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CHAPTER 30: COUNCIL-MANAGER PLAN

Section

30.01 Council – manager plan of government

§ 30.01 COUNCIL-MANAGER PLAN OF GOVERNMENT.

(A) The plan of government shall be the council-manager plan, with all administrative responsibility and authority to be in a town manager and all legislative and policy making decisions to be in the Board of Aldermen, with the responsibilities and duties of each to be as hereinafter set out.

(B) The board of aldermen shall appoint a town manager to serve at its pleasure. The town manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the town or state at the time of his appointment. The office of town manager is an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Section 9, of the Constitution of the state of North Carolina.

(C) The town manager shall be the chief administrator of the town of Black Mountain. He shall be responsible to the Board of Aldermen for administering all municipal affairs placed in his charge by the Board, and shall have the following powers and duties:

(1) He shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by the law, except the town attorney and town auditor, in accordance with such general personnel rules, regulations, policies or ordinances as the board of aldermen may adopt.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the Town, subject to the general direction and control of the Board, except as otherwise provided by law.

(3) He shall attend all meetings of the board of aldermen and recommend any measures that he deems expedient.

(4) He shall see that all laws of the state, the town charter, and the ordinances, resolutions and regulations of the Board are faithfully executed within the Town.

(5) He shall prepare and submit the annual budget and capital program to the Board.

(6) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year.

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(7) He shall make any other reports that the board may require concerning the operations of town departments, offices and agencies subject to his direction and control.

(8) He shall perform any other duties that may be required or authorized by the board.

(D) During the temporary absence or disability of the town manager, the board of aldermen may designate a qualified person to exercise the powers and perform the duties of manager.

(E) When the position of town manager is vacant, the board shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled.

(F) Neither the mayor or any member of the board of aldermen shall be eligible for appointment as manager or acting or interim manager.

(G) The town manager shall be selected solely for his ability to perform the duties of his position and he shall be allowed to perform those duties without interference from the mayor and board of aldermen or individual members of the board.
(Amendment adopted by electorate 4-14-86)

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Repeal Sections 31.73 through 31.83 – For further information on the Historic Preservation Commission, see Chapter 153.200-217.
(Ord. 0-04-01, passed 3-08-04)

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POLICE DEPARTMENT

§ 31.01 COMPOSITION, EMPLOYMENT.

The Board of Aldermen shall at the time they may deem proper elect a Chief of Police for the town to serve for the time the Board may decide upon and to receive the salary the Board may prescribe. The Board may also select the other policemen or assistants as it may deem proper, to serve for the time and receive the compensation as the Board may prescribe.
(’75 Code, § 13-15)

§ 31.02 EMPLOYMENT OF NON-RESIDENTS.

The Board of Aldermen authorizes the employment of police offices who reside outside the corporate limits.
(’75 Code, § 13-16)

§ 31.03 RESERVE POLICE FORCE ESTABLISHED.

(A) The Board of Aldermen does hereby form, create, and establish a Reserve Police Force to aid, assist, and supplement the regularly assigned police officers employed by the town. The Reserve Police Force is to be entitled to all the rights, protection, and privileges of regular police officers while undergoing training and performing official duties on behalf of the town.

(B) While on official duty with the town the members of the Reserve Police Force shall be subject to the laws, rules and regulations of the town the same as any regularly assigned police officer.

(C) All members of the Reserve Police Force shall perform duties only at the direction, will, and pleasure of the Police Chief, and furthermore, any and all by-laws of the Reserve Police Force shall be presented for review and acceptance by the Board of Aldermen.
(Ord. 0-88-1, passed 5-11-81)

Statutory reference:

Establishment of auxiliary police force, see G.S. § 160A-282

§ 31.04 UNAUTHORIZED PERSONS RIDING IN POLICE VEHICLES.

No person shall ride in a police car or other vehicle of the Police Department except active members of the Police Department, persons duly authorized by the Chief of Police, or persons in the charge or custody of the police.
(’75 Code, § 13-5) Penalty, see § 10.99

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FIRE DEPARTMENT

§ 31.10 ASSISTANCE AT FIRES; PROTECTION OF PROPERTY

(A) The Mayor, or the Chief of the Fire Department, shall be fully authorized, whenever either shall find it may be necessary for the protection of the property at any fire, to appoint the number of persons as is proper to remove and guard the property exposed to danger. The owners of the property so guarded shall bear the expense for such protection or removal.

