

INFORMATION FOR BOARDS AND COMMISSIONS

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Amended 08/08
Amended 09/07
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Amended 10/04
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A. INTRODUCTION

The Black Mountain Board of Aldermen consists of a Mayor and five Aldermen who are elected at large in a non-partisan election. The Mayor and Board of Aldermen hold four year, overlapping terms. Terms are staggered with the Mayor and two Aldermen being elected at one time and the remaining three Aldermen being elected in the municipal election held two years later. The governing board has the authority to adopt policies for the Town and is responsible to the citizens to ensure that the Town responds to public needs and works well to meet those needs.

The Town also has appointed boards and commissions that provide opportunities for many citizens to assist the elected governing board in shaping public policy. State law requires that some of these boards and commissions (such as the Alcoholic Beverage Control Board) play a direct role in selecting agency heads and setting operating policies for the agency. Other boards and commissions are established by the Board of Aldermen to advise them directly on matters ranging from land use to recreation. In some cases, at least some of the members of an appointed board or commission must be residents of the Town or have other specific qualifications.

Advisory board and commission members are responsible directly to the Board of Aldermen. While different members of the staff of the Town of Black Mountain are assigned by the Town Manager to assist various boards and commissions in their endeavors, the members of the advisory boards are appointed by and directly accountable to the Board of Aldermen. Chairs of the various advisory groups are requested to appear before the Board of Aldermen, from time to time, and report on the activities of their commission or board. Similarly, chairs may request to report to the Mayor and Board of Aldermen in order to provide updates and information. The governing body and their advisory boards should work to facilitate an optimal working relationship and to promote a better understanding of the endeavors in which the various boards and commissions are involved.

The Town of Black Mountain is fortunate to have a wealth of people with special expertise and qualifications who volunteer to serve on appointed boards and commissions. Many of these people have a particular concern or interest for the subject the board or commission deals with. This is especially important to the success of these boards and commissions in helping to represent the best interests of the Town.

B. POLICIES CONCERNING BOARDS AND COMMISSIONS

Terms of Office

Advisory board and commission members are appointed by and serve at the pleasure of the Board of Aldermen. Appointments for all advisory bodies are made for three-year terms of office. Terms on various boards and commissions are overlapping so as to avoid replacement of all members of any one board at a single time. All terms shall become effective on the date of the first meeting in the month following the date of appointment, except that all appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office. (*revised 5-14-07*)

Term Limits

The Board of Aldermen has expressed their preference to limit advisory board and commission members' terms of service to two consecutive terms; however, they have reserved the right to override that preference when they deem the circumstances of an individual's service to the community to be of such notable importance as to warrant a continuation of service. In those situations where the Board of Aldermen deems special circumstances to exist that warrant the continuation of community service by an individual on a board or commission, any member of the Board of Aldermen may place the name of that individual into nomination and state that they believe special circumstance warrant a continuation of service. The Board of Aldermen may then reappoint said individual by voting in no less than a 4/5 majority of the membership to reappoint the individual to another term of office. This process may be repeated as often as the Board of Aldermen deems the special circumstances to warrant an additional appointment.

A person who has served more than two-thirds of a full term after being appointed to complete the term of a previous board member shall be considered to have served a full term for the purposes of determining eligibility under the provisions of this section.

Vacancies

When a vacancy occurs on a board or commission due to a resignation or the end of a three-year term, the Town Clerk's office should be notified by the chair of that board or commission as soon as possible. The vacancy will be advertised in the Black Mountain News and posted on the web site. The notice will instruct persons interested in being considered for appointment to fill out an "Application for Appointment" and set an application deadline. The notice shall also contain any residency restrictions for the board or commission. The deadline for the applications to be submitted to the Town Hall is the Friday 10 days prior to a regularly scheduled monthly meeting of the Board of Aldermen. All applications will be copied and submitted to the Board of Aldermen for consideration. Vacancies shall be filled for the remainder of the unexpired term of the person being replaced.

Membership Requirements

Membership requirements are specific to the particular board or commission as set out in the Black Mountain Code of Ordinances and are further detailed herein under the description of the particular board or commission.

