ending Balance: -61,451.00
Fund: 600 - Water Fund							
600-0000-44130 Water System Development Fees					0.00	-247,712.60	-247,712.60
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor	Amount	Running Balance
08/24/2022	UBPKT00078	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-3,548.00
08/30/2022	UBPKT00164	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-7,096.00
Activity for August, 2022:						-7,096.00	
09/16/2022	UBPKT00080	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-10,644.00
09/16/2022	UBPKT00149	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-14,192.00
09/23/2022	UBPKT00179	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-17,740.00
09/23/2022	UBPKT00181	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-21,288.00
09/23/2022	UBPKT00182	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-24,836.00
Activity for September, 2022:						-17,740.00	
10/04/2022	UBPKT00092	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-28,384.00
10/04/2022	UBPKT00109	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-1,135.00	-29,519.00
10/07/2022	CLPKT01694	D		CLPKT01694		-1,135.00	-30,654.00
10/11/2022	UBPKT00074	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-34,202.00
10/11/2022	UBPKT00081	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-37,750.00
10/11/2022	UBPKT00082	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-41,298.00
10/11/2022	UBPKT00084	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-44,846.00
10/11/2022	UBPKT00085	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-48,394.00
10/11/2022	UBPKT00087	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-51,942.00
10/11/2022	UBPKT00094	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...		-3,548.00	-55,490.00

Detail Report

Date Range: 07/01/2022 - 06/30/2023

Account		Name				Beginning Balance	Total Activity	Ending Balance
600-0000-44130		Water System Development Fees - Continued				0.00	-247,712.60	-247,712.60
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor		Amount	Running Balance
10/13/2022	CLPKT01634	101322-LM-Cashiering...		CLPKT01634			-3,548.00	-59,038.00
Activity for October, 2022:							-34,202.00	
11/04/2022	UBPKT00178	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-5,854.00	-64,892.00
11/04/2022	UBPKT00180	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-68,440.00
11/04/2022	UBPKT00183	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-71,988.00
11/29/2022	UBPKT00213	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-75,536.00
11/30/2022	UBPKT00227	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-79,084.00
11/30/2022	UBPKT00228	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-82,632.00
Activity for November, 2022:							-23,594.00	
12/02/2022	UBPKT00241	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-86,180.00
12/02/2022	UBPKT00242	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-89,728.00
12/09/2022	UBPKT00265	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-4,683.00	-94,411.00
12/16/2022	UBPKT00282	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-97,959.00
Activity for December, 2022:							-15,327.00	
01/13/2023	UBPKT00355	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-887.00	-98,846.00
01/19/2023	UBPKT00361	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-102,394.00
Activity for January, 2023:							-4,435.00	
02/01/2023	UBPKT00429	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-105,942.00
02/02/2023	UBPKT00430	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			3,548.00	-102,394.00
02/02/2023	UBPKT00438	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-105,942.00
02/06/2023	UBPKT00440	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-109,490.00
02/06/2023	UBPKT00441	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-4,683.00	-114,173.00
02/06/2023	UBPKT00442	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-117,721.00
02/06/2023	UBPKT00443	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-121,269.00
02/06/2023	UBPKT00444	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-124,817.00
02/06/2023	UBPKT00445	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-128,365.00
02/23/2023	UBPKT00506	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-131,913.00
02/23/2023	UBPKT00507	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-135,461.00
02/23/2023	UBPKT00508	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-139,009.00
Activity for February, 2023:							-36,615.00	
03/02/2023	UBPKT00540	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-142,557.00
03/03/2023	UBPKT00551	Miscellaneous Adjust...		Miscellaneous Adjustment Packet UBPK...			-3,548.00	-146,105.00
03/15/2023	CLPKT01403	031523-LM-Cashiering...		CLPKT01403			-3,548.00	-149,653.00
03/17/2023	CLPKT01426	031723-LM-Cashiering...		CLPKT01426			-3,548.00	-153,201.00
03/20/2023	CLPKT01436	032023-LM-Cashiering...		CLPKT01436			-9.60	-153,210.60
03/28/2023	CLPKT01505	032823-LM-Cashiering...		CLPKT01505			-3,548.00	-156,758.60
Activity for March, 2023:							-17,749.60	
04/04/2023	CLPKT01568	040423-LM-Cashiering...		CLPKT01568			-3,548.00	-160,306.60
04/13/2023	CLPKT01639	041323-LM-Cashiering...		CLPKT01639			-3,548.00	-163,854.60
04/20/2023	CLPKT01696	042023-LM-Cashiering...		CLPKT01696			-10,644.00	-174,498.60