(B) The Chief of the Fire Department, or the officer in charge, shall, during the progress of a fire, have the authority to summon any bystanders to duty in case of an emergency requiring more work than the organized Fire Department is capable of doing.
(‘75 Code, § 8-4)

§ 31.11 UNAUTHORIZED PERSONS RIDING IN FIRE DEPARTMENT VEHICLES.

No person except an active member of the Fire Department shall ride upon the fire truck or other vehicle of the Fire Department.
(‘75 Code, § 8-7) Penalty, see § 10.99

§ 31.12 FIRE LINES.

In case of fire, the Fire Department or the Police Department may establish fire lines. No person, other than a member of either Department, shall pass within the fire lines unless authorized to do so by a police officer or an officer of the Fire Department.

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PLANNING BOARD

§ 31.20 GOVERNING TERMS.

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.

(Ord. 0-88-2, passed 1-18-88)

§ 31.21 MEMBERSHIP; VACANCIES.

Beginning with the fiscal year beginning on July 1, 2007, the Planning Board shall consist of seven residents within the corporate limits of the Town or within areas subject to an annexation ordinance adopted by the Board of Aldermen for the Town, and members shall be appointed by the Board of Aldermen. Terms of service on the Planning Board shall be for three years, with terms staggered so that for two out of each three year period, two members terms shall end, and the term of three members shall end in the other year in the three year period. The Board of Aldermen shall make such adjustments as necessary to existing or future terms to establish this pattern of alternating terms. As of July 1, 2007, there will be two members whose terms expire in 2009 and five vacancies to be filled. Appointments to these vacancies shall be two appointments to one year terms and three appointments to three year terms to establish staggered terms. Vacancies occurring thereafter for reasons other than expiration of terms may be filled as they occur for the period of the unexpired term. All appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office. Appointments shall be limited to two consecutive three-year terms and any member who has served two consecutive three-year terms may not be reappointed until he/she has been off the Planning Board for at least one full year. If a member of the Planning Board has served more than two-thirds of a full term after being appointed to complete the term of a previous board member, his service during the completion of the term shall be considered a full term for purposes of determining his eligibility to serve successive subsequent terms. Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board, and the Board of Aldermen may dismiss any member who misses more than 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 a report or complaint by the Planning Board chairperson, a member of the Planning Board, or on the Board of Aldermen's own motion.

(Am. Ord. 0-05-09, 7-11-05; Ord. 0-07-05, 5-14-07)

§ 31.22 ORGANIZATION; MEETINGS; RECORDS.

Within 30 days after appointment, the Planning Board shall meet and elect a chairman and create and fill the offices as it may determine. The term of the chairman and other officers

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shall be one year, with eligibility for reelection. The Planning Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of a majority of the appointed members for the purpose of taking any official action.

(Ord. 0-88-2, passed 1-18-88)

§ 31.23 SECRETARY OF BOARD.

The Secretary of the Planning Board may be an appointed member elected by the Planning Board, or may be a non-voting member contracted by the Planning Board for services rendered, using funds as appropriated by the Board of Aldermen. The Secretary shall keep the minutes of the Planning Board, shall endeavor to send out mail notice of all meetings of the Planning Board to Planning Board members, and shall endeavor to give eight-hour phone notice of any special meetings to said members. Other duties shall include carrying on routine correspondence, and maintaining the files of the Board.

(Ord. 0-88-2, passed 1-18-88)

§ 31.24 MEETINGS.

(A) Special meetings of the Planning Board may be called at any time by the chairman, provided that the minimum requirements for notice of public meetings as specified by state law are observed.

(B) Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board. Failure to attend three consecutive meetings of the Board may result in dismissal from the Planning Board.

(Ord. 0-88-2, passed 1-18-88)

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§ 31.25 FUNCTION AND DUTIES.

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

(A) Make studies of the area within its jurisdiction and surrounding areas.

(B) Determine objectives to be sought in the development of the study area.

(C) Prepare and adopt plans for achieving these objectives.

(D) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

(E) Advise the Board of Aldermen concerning the use and amendment of means for carrying out plans.

(F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Aldermen may direct.

(G) Perform any other related duties that the Aldermen may direct.

(Ord. 0-88-2, passed 1-18-88)

§ 31.26 PROMOTION OF RECOMMENDATIONS.

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.

(Ord. 0-88-2, passed 1-18-88)

§ 31.27 ATTENDANCE AT PLANNING CONFERENCES OR MEETINGS.

Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable traveling expenses incidental to such attendance.

(Ord. 0-88-2, passed 1-18-88)

§ 31.28 ANNUAL REPORT OF ACTIVITIES; ANALYSIS OF EXPENDITURES AND BUDGET REQUESTS.

The Planning Board shall, annually, submit to the Board of Aldermen a written report

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of its activities, an analysis of the expenditures to date for the current fiscal year, and, its requested budget of funds needed for operation during the ensuing fiscal year.
(Ord. 0-88-2, passed 1-18-88)

RECREATION COMMISSION

§ 31.40 ESTABLISHMENT.

There is hereby created a commission to be known as the Recreation Commission of the Town of Black Mountain.
(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

§ 31.41 MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION.

The Recreation Commission shall be appointed by the Board of Aldermen and 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. With the initial appointment of the commission, the Board of Aldermen shall appoint three members for a term of one year, three members for a term of two years, and three members for a term of three years. Upon expiration of the original terms of office, each succeeding term shall be for three years and until the successor members qualify for office. Appointments shall be limited to two consecutive three year terms and any member who has served two consecutive three year terms may not be reappointed until he/she has been off the Recreation Commission for at least one full year. Vacancies on the commission shall be filled for the unexpired term by the Board of Aldermen. All appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office. If a member of the Recreation Commission has served more than two-thirds of a full term after being appointed to complete the term of a previous board member, his service during the completion of that term shall be considered a full term for purposes of determining his eligibility to serve successive subsequent terms. 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 Recreation Commission chairperson, a member of the Recreation Commission, or on the Board of Aldermen's own motion. The members shall serve without compensation.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86; Am. Ord. 0-96-05, passed 4-9-96; Am. Ord. 0-03-02, passed 6-9-03; Am. Ord. 0-04-04, passed 6-14-04; amended 5-14-07 to comply with Boards/Commissions manual)

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§ 31.42 OFFICERS; BYLAWS AND REGULATIONS; MEETINGS.

The Recreation Commission shall appoint from its membership such other officers as it may deem necessary for the orderly procedure of its business and may adopt bylaws, rules and regulations governing its procedure not inconsistent with the provisions of the state and local laws. The Recreation Commission shall, from time to time, assist with 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. The Recreation Commission shall hold regular meetings at such times and places it may designate.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

§ 31.43 AUTHORITY OVER AND SUPERVISION OF RECREATIONAL FACILITIES AND ACTIVITIES.

The responsibilities of the Recreation Commission will be as follows:

- Serve as the recreation advisory body for the Town of Black Mountain;
- Act as the recreation liaison between the citizens and the Board of Aldermen for the Town of Black Mountain;
- Recommend policies to the Recreation Director and Board of Aldermen with the scope of responsibilities as outlined in town ordinances;
- Consult with and advise the Recreation Director and Aldermen in matters affecting park and recreation policies, programs, personnel, finances, facilities, and acquisitions and disposal of lands and program, and to its long range projected program for parks and recreation;
- 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;
- 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;
- 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;
- 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);
- Ensure that staff monitors park/activity usage; that staff reports usage to Recreation Commission; Commission reports same to Board of Aldermen;
- 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, etc.; and

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- 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.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

§ 31.44 ACCEPTANCE OF GRANTS, GIFTS AND PROPERTY.

The Recreation Commission may, 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 other than current obligations or contracts to be fully executed within the current fiscal year and all within the budget appropriations made by the Board of Aldermen of the Town of Black Mountain.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

§ 31.45 FUNDS.

Funds appropriated by the Board of Aldermen and budgeted to the Recreation Department shall be disbursed by the Town Manager, who is the Fiscal Disbursing Officer, of the town as budget funds are disbursed, except that 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.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

§ 31.46 REPORTS.

The Recreation Commission shall 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. The Recreation Commission may provide information to, or make official requests of, the Town Manager or Board of Aldermen by observing the following official line of communication: Commission to Director to Manager to Board.

(Ord. 0-86-5, passed 5-10-82; Am. Ord. 0-86-7, passed 8-11-86)

(Ord. 0-00-11, passed 8-14-00; Ord. 0-00-13, passed 9-11-00)

Statutory reference:

Parks and recreation, see §§ 160A-350, et seq.

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HOUSING COMMISSION

§ 31.50 CREATION AND ESTABLISHMENT.

There is hereby created and established a commission to be known as the Black Mountain Housing Commission.

§ 31.51 PURPOSE.

