

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION**

**Meeting Date:** March 8, 2010

**SUBJECT:** Consideration of request from Business to Business to install a 4' by 8' kiosk with a downtown business directory and map on public property (public rest room site on Cherry Street downtown)

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 8-B  
**Department:** Planning and Development Services  
**Contact:** Elizabeth Teague, Planning & Development Services Director  
**Presenter:** Tom Gill and Matt Kolodzik, Business to Business

**BRIEF SUMMARY:** B2B would like to place a business directory, downtown map and brochure dispenser on town property in front of the public restrooms on Cherry Street. B2B would pay for construction and installation by a licensed contractor and would provide maintenance activities. They have also offered to donate the sign to the Town or to cover any insurance liability that may be associated with sign, should the Town require. The sign would be located inside the railing and perpendicular to the sidewalk in order to be seen from both directions while not blocking any portion of the sidewalk. Businesses would pay a subscription fee annually to be listed on the directory. Fees would be nominal but would cover any costs associated with maintenance (current estimated rate of \$10/year). It is particularly desirable that the board approve the sign's design, as it is one-of-a-kind, and as presented, does not conform in style to any existing signage in the downtown area, nor to the TDA wayfinding sign program which currently has recently begun sign installations throughout town. The request for placement on public property is due to lack of any centrally located private property with good pedestrian visibility which might otherwise accommodate a communal business directory.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To approve kiosk design as presented, and allow Business to Business to install the kiosk on town property by the public rest rooms downtown.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** Conceptual design of kiosk

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** Staff has no objections to this request, given that all costs are being assumed by the requesting agency, however, the Board should be aware that, if approved, this request sets a precedent which might encourage other private entities to request similar accommodation on other public properties in the future. It also raises the issue of whether a sign placed on public right-of-way can justifiably exclude advertising for merchants who refuse to pay the subscription/maintenance fee. The board may wish to seek the advice of the town attorney on this matter, and in any case, I would recommend the development of a contract or lease agreement whereby conditions concerning liability, maintenance responsibility and costs, and under what conditions the sign may be removed are clearly spelled out for the protection of both the Town and B2B.