Advisory board and commission members are expected to be diligent in the performance of their duties and responsibilities. The Board of Aldermen may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a single-six month period without good cause (such as temporary severe illness of member or family member or overriding but temporary business concerns.) Such dismissal may be considered upon report or complaint by the advisory commission chairperson, a member of the advisory commission, or on the Board of Aldermen's own motion.

Meeting Quorums

A majority of the members of any board or commission are required to be present before an official meeting may be called to order. In the event that a quorum is not present, the advisory board or commission may not act on any item brought before them. Once a quorum has been established, the committee may proceed with its work. Members who find it necessary to withdraw from the meeting prior to adjournment shall be counted as present for the purposes of a quorum unless the committee has excused said member by a majority vote. Any member choosing to withdraw from a meeting without first being excused by a vote of the committee shall be counted as present for the purposes of maintaining a quorum and shall be considered to have voted in the affirmative for any motion that is brought before the board or commission.

Officers

Each board and commission shall elect a chair person and a vice-chair person. The election of a secretary is required for those boards or commissions for which the Town does not provide support assistance in the form of a clerk. The election of a secretary is optional for those boards or commissions to which the Town provides staff support. The duties of the chairman of any commission are set forth herein below. In the absence of a chair person, the vice-chair person assumes the role of the chair and is, at that point in time, vested with the responsibilities of the chair of the board or commission. The duties of the secretary are to insure that proper records are maintained, notices made, and minutes taken for the advisory board on which the secretary may serve. All officers serve one-year terms and are eligible for re-election to as many terms as the advisory board may deem appropriate.

Rules of Procedure

Each board or commission shall adopt rules of procedure that shall not be inconsistent with any other rules governing their operation as expressed in Town policies and ordinances or in conflict with State statutes and administrative codes.

C. DUTIES OF CHAIR PERSON

Presiding at Meetings

The chair of the board/commission shall preside at meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair may vote in all cases. In order to address the board/commission, a member must be recognized by the chair.

If the chair is absent, the vice-chair shall preside. (If both the chair and vice-chair are absent, another member designated by vote of the board shall preside.) The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair sees a conflict of interest or becomes actively involved in debate on a particular matter, he or she shall designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer may be appealed to the Board upon motion of any member. Such a motion is in order immediately after a decision by the presiding officer is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Action by the Board

The board shall proceed by motion made by any member, including the chair. A motion does not require a second and a member may make only one motion at a time. Each motion shall be considered and dealt with one at a time, and a new motion may not be put forth until action on the previous one is concluded. With the exception of special rules applicable only to the Zoning Board of Adjustment, a motion shall be adopted by a majority of the votes cast with a quorum present.

Notification of Absentee Members

It is the duty of the chairperson of each board or commission to be responsible for notifying the Mayor and Board of Aldermen when members of that board or commission have not met the guidelines for faithful attendance. In the event that a member of an advisory board fails to comply with the attendance policies contained herein, it shall be the responsibility of the chair of that advisory board to notify the Mayor and Board of Aldermen, in writing, of the policy violation and to request that said member be replaced.

D. OPEN MEETINGS, PROPER NOTIFICATION, AND RECORD KEEPING

All meetings of all advisory boards and commissions as appointed by the Board of Aldermen shall be open to the public and shall be properly publicized. If the board/commission has a designated meeting place, day, and time each month, a copy of the regular meeting schedule shall be posted at the Town Hall and sent to the Black Mountain News and standard media list by the office of the Town Clerk. Any change or cancellation of a meeting must also be posted and sent to the news. For those committees that do not have a designated meeting date, place and time, a minimum of 48 hours' notice must be given to the public before a meeting may take

place. Said notice shall contain the date, time, location, and purpose of the meeting. If an agenda is developed, the agenda shall be publicized as well. The Office of the Town Clerk shall be notified of an impending meeting in sufficient time for the 48 hour notice to be given. No meeting shall be held unless the meeting notice requirements contained herein are met.

The chair of each board/commission shall be responsible for insuring that the proper meeting notices are sent to each member of the respective boards or commissions and to the Office of the Town Clerk. That notification may be made either through the secretary of the respective advisory board or through the staff member, if any, who provides advisory board support. The Office of the Town Clerk shall be responsible for public notification of all meetings in accordance with locally adopted procedures and the North Carolina General Statutes.

The chair of each board or commission shall be responsible for insuring that proper rules are adopted for transaction of business and that proper records, including minutes of all proceedings, are kept in accordance with the guidelines specified herein.