Detail Report

Date Range: 07/01/2022 - 06/30/2023

Account		Name				Beginning Balance	Total Activity	Ending Balance
600-0000-44130		Water System Development Fees - Continued				0.00	-247,712.60	-247,712.60
Post Date	Packet Number	Source Transaction	Pmt Number	Description	Vendor		Amount	Running Balance
04/26/2023	CLPKT01745	042623-LM-Cashiering...		CLPKT01745			-3,548.00	-178,046.60
Activity for April, 2023:							-21,288.00	
05/05/2023	CLPKT01859	050523--LM-Cashierin...		CLPKT01859			-7,096.00	-185,142.60
05/09/2023	CLPKT01904	050923-LM-Cashiering...		CLPKT01904			-3,548.00	-188,690.60
05/11/2023	CLPKT01917	051123-LM-Cashiering...		CLPKT01917			-3,548.00	-192,238.60
05/15/2023	CLPKT01947	051523-LM-Cashiering...		CLPKT01947			-9,366.00	-201,604.60
05/16/2023	CLPKT01964	051623-LM-Cashiering...		CLPKT01964			-2,173.00	-203,777.60
05/16/2023	CLPKT01967	051623-LM-Cashiering...		CLPKT01967			-3,548.00	-207,325.60
05/17/2023	CLPKT01979	051723-LM-Cashiering...		CLPKT01979			-9.00	-207,334.60
05/23/2023	CLPKT02042	052323-LM-Cashiering...		CLPKT02042			-8,446.00	-215,780.60
05/24/2023	CLPKT02062	052423-LM-Cashiering...		CLPKT02062			-3,548.00	-219,328.60
Activity for May, 2023:							-41,282.00	
06/01/2023	CLPKT02116	060123-LM-Cashiering...		CLPKT02116			-3,548.00	-222,876.60
06/05/2023	CLPKT02146	060523-LM-Cashiering...		CLPKT02146			-3,548.00	-226,424.60
06/21/2023	CLPKT02371	062123-LM-Cashiering...		CLPKT02371			-17,740.00	-244,164.60
06/23/2023	CLPKT02404	062323-LM-Cashiering...		CLPKT02404			-3,548.00	-247,712.60
Activity for June, 2023:							-28,384.00	
Total Fund: 600 - Water Fund:						Beginning Balance: 0.00	Total Activity: -247,712.60	Ending Balance: -247,712.60
Grand Totals:						Beginning Balance: 0.00	Total Activity: -309,163.60	Ending Balance: -309,163.60

Fund Summary

Fund	Beginning Balance	Total Activity	Ending Balance
456 - System Development Fee Capital Re:	0.00	-61,451.00	-61,451.00
600 - Water Fund	0.00	-247,712.60	-247,712.60
Grand Total:	0.00	-309,163.60	-309,163.60



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** July 10, 2023
AGENDA SECTION: UNFINISHED BUSINESS **DEPARTMENT:** Administration
TITLE OF ITEM: **Traffic Policy**

SUGGESTED MOTION(S): I move that Council approve the minutes as presented or amended.

SUMMARY: This policy establishes consistent procedures for addressing the traffic-related issues that may occasionally arise along roadways within or nearby residential areas in town.

ATTACHMENTS:

- i. Proposed policy



TOWN OF BLACK MOUNTAIN NEIGHBORHOOD TRAFFIC POLICY

I. OVERVIEW

This policy establishes consistent procedures for addressing the traffic-related issues that may occasionally arise along roadways within or nearby residential areas in town. Neighborhood traffic issues specifically addressed in this policy include the following:

- No Parking Zone Implementation Requests
- One-way Street Requests
- Pedestrian Treatment Requests
- Speed Control Requests
- Other Public Safety and Traffic Issue Requests

II. EMPLOYEE RESPONSIBILITIES

1. Staff will review written requests that a traffic issue be addressed. Staff will determine if the request is for a Town maintained street or road. Roads maintained by the State of North Carolina are not subject to this policy.
2. Staff will communicate with the requesting party to fully understand their request and thoroughly define the area of concern.
3. Town staff will evaluate the request, collect data if necessary to confirm the magnitude of the problem and determine if further study is necessary. Staff will contact engineers for assistance as needed.
4. Should changes be warranted, staff will share the proposed changes with the impacted residents at least 10 days prior to the proposals coming before the Town Council.
5. Changes will be brought to the Town Council for final approval.