The purpose of the Black Mountain Housing Commission shall be to:

- (A) survey and study the housing situation in Black Mountain,
- (B) help develop an ongoing strategic plan for preserving present housing stock by rehabilitation of older houses and development of new housing for middle and lower income citizens,
- (C) search for and apply for available funding sources that will help fulfill the housing plan,
- (D) involve citizens in support of improved housing, and
- (E) recommend to the Board of Aldermen appropriate actions for support of better housing.

§ 31.52 MEMBERSHIP; VACANCIES.

The Housing Commission shall be appointed by the Board of Aldermen and 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 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. The Board 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 (Vision.) The Board of Aldermen shall appoint three members for a term of one year, three members for a term of two years, and three members for a term of three years. Upon expiration of the original terms of office, each succeeding term shall be for three years and until the successor members qualify for office. Appointments shall be limited to two consecutive three year terms and any member who has served two consecutive three year terms may not be reappointed until he/she has been off the Housing Commission for at least one full year. Vacancies on the commission shall be filled for the unexpired term by the Board of Aldermen. All appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office. If a

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member of the Housing Commission has served more than two-thirds of a full term after being appointed to complete the term of a previous board member, his service during the completion of that term shall be considered a full term for purposes of determining his eligibility to serve successive subsequent terms. 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 Housing Commission chairperson, a member of the Housing Commission, or on the Board of Aldermen's own motion.

(Am. Ord. 0-03-02, passed 6-9-03; Am. Ord. 0-04-04, passed 6-14-04, amended 5-14-07 to comply with Boards/Commissions manual)

§ 31.53 ORGANIZATION; MEETINGS; RECORDS.

Within thirty days after appointment, the Housing Commission shall meet and 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 reelection. The Housing Commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Housing Commission shall hold at least one meeting monthly and all of its meetings shall be open to the public. There shall be a quorum of a majority of the appointed members for the purpose of taking any official action.

§ 31.54 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.

§ 31.55 FUNCTION AND DUTIES.

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

(A) Survey and study the housing situation in Black Mountain.

(B) Help develop an ongoing strategic plan for preserving present housing stock by rehabilitation of older houses and development of new housing for middle and lower income citizens.

(C) Help search for and apply for available funding sources that will fulfill the housing plan.

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- (D) Involve citizens in support of improved housing.
- (E) Educate the public about housing problems and opportunities.
- (F) Identify and analyze obstacles to affirmatively furthering fair housing in the Town.
- (G) Annually submit to the Board of Aldermen a written report of its activities.
- (H) Search, apply for and recommend acceptance by the Board of Aldermen any appropriate grant, gift, bequest or donation of any property.
- (I) Recommend to the Board of Aldermen any action appropriate to its mission and purposes.
- (J) Perform any other related duties that the Aldermen may direct.

§ 31.56 PROMOTION OF RECOMMENDATIONS.

The Housing Commission shall have authority 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.

(Ord. 0-99-13, passed 7-12-99, Am. Ord. 0-03-02, passed 6-9-03)

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HISTORIC PRESERVATION COMMISSION

§ 31.70 CREATION AND ESTABLISHMENT

There is hereby established a Black Mountain Historic Preservation Commission (“Commission”) under the authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes.

§ 31.71 MEMBERSHIP; APPOINTMENT; COMPOSITION; TERMS; REIMBURSEMENT

The Commission shall consist of five members appointed by the Board of Aldermen. All members 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 as follows:

1. At least two members being property owners in either the Historic District or Conservation District.

The Commission may appoint advisory bodies and committees as appropriate.

Members of the commission shall serve terms of three years. Terms shall be staggered. A member may be appointed for a second term. After two consecutive terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of the termination of his/her appointment. All appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office.

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.

§ 31.72 THE POWERS OF THE HISTORIC PRESERVATION COMMISSION ARE AS FOLLOWS:

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 an historic district, or part thereof, or designation of any building, structure, site area or object as a landmark, be revoked or removed for cause.

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4. Review and act upon proposals for alternations, demolition or new construction within historic districts, or for the alteration or demolition of designated landmarks.
5. Conduct an education 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 ordinance designating historical landmarks or districts.

Prior to any official action the Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the Commission's resolutions, proceedings and actions. The Commission shall also prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks or within historic districts.

Repeal Sections 31.73 through 31.83.

(Ord. 0-04-01, passed 3-08-04; amended 5-14-07 to comply with Boards/Commissions manual)

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§ 31.90 CREATION AND ESTABLISHMENT OF GREENWAYS COMMISSION.