E. PROCEDURE FOR TAKING MINUTES

Minutes of a board/commission are the official written record of actions taken by the board/commission. It is the responsibility of the chair, through either the secretary or the clerk, to keep a record of the proceedings of the board/commission. Minutes should be kept in a permanent minute book and are open to public inspection. The minutes provide future generations with the past history of a board/committee. They are used for many types of research and can be consulted for purposes of verification that certain actions were taken, when those actions were taken, and why. It is imperative that the minutes be a clear, concise, informative and accurate record of the proceedings of the meeting.

The minutes must be “full and accurate” (G.S. 160A-72; G.S. 143-318.10e) for they are the legal evidence of what the advisory board has said and done. “Full and accurate” does not generally mean, however, that a verbatim transcript of a meeting’s proceedings must be made. Including a detailed record of comments may well be counterproductive and the board or commission may find itself spending an excessive amount of time at its next meeting discussing the details of this record, which could have been omitted altogether. Rather, the minutes must record the results of each vote taken by the board or commission, and they should also show the existence of any condition that is required before a particular action may validly be taken. The full text of each motion should be recorded, including the full text of all ordinances and resolutions passed by the advisory board.

Minutes should include the following essential facts:

1. The name of the board/commission, date, time and place of the meeting.
2. The minutes should state that the meeting was legally convened.

3. Show that a quorum was present at all times during the meeting. The late arrival and the early departure of members (including whether someone leaving was excused by the remaining members) should be noted.
4. The names of the members present and absent.
5. The names of any person addressing the board/commission, a summary of subject matter presented and any action taken as a result of the person's appearance before the board/commission.
6. A record of all motions. A motion must be recorded verbatim, along with the name of the person making the motion and the person seconding the motion (if applicable). The results of each vote must be recorded and upon the request of any member of the board/commission, votes for and against a motion shall be recorded.
7. A record of all ordinances and resolutions introduced (if applicable). Ordinances and resolutions must be recorded verbatim as adopted by the board/commission. Short resolutions and ordinances should be incorporated into the body of the minutes. Lengthy resolutions and ordinances may be attached as an addendum to the minutes.
8. The exact words of each amendment to any motion, order, ordinance or resolution.
9. A record of all subjects before the board/commission and actions taken.
10. Draft copies of advisory board minutes are generally sent by the secretary or the clerk to members several days before the meeting at which they are to be considered for approval. The circulated draft minutes are a public record that must also be made available for public inspection. The minutes do not become the official record of the committee's action until it approves them.
11. The advisory board may correct minutes that it has already approved if it later finds that they are incorrect. In such a case the correction should be noted in the minutes of the meeting at which the correction is made, with an appropriate notation and cross-reference at the place in the minutes book where the provision being corrected appears. Non-substantive corrections, such as those pertaining to grammar or spelling, may be corrected outside of the meeting by way of individual members contacting the secretary or clerk for their particular board or commission.
12. A statement that the meeting adjourned and at what time.
13. Minutes should be signed by the respective chair and clerk, if applicable.
14. The secretary or clerk may ask for assistance from the Town staff in publishing the minutes.

15. Under the open meetings law, “full and accurate” minutes must also be kept of the meetings of “public bodies” that are part of municipal government. Included are all city council committees, all other boards and committees of the city that perform either legislative, policy-making, quasi-judicial, administrative, or advisory functions, and all subcommittees of these other boards and committees. The Board of Aldermen establishes procedures to ensure that the minutes of these various boards are properly recorded and maintained.

The minutes should not include:

1. Any personal opinions or comments (unless meeting is a bona fide Public Hearing).
2. Irrelevant comments or discussion surrounding a topic under discussion or action being taken.

A copy of the minutes, after approval, should be distributed by the secretary or clerk to all members of the respective board/commission and delivered to the Office of the Town Clerk.

F. ORDER OF BUSINESS

- Call meeting to order
- Ascertain quorum present
- Discussion and revision of proposed agenda; adoption of agenda (optional for some boards/commissions)
- Approval of the minutes
- Old business
- New business
- Informal discussion
- Adjourn

Unless the Board or Commission deems a different “order of business” more appropriate for its work and sets it by policy, or by motion at the start of the meeting. *(revised 5-14-07)*

G. TERMS & DUTIES OF BOARDS/COMMISSIONS

ABC BOARD

Purpose

The ABC Board is responsible for the general oversight of the Town operated ABC store.