***Impacted residents shall include residents residing on the street(s) in which the issue is present.**



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Savannah Parrish, *Town Clerk* **MEETING DATE:** July 10, 2023
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration
TITLE OF ITEM: Annual Board Appointments

SUGGESTED MOTION(S): *To nominate and appoint board and commission members.*

SUMMARY: Annual Board Appointments

- a. Recreation Commission – *three applications received for two vacancies.*
- b. ABC Board – *one application received for one vacancy.*
- c. Planning Board – *two applications received for one vacancy.*
- d. One application received for Zoning Board (3 alternate positions), Historic Preservation Commission (one vacancy), or Planning Board (one vacancy).

BUDGET IMPACT: N/A

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

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

ATTACHMENTS: Applications

Board and Commission Application

The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will NOT be considered. Contact town.clerk@tobm.org with questions. Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook. **Application is a public record**

Name

Kecia White

Address

108 N Blue Ridge Rd, 77, Black Mountain, North Carolina 28711

Do you live inside the town limits of Black Mountain?

Yes

Phone

(828) 417-8094

Email

laessence43@ourvoices42.org

ADVISORY BOARD/COMMISSION PREFERENCE

Recreational

Are you seeking reappointment?

No

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

I'm a licensed Minister/ Business Owner and I serve on a few Buncombe County Committees. I'm dedicated to helping communities thrive through lived experience, ministry and strategic planning and development. I feel community involvement is vital in the developmental growth of a thriving town/city.

Experience & Civic Involvement

Safety Justice Collaborative Committee/ Community Engagement/Opioid Steering Committee/ Behavioral Health Justice Collaborative Committee/ Buncombe Communication & Membership Committee

Education & Certifications

Licensed Minister
NCPSS
Certified Life Coach
Certified in Mental Health
Edgecombe Comm College
Ashford University

Other Helpful Information (not required)

Signature

Date
5/15/2023

Kecia White

**I understand that this application is a public
record**
Yes

Board and Commission Application

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Name

David Galloway

Address

103 Brookhaven Drive, Black Mountain, North Carolina 28711

Do you live inside the town limits of Black Mountain?

Yes

Phone

(919) 495-1107

Email

dhgallow@gmail.com

ADVISORY BOARD/COMMISSION PREFERENCE

Recreation Commission

Are you seeking reappointment?

No

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

I believe I have unique exposure to the breadth of services and experiences provided by the Recreation Department, and can therefore provide accurate insights and feedback as to the direction the department should take. I have two school-age children, an 8th grade boy and 5th grade girl. My 8th grader has played football, basketball, and baseball the past two years for Owen Middle, and he participates in workouts with the wrestling team. My 5th grader has done Owen Warhorse Youth Cheer, Girls on the Run at BME, and the youth disc golf league through the town. My family has a plot at the community garden and my wife is active in the gardening community. I played football/basketball/baseball myself all through high school. In college I worked with the UNC football team and after college was an ACC football official for 12 years. I am currently active as a trail ultra runner and disc golf player. I have run distances from 5k to 100 miles. Professionally, I work in

Experience & Civic Involvement

Race volunteer, trail building and maintenance, community garden workdays, Girls on the Run assistant coach, PDGA member, HOA President

operations management for UPS. I am used to analyzing complicated and time-sensitive situations, and coming up with logistical solutions to problems. All this is to say, and hopefully prove, I have ground level knowledge of a whole host of recreation experiences. I would like to apply my knowledge in service to the town and its citizens.

Education & Certifications

BA History, University of North Carolina - Chapel Hill, 2008

Other Helpful Information (not required)

My wife and I are very outdoorsy, and enjoy all the wonderful opportunities available in the Swannanoa valley. We're trying our best to raise two kids to share these values with.

Signature**Date**

5/17/2023

A handwritten signature in black ink, appearing to read "Dan J. Kelly". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

I understand that this application is a public record

Yes

Board and Commission Application

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Name

Sally Cochran

Address

104-A Broadway Street, Black Mountain, North Carolina 28711

Do you live inside the town limits of Black Mountain?

