

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

**Meeting Date:** September 14, 2009

**SUBJECT:** Proposal to Dismiss ABC Board Members

**AGENDA INFORMATION**

**Agenda Location:** Old Business  
**Item Number:** A  
**Department:** Governing Body  
**Contact:** Alderman Joan Brown  
**Presenter:** Alderman Joan Brown

**BRIEF SUMMARY:** In the opinion of the presenter, the Black Mountain ABC Board, appointed by the Town of Black Mountain Board of Aldermen, has failed to carry out its responsibilities as set forth in the Town of Black Mountain Boards/Commissions Manual, Black Mountain ABC Board Personnel Manual, and NC General Statutes, Article 7, Section 18B-700.

(1) Failure to follow proper form for minutes as set forth in Town of Black Mountain Boards/Commissions Manual, pages 6-8 and NCGS 160A-72 and NCGS 143-318.10e;

(2) Failure to adhere to employee dismissal procedure as outlined in ABC Board Personnel Manual, Section 9, page 6 and NCGS Article 7, Section 18B-700.

The following motion was originally made by Alderman Brown at the regular meeting of the Board of Aldermen on August 10, 2009. Upon advice of the Town Attorney, consideration of the motion was deferred until September 14, 2009 in order to provide notice and due process to the members of the ABC Board. Removal of appointees from the ABC Board prior to the expiration of their terms requires a finding of cause. In consultation with faculty from the UNC School of Government, the Town Attorney has outlined an appropriate procedure for conducting a hearing on this matter (attached).

**MOTION FOR CONSIDERATION:** To dismiss Board members Donna Hughes, Rick Spaulding, and Woody Sobol from their appointments to the Black Mountain ABC Board, due to failure to conduct Black Mountain ABC Board business by following Town of Black Mountain Boards/Commissions Manual, Black Mountain ABC Board Personnel Manual, and NC General Statutes, thus compromising the credibility of Black Mountain ABC store employees, the ABC store, and the Black Mountain Board of Aldermen.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** Procedure for Hearing on the Motion, prepared by Town Attorney

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** N/A