Membership

The Alcohol Beverage Control (ABC) Board shall consist of three members. Residency requirements are limited to persons residing in the corporate limits of Black Mountain. The residency requirement will become effective July 1, 2007.

The North Carolina General Statute 18B-700(a) requires the Board of Aldermen to appoint the Chair of the ABC Commission.

Powers

The ABC Board shall have all of the powers and duties imposed by Section 18B-701 and 702 of the North Carolina General Statutes.

1. Buy, sell, transport, and possess alcoholic beverages as necessary for the operation of its ABC stores
2. Adopt rules for its ABC system, subject to the approval of the Commission
3. Hire and fire employees for the ABC system
4. Designate one employee as manager of the ABC system and determine his responsibilities
5. Require bonds of employees as provided in the rules of the Commission
6. Operate ABC stores as provided in Article 8
7. Issue purchase-transportation permits as provided in Article 4
8. Employ local ABC officers or make other provision for enforcement of ABC laws as provided in Article 5
9. Borrow money as provided in G.S. 18B-702
10. Buy and lease real and personal property, and receive property bequeathed or given, as necessary for the operation of the ABC system
11. Invest surplus funds as provided in G.S. 18B-702
12. Dispose of property in the same manner as a city council may under Article 12 of Chapter 160A of the General Statutes
13. Perform any other activity authorized or required by the ABC law.

Duties and Functions

1. Generally. – A local board may transact business as a corporate body, except as limited by this section. A local board shall not be considered a public authority under G.S. 159-7(b)(10).

2. **Borrowing Money.** – A local board may borrow money only for the purchase of land, buildings, equipment and stock needed for the operation of its ABC system. A local board may pledge a security interest in any real or personal property it owns other than alcoholic beverages. A city or county whose governing body appoints a local board shall not in any way be held responsible for the debts of that board.
3. **Audits.** – A local board shall submit to the Commission an annual independent audit of its operations, performed in accordance with generally accepted accounting standards and in compliance with a chart of accounts prescribed by the Commission. The audit report shall contain a summary of the requirements of this Chapter, or of any local act applicable to that local board, concerning the distribution of profits of that board and a description of how those distributions have been made, including the names of recipients of the profits and the activities for which the funds were distributed. A local board shall also submit to any other audits and submit any reports demanded by the Commission.
4. **Deposits and Investments.** – A local board may deposit moneys at interest in any bank or trust company in this State in the form of savings accounts or certificates of deposit. Investment deposits shall be secured as provided in G.S. 159-31(b) and the reports required by G.S. 159-33 shall be submitted. A local board may invest all or part of the cash balance of any fund as provided in G.S. 159-30(c) and (d), and may deposit any portion of those funds for investment with the State Treasurer in the same manner as State boards and commissions under G.S. 147-69.3.
5. **Compliance with Commission Rules.** – The Commission shall adopt, and each local board shall comply with, fiscal control rules concerning the borrowing of money, maintenance of working capital, investments, appointment of a financial officer, daily deposit of funds, bonding of employees, auditing of operations, and the schedule, manner and other procedures for distribution of profits. The Commission may also adopt any other rules concerning the financial operations of local boards which are needed to assure the proper accountability of public funds.
6. **Applicability of Criminal Statutes.** – The provisions of G.S. 14-90 and G.S. 14-254 shall apply to any person appointed to or employed by a local board, and any person convicted of a violation of G.S. 14-90 or G.S. 14-254 shall be punished as a Class H felon.

Meetings

The ABC Board meets on the third Thursday of every month at 3:00 p.m. in the ABC store on Highway 9 in Black Mountain. All meetings of the Board are open to the public.

Compensation

Members of the ABC Commission shall serve at the rate of compensation established by the Board of Aldermen.

GREENWAYS COMMISSION

Purpose

The Greenways Commission exists to advise the Board of Aldermen about greenways development and management, to work with staff to develop the greenways system, and to actively promote public education and awareness of the benefits of greenways.