Yes

Phone

(828) 545-9402

Email

sallypcochran@gmail.com

ADVISORY BOARD/COMMISSION PREFERENCE

Recreation Commission

Are you seeking reappointment?

Yes

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

My appreciation of the Town's Parks and Recreation and helping to provide a leadership role in furthering the health, utilization, safety, environmental stewardship and sustainability of our beautiful parks.

Experience & Civic Involvement

Founding member of the Black Mountain Greenways and Trails Comte. Leadership role and serving as a co-project mgr. for the Story Book Trail (GROW) at Lake Tomahawk in collaboration with the Black Mountain Library. Working with Greenways and Trails on public input forums for recreational facilities at the Town's newly acquired acreage.

Education & Certifications

Some community college courses.

Other Helpful Information (not required)

Signature

Date
5/25/2023

Sally Cochran

**I understand that this application is a public
record**
Yes

Board and Commission Application

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Name

Larry. B. Harris

Address

101 Richard Lane, BLACK MOUNTAIN, North Carolina 28711

Do you live inside the town limits of Black Mountain?

Yes

Phone

(828) 777-2587

Email

larryat85@gmail.com

ADVISORY BOARD/COMMISSION PREFERENCE

ABC Board

Are you seeking reappointment?

No

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

to support and provide oversight for the current store manager and staff in managing the store. served as board chair some years back. Applying at request of store manager. Discussed comments offered in other information with store manager

Experience & Civic Involvement

town council, mayor, various boards over the years through out the county. Current chair Mission Hospital BOT and BOT Givens Communities

Education & Certifications

BS Business Administration and MS Accountancy
Appalachian State

Other Helpful Information (not required)

if other qualified volunteer leadership steps forth that can fill this position I will be happy to step aside at any time or withdraw my application. Will look for a replacement in the coming months regardless as I would like to apply for the MSD board later in 2023.

Signature

Date
6/20/2023

Larry B Harris

**I understand that this application is a public
record**
Yes



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

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

TDD 800-735-2962

www.townofblackmountain.org



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

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

APPLICANT INFORMATION

NAME: Rick Earley DATE: 6 - 2 1 - 2 0 2 3

PREFERRED NAME: Rick _____

HOME ADDRESS: 107 Oakland Dr _____

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711 _____

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

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

PHONE NUMBER(S): MAIN 336.210.7510 _____ EMERGENCY 336.210.4219 _____

ADVISORY BOARD/COMMISSION PREFERENCE

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

Board or Commission: Planning Board _____ Are you seeking re-appointment? Yes ☒ No _____

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

If additional space is needed please attach a separatesheet.

See attached

EDUCATION & CERTIFICATIONS

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

See attached

EXPERIENCE & CIVIC INVOLVEMENT

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

See attached

CERTIFICATE OF APPLICANT

This application is a public record.

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

Richard R Earley

Applicant's Signature

6-21-2023

Date

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

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

Why do I wish to serve on the Planning Board?

Having been born and raised in Black Mountain, I left home in 1972 after graduating from Owen. My wife and I moved back into my childhood home on Oakland Dr. in 2017, retiring in 2019. I have enjoyed contributing to the planning and development of my hometown during the past three years as a member of the Planning Board. The decisions we make today will impact our town for the next 50-100 years. I want the following generations to benefit from sound planning like I have when they return to Black Mountain in 50 years. My desire is to be a part of continued enhancement of our town as we steward development and design in a sustainable, attractive, and environmentally responsible manner.

Education/Certifications

NC State University BS Chemistry 1976

NC State University MS Food Science 1979

NC General Contractor's License, 2002

Experience/Civic Involvement

Served as Land Development Coordinator for Carroll Investment Properties, Greensboro, NC, 2002-2004. We built and owned ~300-unit apartment communities in the southeast US with 5-7 active projects annually. My responsibilities included obtaining rezoning from local jurisdictions where applicable, stewarding site plan approval from governing municipal Design and Review Board/TRC, awarding and managing contracts for phase 1,2 engineering studies, storm water remediation, site grading, utility infrastructure, streets.

Member of Swannanoa Valley Museum.

Elder at Mountain View Church and volunteer at Billy Graham Training Center at the Cove.

