

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: June 13, 2011

SUBJECT: Appointment of designee to notify the North Carolina Alcoholic Beverage Control (ABC) Commission of the recommendation of the Town of Black Mountain regarding the suitability of persons and locations seeking to acquire ABC permits within its jurisdiction, as required by NCGS §18B-904 (f).

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number: 4-D
Department: Administrative Services
Contact: Darlene Whisenant, Town Clerk
Presenter: Marcy Onieal, Town Manager

BRIEF SUMMARY: As required by NCGS §18B-904 (f), “. . . The governing body of a city or county may designate an official of the city or county, by name or by position, to make recommendations concerning the suitability of a person or of a location for an ABC permit. The governing body shall notify the Commission of an official designated under this subsection . . . who shall be allowed to testify at a contested case hearing . . . without further qualification or authorization.”

It has come to the manager’s attention that the Town of Black Mountain’s current official designee on record with the NC ABC Commission is a former Black Mountain police chief, designated by name. If you approve the attached resolution you will be authorizing as designee (by title rather than by name), the Town’s “Police Chief and any successor to the same position”.

MOTION FOR CONSIDERATION: To adopt *Resolution R-11-03* authorizing the Police Chief of the Town of Black Mountain, and any successor appointed to the same or equivalent position, to make recommendations concerning the suitability of persons or locations for ABC permits within its jurisdiction as required by NCGS §18B-904 (f).

FUNDING SOURCE: N/A

ATTACHMENTS: *Resolution R-11-03*

MANAGER’S COMMENTS AND RECOMMENDATIONS: To adopt as presented. Internally, as a matter of course, all ABC permit applications are first reviewed for building, zoning, and inspections purposes, and are approved by the Planning Director and Town Manager before being forwarded to the Police Chief for final representation to the NC ABC Commission.



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION R-11-03

**RESOLUTION OF THE BOARD OF ALDERMEN
OF THE TOWN OF BLACK MOUNTAIN, COUNTY OF BUNCOMBE
DESIGNATING AN OFFICIAL TO MAKE RECOMMENDATIONS
TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION
REGARDING ABC PERMIT APPLICATIONS**

WHEREAS, N.C.G.S. §18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Town of Black Mountain, County of Buncombe, wishes to notify the North Carolina ABC Commission of its designation as required by N.C.G.S. §18B-904(f),

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain that the *Police Chief for the Town of Black Mountain, and any successor appointed to the same or equivalent position*, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the Town of Black Mountain, County of Buncombe, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED that notices to the Town of Black Mountain, County of Buncombe, should be mailed or delivered to the official designated above, at the following address:

Mailing Address: 160 Midland Avenue
Office Location: Black Mountain Police Department
106 Montreat Road
Black Mountain, NC 28711
Phone: (828) 419-9300

READ, APPROVED AND ADOPTED this 13th day of June, 2011.

Carl R. Bartlett, Mayor

ATTEST:

Darlene Whisenant, Town Clerk

Marcia D. Onieal, Town Manager