Membership

The Greenways Commission shall consist of seven (7) members. All members must be full-time residents of the East Buncombe Fire District (recognizing that the Black Mountain Greenways Commission may choose to promote construction of a regional network that expands beyond the limits of the Town.) Candidates for membership should demonstrate special interest, experience, or education about Greenways. Also, experience with grant writing and landscaping would be considered an asset to the work of the Commission.

Powers, Duties, and Functions

It shall be the function and duty of the Greenways Commission to perform the following functions and duties:

1. Advise the Board of Aldermen and the Parks and Recreation Commission on issues concerning Greenways, including the safe and accessible walkability of the Town, interconnectedness of Town facilities, and pertinent decisions regarding the accessibility of natural areas and open space.
2. Coordinate with the Planning Board and other committees or boards as appropriate to ensure that the Greenways system is integrated with the Town's overall transportation network.
3. Receive public input and give voice to public demand for Greenways
4. Coordinate with Town staff and the Board of Aldermen to set priorities for spending funds allocated for Greenways projects.
5. Identify outside funding sources to support Greenways and actively pursue those opportunities.
6. Maintain liaisons with groups of similar interest and intent within the region, in an effort to explore opportunities for connections that expand the Greenways network.
7. Provide outreach and education activities to promote the benefits of Greenways to the local population.

8. Work with Town staff to recruit and coordinate volunteers to support Greenways development and maintenance.
9. Maintain and revise the Greenways master plan as needed, in coordination with the Recreation and Parks Commission and the Board of Aldermen.

Meetings

The Greenways Commission meets on the third Tuesday of the month at 7:00 p.m.

The Greenways Commission shall elect a chairman and a vice-chairman. Other offices may be created as may be determined as necessary. The term of the chairman and other officers shall be one year, with eligibility for reelection.

Staff Support, Liaison Members

Staff support to the Greenways Commission shall be provided by the Assistant Town Manager, the Director of Recreation and Parks, and the Health Initiative Administrator as appropriate. The Board of Aldermen may appoint a member of the Board to serve as a liaison member to the Greenways Commission. One member of the Greenways Commission shall attend all meetings of the Recreation and Parks Commission. This responsibility may rotate among Greenways Commission members as needed.

Compensation

Members of the Greenways Commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

Phase-In Recommendations

To establish a system of staggered three-year terms on the Greenways Commission, it is advisable to begin the Commission with one, two and three year initial terms. The current members of the Greenways Committee suggest that, upon official establishment of the Commission, members be appointed to the following terms: two (2) one-year terms, two (2) two-year terms, and three (3) three-year terms. As each of these initial terms expire, they will be filled with appointments to full three year terms. As will all Black Mountain Boards and Commissions, it is recommended that all appointees be eligible to serve two (2) consecutive terms, and that would also apply to the initial shortened terms.

HISTORIC PRESERVATION COMMISSION

Purpose

There is hereby established a Black Mountain Historic Preservation Commission for the purpose of designating historic districts and landmarks within the Town of Black Mountain. In addition, the Historic Preservation Commission shall develop and recommend to the Board of Aldermen rules and regulations governing the designation and maintenance of historic properties in the Town.

Membership

The Historic Preservation Commission shall consist of five members all of whom shall reside within the corporate limits of Black Mountain. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields with appointments to include at least two members who are property owners in either the Historic District or Conservation District.

Powers, Duties, and Functions

1. Undertake an inventory of properties of historical, pre-historical, architectural and/or cultural significance.
2. Recommend to the Board of Aldermen areas to be designated by ordinance as “historic districts,” and individual structures, buildings, sites, areas or objects to be designated by ordinance as “landmarks”.
3. Recommend to the Board of Aldermen that designation of any area as a historic district, or part thereof, or designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause.
4. Review and act upon proposals for alterations, demolition or new construction within historic districts, or for the alteration or demolition of designated landmarks.
5. Conduct an educational program with respect to historic districts and landmarks within its jurisdiction, and advise property owners about treatment of historical characteristics of their properties.
6. Cooperate with the state, federal and local governments in pursuance of the purposes of this ordinance; to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The Board of Aldermen, or the Commission when authorized by the Board of Aldermen, may contract with the State or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.

7. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without express consent of the owner or occupant therefore.
8. Prepare and recommend the official adoption of a preservation element as part of the Town of Black Mountain comprehensive plan.
9. Negotiate with property owners who propose to demolish or relocate designated landmarks and/or significant properties in designated districts, in an effort to find a means of preserving the properties.
10. Institute action to prevent, restrain, correct, or abate violations of the ordinance establishing the commission or of ordinances designating historical landmarks or districts.
11. The Commission may appoint advisory bodies and committees as appropriate.
12. The Commission shall also prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks or within historic districts.
13. The Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the election of officers and related matters.

Meetings

The Historic Preservation Commission shall meet on the third Wednesday of each month at 7:00 p.m.

Compensation

Members of the Historic Preservation Commission shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

HOUSING COMMISSION

Purpose

The Housing Commission is formed to promote and preserve a variety of housing choices for the citizens of Black Mountain and to increase public awareness of housing opportunities, needs, and concerns.

Membership

The Housing Commission shall consist of nine (9) members. A minimum of two-thirds of the membership shall be made up of full-time residents within the corporate limits of Black Mountain. The remaining one-third of the membership may be made up of residents who reside in the East Buncombe Fire District but not within the corporate limits of any incorporated municipality. The Board of Aldermen may also appoint ex-officio, non-voting liaison members from organizations whose contacts with the related constituencies would prove helpful to the Commission, such as the Swannanoa Valley Christian Ministry, the Family Center, the Senior Center, Habitat for Humanity, the Planning Board, and the Land Use Task Force.

Powers, Duties, and Functions

It shall be the function and duty of the Housing Commission to perform the following functions and duties:

1. Survey and study the housing situation in Black Mountain.
2. Help develop and preserve housing stock by rehabilitation of older houses and development of new housing for middle and lower income citizens.
3. Search and apply for available funding sources and enlist partner agencies to increase housing opportunities.
4. Involve citizens in support of improved housing.
5. Educate the public about housing problems and opportunities.
6. Identify and analyze obstacles to affirmatively further fair housing in the Town.
7. Annually submit to the Board of Aldermen a written report of its activities.
8. Search, apply for and recommend acceptance by the Board of Aldermen any appropriate grant, gift, bequest or donation of any property.
9. Recommend to the Board of Aldermen any action appropriate to its mission and purposes.
10. Promote public interest in and an understanding of its recommendations both externally and in Town processes and employ other means of publicity and education as it may determine.
11. Perform any other related duties that the Board of Aldermen may direct.

Meetings

The Housing Commission meets on the third Tuesday of the month at 10:00 a.m.

The Housing Commission shall elect a chairman, a vice-chairman, and a secretary. Other offices may be created as may be determined as necessary. The term of the chairman and other officers shall be one year, with eligibility for re-election.

Staff Support, Liaison Members

The Black Mountain Director of Planning (Planning and Zoning Department) shall provide administrative support to the Housing Commission. The Board of Aldermen may appoint a member of the Board to serve as a liaison member to the Housing Commission.

Compensation

Members of the Housing Commission shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

PLANNING BOARD

Purpose

The Planning Board is established to advise the Board of Aldermen on matters related to land use and community development. The Planning Board shall be governed by the terms of G.S. §§ 160A-360 through 160A-387 and by the terms of the Town Zoning Ordinance enacted December 1982 and the Subdivision Regulations enacted September 1985, and any subsequent amendments thereto. All Board members shall thoroughly familiarize themselves with the provisions of these statutes and ordinances.

Membership

The Planning Board shall consist of seven members all of whom reside within the corporate limits of the Town of Black Mountain. *(revised 5-14-07)*

Powers, Duties, and Functions

The Planning Board shall be governed by the terms of G.S. §§ 160A-360 through 160A-387 and by the terms of the Town Zoning Ordinance enacted December 1982 and the Subdivision Regulations enacted September 1985, and any subsequent amendments thereto. All Board members shall thoroughly familiarize themselves with the provisions of these statutes and ordinances.

It shall be the function and duty of the Planning Board to perform the following duties:

1. Make studies within its jurisdiction and surrounding areas.
2. Determine objectives to be sought in the development of the study areas.
3. Prepare and adopt plans for achieving these objectives.
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
5. Advise the Board of Aldermen concerning the use and amendment of means for carrying out plans.
6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Aldermen may direct.
7. The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.
8. Perform any other related duties that the Aldermen may direct.