Candidate for Town Council election 11-8-2022. Have attended all but one of the Town Council meetings and workshops since 11-8-2022.

Board and Commission Application

The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Incomplete applications will NOT be considered. Contact town.clerk@tobm.org with questions. Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook. **Application is a public record**

Name

John Hines

Address

203 S Blue Ridge Rd, Black Mountain, North Carolina 28711

Do you live inside the town limits of Black Mountain?

Yes

Phone

(386) 846-4598

Email

john.hines@gmail.com

ADVISORY BOARD/COMMISSION PREFERENCE

Planning Board, Historical, Zoning

Are you seeking reappointment?

No

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

For love of the town, Over my lifetime I have seen many changes in Black Mountain, My family has deep roots here, and in Montreat. Change is always going to be happening, but to plan for it and be prepared is what I do in my profession.

Experience & Civic Involvement

I have managed many corporate teams.

Education & Certifications

University of Central Florida (Mathematics) /
Information Technology

Other Helpful Information (not required)

Signature

A handwritten signature in black ink, consisting of a series of loops and a trailing horizontal stroke.

Date

6/22/2023

**I understand that this application is a public
record**

Yes



TOWN OF BLACK MOUNTAIN AGENDA ITEM SUMMARY

SUBMITTER: Jessica Trotman, *Planning Director* **MEETING DATE:** July 10, 2023
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Planning
TITLE OF ITEM: *Ordinance #O-23-13* to move illicit discharge to the code of ordinances

SUGGESTED MOTION(S):

To approve *Ordinance #O-23-13* as presented.

SUMMARY:

Illicit discharge, including domestic pet waste and debris in stormwater systems, are not development regulations and therefore need to be moved to the Code of Ordinances in the environmental section. The proposed text amendment removes the illicit discharge section from the Land Use Code and moves it to Chapter 20 of the Code of Ordinances.

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:

Ordinance #O-23-13

ORDINANCE #O-23-13

AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8.4, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE AND CHAPTER 20, ARTICLE X, OF THE TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES

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

NOW, THEREFORE, BE IT RESOLVED that Chapter 8, Section 8.4, of the Town of Black Mountain Land Use Code and Chapter 20, Article X, of the Town of Black Mountain Code of Ordinances, be amended to the following:

~~SECTION 8.4 ILLICIT DISCHARGE~~

~~8.4.1 Purpose.~~

~~———— The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of illicit discharges into municipal stormwater systems. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.~~

~~———— The ordinance seeks to meet the requirements for the town's National Pollution Discharge Elimination Systems (NPDES) Permit.~~

~~8.4.2 Applicability and jurisdiction.~~

~~———— The following ordinance regarding illicit discharges and connections to public stormwater system applies to all parcels in the incorporated area of the Town of Black Mountain.~~

~~8.4.3 Severability.~~

~~———— If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.~~

~~8.4.4 Effective date.~~

~~———— This ordinance shall take effect on December 1, 2019.~~

~~8.4.5 Illicit discharges and connections.~~

(A) Illicit discharges.

- 1) No person shall cause or allow the direct piping of untreated waste water, discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the state, or upon the land in manager and amount that the substance is likely to reach a stormwater conveyance or the waters of the state, any liquid, solid, gas, or other substance, other than stormwater. Prohibited substances include but are not limited to oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.
- 2) Non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:
 - a) Water line flushing;
 - b) Landscape irrigation;
 - c) Diverted stream flows;
 - d) Rising ground waters;
 - e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
 - f) Uncontaminated pumped ground water;
 - g) Discharges from potable water sources;
 - h) Foundation drains;
 - i) Air-conditioning condensation;
 - j) Irrigation water;
 - k) Springs;
 - l) Water from crawl space pumps;
 - m) Footing drains;
 - n) Lawn watering;
 - o) Individual residential car washing;
 - p) Flows from riparian habitats and wetlands;
 - q) Dechlorinated swimming pool discharges;
 - r) Street wash water; and
 - s) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate stormwater sewer system shall be authorized by the Town of Black Mountain.

(B) Illicit connections. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection above are unlawful.