There is hereby established a Black Mountain Greenways Commission (“Commission”) under the authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes.

§ 31.91 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.

§ 31.92 MEMBERSHIP; APPOINTMENT; COMPOSITION; TERMS; REIMBURSEMENT.

(A) The Greenways Commission shall consist of seven members appointed by the Board of Aldermen. All members shall reside within the limits of the East Buncombe Fire District. 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.

(B) The Commission may appoint advisory bodies and committees as appropriate.

(C) Members of the commission shall serve terms of three years. Terms shall be staggered. A member may be appointed for a second term. After two consecutive terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of the termination of his/her appointment. In establishing the commission and appointing charter members to serve, the Board of Aldermen shall appoint two members to one-year terms, two members to two-year terms, and three members to three-year terms. Upon the expiration of these initial terms, the normal schedule of three-year staggered terms will take effect for all seats on the commission. All appointments to fill the balance of unexpired terms shall become effective upon the appointee having taken the oath of office.

(D) The 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.

§ 31.93 OFFICERS; MEETINGS.

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. The Greenways Commission shall meet on the third Tuesday of the month at 7:00 p.m., or at such a time and place deemed appropriate by the Commission provided the meeting is properly advertised.

TITLE III: ADMINISTRATION

§ 31.94 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/or 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.

§ 31.95 POWERS, DUTIES, AND FUNCTIONS.

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

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.

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.

Receive public input and give voice to public demand for Greenways.

Coordinate with Town staff and the Board of Aldermen to set priorities for spending funds allocated for Greenways projects.

Identify outside funding sources to support Greenways and actively pursue those opportunities.

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.

Provide outreach and education activities to promote the benefits of Greenways to the local population.

Work with Town staff to recruit and coordinate volunteers to support Greenways development and maintenance.

Maintain and revise the Greenways master plan as needed, in coordination with the Recreation and Parks Commission and the Board of Aldermen.

TITLE III: ADMINISTRATION

§ 31.96 PROMOTION OF RECOMMENDATIONS.

The Greenways Commission shall have authority 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 to be necessary.

(Am. Ord. 0-06-09, passed 7-10-06; amended 5-14-07 to comply with Boards/Commissions manual)

TITLE III: ADMINISTRATION

CHAPTER 32: TAXATION

Section

- 32.01 Duty to list property
- 32.02 Information to be filed
- 32.03 Penalty for failure to list
- 32.04 Levy of ad valorem taxes
- 32.05 Authority to collect personal property tax by levy and sale

§ 32.01 DUTY TO LIST PROPERTY.

Pursuant to authority contained in G.S. §§ 160A-206, 160A-209, and 105-301 et seq., all persons owning any property, whether real, personal, or mixed, subject to ad valorem taxation by the town, shall list such property with the County Tax Office between the first business day of the month of January and, unless extended by the county as set forth in G.S. § 105-307, the last business day of the month of January.

(Ord. 0-91-06, passed 9-9-91)

§ 32.02 INFORMATION TO BE FILED.

Each person who, under § 37.02, is required to list property for taxation, shall file with the County Tax Office a tax list setting forth all of the information required under the provisions of G.S. § 105-309, and such listing shall be performed in the manner prescribed by G.S. §§ 105-301 through 105-312.

(Ord. 0-91-06, passed 0-91-91)

§ 32.03 PENALTY FOR FAILURE TO LIST.

A penalty for failure to list property before the close of any regular listing period shall be assessed and collected, as set forth in G.S. §§ 105-308, 105-310 and 105-312.

(Ord. 0-91-06, passed 9-9-91)

§ 32.04 LEVY OF AD VALOREM TAXES.

The Town Board shall annually levy and cause to be collected, for the purpose of raising revenue for defraying the expenses incident to the proper government of the town and for other purposes authorized by law, an ad valorem tax on all taxable property in the town at a rate not exceeding that which is specified in G.S. § 160A-209.

(Ord. 0-91-06, passed 9-9-91)

TITLE III: ADMINISTRATION

§ 32.05 AUTHORITY TO COLLECT PROPERTY TAX BY LEVY AND SALE.

The Tax Collector, on and after the first day of September in each year, shall have power and authority to levy upon and sell the property of any person liable for taxation as set forth in G.S. § 105-321.

(Ord. 0-91-06, passed 9-9-91)

End of Title III.