Meetings

The Planning Board meets on the 4th Monday of each month at 7:00 p.m. In addition, special meetings may be called at any time by the chairman. *(revised 11-10-08)*

Compensation

Members of the Planning Board shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

RECREATION COMMISSION

Purpose

The Recreation Commission advises the Board of Aldermen on matters related to public recreational opportunities as provided by the Town of Black Mountain.

Membership

The Recreation Commission shall consist of nine members. A minimum of two-thirds of the membership shall be made up of full-time residents within the corporate limits of Black Mountain. The remaining one-third of the memberships may be made up of residents who do not reside within the corporate limits but who do reside in the East Buncombe Fire District but not within the corporate limits of any other incorporated municipality.

Powers, Duties and Functions

1. Serve as the recreation advisory body to the Mayor and Board of Aldermen for the Town of Black Mountain
2. Assist the staff of Recreation and Parks to develop rules, regulations and procedures governing the operation and conduct of the recreation facilities, to be submitted to the Board of Aldermen for approval
3. Act as the recreation liaison between the citizens and the Board of Aldermen for the Town of Black Mountain
4. Recommend policies to the Recreation Director and Board of Aldermen with the scope of responsibilities as outlined in town ordinances
5. Consult with and advise the Recreation Director and Aldermen in matters affecting parks and recreation policies, programs, personnel, finances, facilities, land acquisition and disposal, and the long range vision for parks and recreation
6. Review and monitor park-planning documents from other governmental jurisdictions in regards to proposals for sites and/or activities within or near the Town of Black Mountain
7. Through staff, maintain liaison with Buncombe County and City of Asheville and State of North Carolina Recreation Resources park officials on changes, proposals, etc., for park facilities which impact on the Black Mountain area; and provide such information to the Board of Aldermen
8. Review existing park sites with the Town of Black Mountain and provide recommendations to the Board of Aldermen on the development of these sites; ensure coordination of existing and proposed parks and recreation activities with those of other jurisdictions and organizations to eliminate unnecessary duplication of services and facilities
9. Develop and maintain an overall park and recreation master plan for the Town of Black Mountain, to include the following: proposed locations for park sites; types of recreation activities and/or facilities to be provided; a five-year capital

improvement program for both acquisition and development (as well as operational and maintenance costs)

10. Ensure that staff monitors park/activity usage; that staff reports usage to Recreation Commission; Commission reports same to Board of Aldermen
11. Ensure that staff monitors conditions of park facilities; that staff reports condition problems to Recreation Commission; Commission reports it to Board of Aldermen with recommendations on alternatives for changes, modifications, improvements
12. Participate in the preparation of any special plans or studies authorized by the Board of Aldermen having a bearing on parks and recreation issues pertinent to or affecting the Town of Black Mountain
13. Subject to review and approval by the Board of Aldermen, who shall rule on the propriety and legality of acquisitions, accept on behalf of the Town of Black Mountain any grant, gift, bequest or donation of any personal property offered or made for recreation purposes and, with the approval of the Board of Aldermen, may accept any grant, gift, or devise of real estate. Title to any such gift, grant or devise of personal property or real estate shall vest in the town as owner. Any gift or bequest of money or other personal property or grant of devise of real estate, shall be held, used and finally disposed of in accordance with the terms or conditions under which such grant, gift, or devise is made or accepted. The Recreation Commission shall have no authority to enter into any contract or incur any obligations binding the Town of Black Mountain. Funds received by the gift, bequest, or grant shall be budgeted and disbursed by the Board of Aldermen through the Recreation Department in accordance with the terms of such gift, bequest or grant.
14. Make full and complete reports to the Board of Aldermen at such times as may be requested and such other times as the Board of Aldermen may deem proper.

Meetings

The Recreation Commission shall meet on the fourth Thursday of each month at 7:00 p.m. In addition, special meetings may be called at any time by the chairman.

Compensation

Members of the Recreation Commission shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

URBAN FORESTRY COMMISSION

Purpose

The Urban Forestry Commission assists in the administration of the Town of Black Mountain tree ordinance as it pertains to advice on the regulation of tree planting, maintenance, and removal on publicly owned and maintained property within the Town.