- 1) Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- 2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other

~~discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.~~

3) ~~Where it is determined that said connection:~~

- ~~a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or~~
- ~~b) Was made in violation of any applicable regulation or ordinance, other than this section; the stormwater administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the stormwater administrator shall take into consideration:~~
 - ~~1. The quantity and complexity of the work,~~
 - ~~2. The consequence of the delay,~~
 - ~~3. The potential harm to the environment, to the public health, and to public and private property, and~~
 - ~~4. The cost of remedying the damage.~~

~~(C) *Spills.* Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the fire chief of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.~~

8.4.6 Violations and enforcement.

- ~~(A) *Violations continue.* Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance.~~
- ~~(B) *Notice of violation and enforcement.* Illicit discharges and illicit connections which existing within the Town of Black Mountain are hereby bound, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Chapter 20 of the Town of Black Mountain Code of Ordinances.~~

Part 2. Other Prohibited Waste

8.4.7 Domestic animal waste.

(A) Findings. Pet waste is a serious water quality and public health issue for the Black Mountain community. Stormwater runoff washes bacteria, parasites, viruses, and nutrients from pet waste directly into water ways. Poor water quality caused by pet waste can cause recreational swimming advisories, algal blooms, low dissolved oxygen levels, and impaired aquatic habitat. Fecal coliform bacteria, found in the feces of warm-blooded animals, can indicate that water is unsafe for human contact like fishing, swimming, and drinking. Many diseases can be spread to humans from pet waste as well. A strong pet waste ordinance encourages citizens to be responsible for cleaning up their animals' waste in order to keep our waterways clean and safeguard public health.

(B) Restrictions on domestic animal waste:

- 1) No person in custody or control of any animal shall allow said animal to discharge any fecal matter on any public property unless the person in custody or control of said animal immediately and fully removes and disposes of the feces. Such public properties include, but are not limited to, streets, sidewalks, plazas, parks, rights-of-way, paths, public access areas, storm drains, ditches, streams, creeks, drainageways, other publicly owned property, and dedicated and officially accepted easements.
- 2) It shall be unlawful for the owner or custodian of any animal to take it off its own property without the means to properly and immediately remove and dispose of the animal's feces from any public property. "Means to properly and immediately remove and dispose of the animal's feces" shall consist of having on one's person a device such as a plastic bag or other suitable "scooper," that can be used to fully clean up and contain the animals' waste until it can be deposited in a closed trash receptacle or other appropriate refuse container. Such a device must be produced and shown upon request to anyone authorized to enforce this ordinance.
- 3) This provision shall not apply to a service animal accompanying a person with a disability or to an animal being used by law enforcement officers when doing so would prevent the officers from carrying out their official responsibilities.
- 4) "Public nuisance" is defined to include "any animal which deposits feces on public property when the person owning, possessing, harboring or having the care, charge, control, or custody of the animal fails to remove the feces so deposited."

8.4.8 Debris in stormwater drainage system.

(A) Findings. Yard waste such as leaves, grass clippings, and soil/sediment can cause significant water quality problems when it is blown or directed into the stormwater system. Water quality problems include algal blooms and aquatic weed growth, oxygen depletion, fish kills, and impaired aquatic habitat. In addition, when the stormwater system is clogged with yard waste it can cause street and property flooding.

(B) Restrictions on debris:

- 1) It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the town, including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water

through the storm drainage system of the town. A violation of section 8.4.8 shall constitute a civil penalty in the amount of \$50.00 a day, with each day being a separate and distinct offense.

- 2) ~~It shall be the duty of all property owners within the town to take adequate precautions on their property to ensure positive drainage on their property. Such drainage may be provided either through natural or artificial drains found to be adequate by the public works director or his/her designee. The owner shall keep all ditches, drains, swales, and drainage routes free from obstructions which would impede the flow of water.~~
- 3) ~~When it shall appear to the public works director or his/her designee that drainage facilities or drainageways on any private property are, for any reason, inadequate and prior notice has not resulted in correction of problem conditions, he shall notify the owner of the property by registered or certified mail what corrective measures are required to render the drainage adequate. The notice to the owner shall specify a reasonable time within which the corrective measures should be taken. Notice to the owner whose address is unknown shall be given to the person in whose name the property is listed for taxation at the address shown on the tax records or to the agent of the owner whose name appears upon the tax records.~~
- 4) ~~If such corrective measures are not taken as required in the notice to the owner, the public works director or his/her designee, upon approval by the town council, may enter upon such premises and take the corrective measures required and the town council may assess the cost thereof against the owner of the property and such assessment shall become a lien on the property which shall be collected as a money judgment.~~
- 5) ~~Any condition in violation of this section shall constitute a public nuisance, subject to abatement as set forth in section 1.10.8 of the land use code.~~
- 6) ~~The following are preferred best management practices (BMPs) for yard waste and debris:~~
 - a. ~~Prevent yard waste and debris from entering the street, storm drain, ditch, or other parts of the drainage system.~~
 - b. ~~Direct or blow yard waste back onto a lawn or landscape area.~~
 - c. ~~Sweep, rake, and/or collect yard waste instead hosing/sweeping off of driveways, sidewalks or other impervious surfaces.~~
 - d. ~~Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner (“grass cycle”).~~
 - e. ~~Compost yard debris for use in the lawn, garden, or landscape.~~
 - f. ~~Collect and contain yard waste for town collection service according to specific yard waste collection policies. Do not use the town trash cart for yard waste or debris.~~
 - g. ~~Collect and dispose of waste at a legally authorized yard waste collection facility.~~

