

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: May 9, 2011**

SUBJECT: Request for the Black Mountain Board of Aldermen to call for a referendum by popular vote to allow sales of mixed beverages (“liquor by the drink”) – *(request of Citizen Bobby Buggia)*

AGENDA INFORMATION

Agenda Location: New Business
Item Number: 8-A
Department: Administration
Contact: Marcy Onieal, Town Manager
Ron Sneed, Town Attorney
Presenter: Citizen Group
Marcy Onieal, Town Manager

BRIEF SUMMARY: An alcoholic beverage election may be held in a NC Town either by formal request of the governing body or by petition of 35% of registered voters. In Buncombe County, Black Mountain is the only municipality which has not passed a mixed beverage referendum, and according to the Town Attorney it has been 25-30 years since any such election has been held in Black Mountain. In the last several years, Town staff has received numerous inquiries and complaints from local citizens, particularly from members of the business community, representing independent restaurants, bars and tourism-related venues, over the town’s failure to provide such opportunity for local businesses. The fact that the Monte Vista Hotel, and other businesses in state-recognized historic districts such as Black Mountain’s downtown Historic District, are allowed to sell mixed beverages by statutory exception under certain conditions, has created a perception of inequitable treatment within the business community and generated a renewed interest in this issue among businesses which desire a level playing field with regard to attracting both local and out of town customers. The approval of mixed beverage sales in Black Mountain would result in increased local ABC revenue, which would in turn increase General Fund revenue to the Town.

MOTION FOR CONSIDERATION: *To approve the citizen request as presented, and authorize staff to coordinate with Buncombe County Board of Elections to place a referendum for mixed beverages on the ballot for November 8, 2011.*

FUNDING SOURCE: General Fund. Cost would be negligible if placed on the ballot in an odd-numbered year when all precincts are open anyway for general municipal elections, as is the case this year. An earlier estimate of cost for a special referendum held in only Black Mountain precincts and not in association with a general election was \$8,000 (estimate provided late 2009).

ATTACHMENTS: N/A (Town Manager has available all applicable ABC & Election Board regulations and will provide copies on request).

MANAGER’S COMMENTS AND RECOMMENDATIONS: Citizen Bobby Buggia has formally requested that the Board of Aldermen make the request for an election to the Buncombe County Board of Elections. Should the Board of Aldermen decline to act on the request, or if the suggested motion is made but defeated, any citizen may also call for an election by presenting a petition to the Buncombe County Board of Elections signed by at least 35% of registered voters in the Town at the time the petition is initiated. No alcoholic beverage election may be held on the Tuesday following the first Monday in November of an even-numbered year.