Membership

The Urban Forestry Commission shall consist of five members. A minimum of four-fifths of the membership shall be made up of full-time residents or persons who own property within the corporate limits of Black Mountain. The fifth member may be a resident who does not reside within the corporate limits but who does reside in the East Buncombe Fire District but not within the corporate limits of any other incorporated municipality. One of the five shall be a member of the Black Mountain Chamber of Commerce Economic Development Commission. The Town Manager or his/her designee shall serve as an ex-officio member, along with one member of the Planning Board who is designated by the Planning Board. *(revised 6-09-08)*

Powers, Duties, and Functions

1. It shall be the responsibility of the Commission to study, investigate, counsel and develop and update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan, which will be presented annually, shall constitute the official comprehensive town tree plan.
2. The Commission, when requested by the Board of Aldermen, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work.
3. The Commission shall serve as an advisory board to the Board of Aldermen with the following duties and responsibilities:
 - a. To facilitate the planting, growth, and protection of trees within the city.
 - b. To foster the communication among citizens of the town that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town.
 - c. To conduct a tree survey of existing trees along streets and on public property within the town.
 - d. To investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals; and to

4. The Commission will be responsible for establishing guidelines for the spacing of city trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted from curbs or curb lines and sidewalks, the distance street trees may be planted from any street corner, the location of the street trees relative to overhead and underground water line, sewer lines, transmission line, or other utility, and any other areas involving the spacing of street trees, park trees, city-owned trees.
5. The Commission shall submit an annual report of its activities and recommendations to the Board of Aldermen and shall submit copies of its minutes and proceedings of its regular and special meetings.
6. The Commission is authorized to appoint committees from its membership whose function shall be fixed by the Commission at the time of appointment. The committees may be standing committees and shall perform the duties as may be assigned by the Commission.

Meetings

The Urban Forestry Commission shall meet on the second Tuesday of each month at 6:00 p.m. In addition, special meetings may be called at any time by the Chairman.

(revised 2-11-08)

Compensation

Members of the Commission shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.

ZONING BOARD OF ADJUSTMENT

Purpose

The Board of Adjustment is established as a “quasi judicial” administrative Board that operates on a level between the enforcement officials of the Town and the courts. The purpose of the Zoning Board of Adjustment is to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of an ordinance adopted pursuant to the land use regulations adopted by the Town. In addition, under the provisions of the Town’s zoning regulations, the Zoning Board of Adjustment is responsible for the issuance of Conditional Use Permits.

Membership

Members of the Zoning Board of Adjustment, and alternate members as hereinafter provided for, shall be full-time residents within the corporate limits of Black Mountain. In addition to five regular members, the Board of Aldermen shall appoint three alternate members who shall each serve three year terms. Any vacancy in the membership shall be filled by the alternate member with the most seniority, who shall serve the remainder of the unexpired term. The Board of Aldermen shall then appoint a person to fill the vacancy created by the removal of the alternate. In the event that two or three vacancies should occur simultaneously, the alternate members shall fill the unexpired terms and the Board of Aldermen shall appoint persons to fill the vacancies created by the removal of the alternate members. Alternate members, while serving in the capacity of a regular member, shall have and may exercise all of the powers and duties of a regular member.

Powers, Duties, and Functions of the Zoning Board of Adjustment

1. **Administrative Review.** Hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Administrator in the enforcement of the zoning ordinance.
2. **Variance.** Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the zoning ordinance will, in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done.
3. **Conditional Use Permits.** Hear requests for conditional use permits and grant the permits in accordance with the guidelines set forth by the applicable ordinances.
4. **Appeals.** Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this zoning ordinance may be taken by any person aggrieved or by an officer, department or board of the town.

Decisions of the Zoning Board of Adjustment.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to or to effect any variation of the zoning ordinance. On all appeals, applications and matters brought before the Zoning Board of Adjustment, the Board shall inform, in writing, the applicant of its decisions. The Board must also inform, in writing, all persons who, at the meeting, specifically request a copy of the decision.

Meetings

Meetings of the Board shall be held at call of the Chair and at other such times as the Board may determine. The Chair, or in their absence the Vice Chair, may administer oaths.

Compensation

Members of the Zoning Board of Adjustment shall serve without compensation except that they be reimbursed for actual expenses incident to the performance of their duties within the limits of any funds available to the commission.