CHAPTER 20

ARTICLE X. ILLICIT DISCHARGE

Sec. 20-390. Purpose.

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of illicit discharges into municipal stormwater systems. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

The ordinance seeks to meet the requirements for the town's National Pollution Discharge Elimination Systems (NPDES) Permit.

Sec. 20-391. Applicability and jurisdiction.

The following ordinance regarding illicit discharges and connections to public stormwater systems applies to all parcels in the incorporated areas of the Town of Black Mountain.

Sec. 20-392. Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Sec. 20-393. Effective date.

This ordinance shall take effect on December 1, 2019.

Sec. 20-394. Illicit discharges and connections.

(A) Illicit discharges.

- 1) No person shall cause or allow the direct-piping of untreated waste water, discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the state, or upon the land in a manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the state, any liquid, solid, gas, or other substance, other than stormwater. Prohibited substances include but are not limited to oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.
- 2) Non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:
 - a) Water line flushing;
 - b) Landscape irrigation;
 - c) Diverted stream flows;
 - d) Rising ground waters;

- e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- f) Uncontaminated pumped ground water;
- g) Discharges from potable water sources;
- h) Foundation drains;
- i) Air conditioning condensation;
- j) Irrigation water;
- k) Springs;
- l) Water from crawl space pumps;
- m) Footing drains;
- n) Lawn watering;
- o) Individual residential car washing;
- p) Flows from riparian habitats and wetlands;
- q) Dechlorinated swimming pool discharges;
- r) Street wash water; and
- s) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate stormwater sewer system shall be authorized by the Town of Black Mountain.

(B) Illicit connections. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in the subsection above are unlawful.

- 1) Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
- 2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
- 3) Where it is determined that said connection:
 - a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
 - b) Was made in violation of any applicable regulation or ordinance, other than this section; the stormwater administrator shall designate the time within which the connection shall be removed. In setting

the time limit for compliance, the stormwater administrator shall take into consideration:

1. The quantity and complexity of the work,
2. The consequence of the delay,
3. The potential harm to the environment, to the public health, and to public and private property, and
4. The cost of remedying the damage.

(C) *Spills.* Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the fire chief of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

Sec. 20-395. Violations and enforcement.

(A) *Violations continue.* Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance.

(B) *Notice of violation and enforcement.* Illicit discharges and illicit connections which exist within the Town of Black Mountain are hereby bound, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Chapter 20 of the Town of Black Mountain Code of Ordinances.

Part 2. Other Prohibited Waste

Sec. 30-396. Domestic animal waste.

(A) *Findings.* Pet waste is a serious water quality and public health issue for the Black Mountain community. Stormwater runoff washes bacteria, parasites, viruses, and nutrients from pet waste directly into our water ways. Poor water quality caused by pet waste can cause recreational swimming advisories, algal blooms, low dissolved oxygen levels, and impaired aquatic habitats. Fecal coliform bacteria, found in the feces of warm-blooded animals, can indicate that water is unsafe for human contact like fishing, swimming, and drinking. Many diseases can be spread to humans from pet waste as well. A strong pet waste ordinance encourages citizens to be responsible for cleaning up their animal's waste in order to keep our waterways clean and safeguard public health.

(B) *Restrictions on domestic animal waste.*

- 1) No person in custody or control of any animal shall allow said animal to discharge any fecal matter on any public property unless the person in custody or control of said animal immediately and fully removes and disposes of the feces. Such public properties include, but are not limited to, streets, sidewalks, plazas, parks, rights-of-way, paths, public access areas, storm drains, ditches, streams, creeks, drainageways, other publicly owned property, and dedicated and officially accepted easements.
- 2) It shall be unlawful for the owner or custodian of any animal to take it off its own property without the means to properly and immediately remove and dispose of the animal's feces from any public property. "Means to properly and immediately remove and dispose of the animal's feces" shall consist of having on one's person a device such as a plastic bag or other suitable "scooper," that can be used to fully clean up and contain the animal's waste until it can be deposited in a closed trash receptacle or other appropriate refuse container. Such a device must be produced and shown upon request to anyone authorized to enforce this ordinance.
- 3) This provision shall not apply to a service animal accompanying a person with a disability or to an animal being used by law enforcement officers when doing so would prevent the officers from carrying out their official responsibilities.
- 4) "Public nuisance" is defined to include "any animal which deposits feces on public property when the person owning, possessing, harboring, or having the care, charge, control, or custody of the animal fails to remove the feces so deposited.

Sec. 20-397. Debris in stormwater drainage system.

(A) Findings. Yard waste such as leaves, grass clippings, and soil/sediment can cause significant water quality problems when it is blown or directed into the stormwater system. Water quality problems include algal blooms and aquatic weed growth, oxygen depletion, fish kills, and impaired aquatic habitats. In addition, when the stormwater system is clogged with yard waste it can cause street and property flooding.

(B) Restrictions on debris.

- 1) It shall be unlawful for any person to rake, sweep, blow, wash, direct or place any debris, including but not limited to yard waste, grass clippings, leaves, sediment, trash, or debris of any kind into the storm drainage system of the town, including any streets, storm drains, ditches, swales, streams, lakes, culverts, rights-of-way, dedicated easements, or in any other area where it might impede the flow of water through the storm drainage system of the town. A violation of section 20-397 shall constitute a civil penalty in the amount of \$50.00 a day, with each day being a separate and distinct offense.
- 2) It shall be the duty of all property owners within the town to take adequate precautions on their property to ensure positive drainage on their property. Such drainage may be provided either through natural or artificial drains found to be adequate by the public works director or his/her designee. The

owner shall keep all ditches, drains, swales, and drainage routes free from obstructions which would impede the flow of water.

- 3) When it shall appear to the public works director or his/her designee that drainage facilities or drainageways on any private property are, for any reason, inadequate and prior notice has not resulted in correction of the problem conditions, he shall notify the owner of the property by registered or certified mail what corrective measures are required to render the drainage adequate. The notice to the owner shall specify a reasonable time within which the corrective measures should be taken. Notice to the owner whose address is unknown shall be given to the person in whose name the property is listed for taxation at the address shown on the tax records or to the agent of the owner whose name appears upon the tax records.
- 4) If such corrective measures are not taken as required in the notice to the owner, the public works director or his/her designee, upon approval by the town council, may enter upon such premises and take the corrective measures required and the town council may assess the cost thereof against the owner of the property and such assessment shall become a lien on the property which shall be collected as a money judgment.
- 5) Any condition in violation of this section shall constitute a public nuisance, subject to abatement as set forth in section 1.10.8 of the land use code.
- 6) The following are preferred best management practices (BMPs) for yard waste and debris:
 - a. Prevent yard waste and debris from entering the street, storm drain, ditch, or other parts of the drainage system.
 - b. Direct or blow yard waste back onto a lawn or landscape area.
 - c. Sweep, rake, and/or collect yard waste instead of hosing/sweeping off driveways, sidewalks or other impervious surfaces.
 - d. Leave grass clippings on the lawn to decompose quickly and act as a natural fertilizer and soil conditioner ("grass cycle").
 - e. Compost yard debris for use in the lawn, garden, or landscape.
 - f. Collect and contain yard waste for town collection service according to specific yard waste collection policies. Do not use the town trash cart for yard waste or debris.
 - g. Collect and dispose of waste at a legally authorized yard waste collection facility.

Sec. 20-398 through Sec. 20-399. Reserved.

READ, APPROVED, AND ADOPTED by a vote of ____ to ____ this the 10th day of July 2023.

C. Michael Sobol, Mayor

ATTEST:

Savannah Parrish, Town Clerk