

Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room March 4, 2019 at 7:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, March 4, 2019 at 7:00 p.m. in the Mars Hill Town Hall.

MEMBERS PRESENT:

Mayor John Chandler; Aldermen Larry Davis, Nicholas (Nick)

Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink

STAFF PRESENT:

Nathan R. Bennett, Town Manager

Jamie Stokes, Town Attorney

OTHERS PRESENT:

Lee Hoffman, Maya Stokes, Bruce Anderson, Brandon Quinn, Terry

Hopkins, other members of the general public

Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Alderman Nicholas Honeycutt advised the Board that a Madison County Middle School student, Maya Stokes, was here to make a presentation to the Board concerning a community service project she has discussed with him and Alderman Honeycutt asked to add her to the agenda after approval of the minutes as "Item 3 (a)". Upon review of the agenda and hearing no other changes to be made, Mayor Chandler called for a motion. Alderman Robert Zink made a motion that the agenda be approved as modified as requested by Alderman Honeycutt. Alderman Stuart Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

Approval of Minutes

The minutes of the regular meeting occurring on February 4, 2019 were presented. There being no modifications or additions to the minutes, Alderman Honeycutt made a motion that the minutes be

approved as presented, Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

Maya Stokes Community Service Project Presentation

Madison Middle School student Maya Stokes addressed the Board concerning her desire to complete a community service project. Ms. Stokes advised that she is passionate about nature and animals and has a goal to become a biologist to help the animal and insect population. She further advised she didn't want to wait to help and that she wants to help them now. Ms. Stokes advised the Board she is seeking donations of seeds and plants and would like to use them in plantings along the Duck Greenway. The Board members congratulated Ms. Stokes on her desire to make this contribution to the community and her interest in biology and helping animals. The Board was receptive to her idea but advised her that the Greenway crosses multiple property owners including Mars Hill University and Madison County Schools, in addition to the Town, and that permission would have to be obtained from those entities. She was directed to contact the Town Manager to assist her with coordinating such a project when she was ready to proceed. The Board thanked Ms. Stokes for her presentation and asked her to return anytime to provide an update. The Town Manager provided Ms. Stokes and her mother with contact information for future use to discuss this project.

Bailey Mountain/Smith Farm Project Update - Lee Hoffman

Mayor Chandler then recognized Mr. Lee Hoffman, representative of the Richard L. Hoffman Foundation, to provide an update on the Bailey Mountain/Smith Farm Park Project. Mr. Hoffman provided the Board a brief history of the project and the dream to protect Bailey Mountain and associated property form commercial development and to provide the community a spectacular outdoor recreation venue. Mr. Hoffman thanked the Board and the Town of Mars Hill for stepping up financially to support this project which allowed other financial resources to be brought to bear in securing funding to purchase these properties. Mr. Hoffman stated he was grateful that the Board had the vision to see the long-term value of this project. He wanted to specifically thank former Town Manager Darhyl Boone for his efforts in this endeavor. Also important to the success of the project were the 30 to 40 individuals who worked tirelessly to raise private funds to assist with the project. Mr. Hoffman also provided the Board a summary of future plans for the Smith Farm Park property and the N.C. Parks and Recreation Trust Fund Grant that Town Manager Nathan Bennett, Land of Sky and others are working on to secure funding to develop the property with trails, picnic areas, entertainment venue, outdoor fitness equipment, and other potential recreational elements. Mr. Hoffman advised the Board this is a project that the entire community is excited about and he wanted the Board to be sure they knew that he and the community appreciated all they have done in this effort. The Mayor and Aldermen all thanked Mr. Hoffman for his hard work and for sharing this information with the Board and the public.

Petition Requesting Annexation

Mayor Chandler then recognized Town Manager Nathan Bennett to present a petition received from Bruce Lunsford, Sr. and Doris E. Lunsford requesting non-contiguous annexation into the Town of Mars Hill certain real property they own in the vicinity of Pine Ridge Road at the intersection with Roy Edwards Lane. The property is more fully described in the Petition and Application documents incorporated into these minutes as "Attachment B." Mr. Bennett advised this is an area where there are other neighboring properties currently annexed into the Town, however not contiguous, that are receiving many town services including water. Sewer service is not available. Mr. Bennett recommended the Board proceed by requesting the petition be investigated by the Clerk and appropriate town staff pursuant to a resolution under N.C.G.S. 160A-58.1. Upon hearing the presentation from Mr. Bennett, Mayor Chandler called for a motion. Alderman Zink made a motion to adopt the "Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-58.1." Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment C)

Mr. Bennett further advised the Board that the date for the public hearing required as part of the annexation process could be set and would be contingent upon a successful report and recommendation from the Clerk investigation. Upon hearing from Mr. Bennett, Mayor Chandler called for a motion to set a public hearing regarding this annexation request. Alderman Honeycutt made a motion to adopt the "Resolution Fixing Date of Public Hearing on Questions of Annexation Pursuant to G.S. 160A-58.2" setting the public hearing for April 1, 2019 at 6:00 p.m. in the Mars Hill Town Hall. Alderman Jolley seconded the motion. Upon call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment D)

Request for Zoning Ordinance Amendment

Mayor Chandler then recognized Mr. Bennett to present information concerning a request from Jack W. Shepherd to amend the zoning ordinance to change the designation of his property located at 646 Carl Eller Road, Mars Hill, from the current Residential R-1 zone to the new zone designation of Commercial Highway C-2. Mr. Bennett advised the Board that this matter has been investigated pursuant to previous action by the Board pursuant to statute, that notification letters were sent to all neighboring property owners, and that the matter has been noticed and advertised for a public hearing this date. Mr. Bennett recommended the request to amend the zoning designation to Commercial Highway C-2 be approved. Upon hearing from Mr. Bennett, Mayor Chandler opened the public hearing to receive any public comments or questions regarding the request to amend the zoning ordinance as presented. There being no comments from the public in attendance, Mayor Chandler closed the public hearing. Upon completion of the public hearing and receiving staff recommendation, Mayor Chandler called for a motion. Alderman Honeycutt made a motion to approve the request to amend the zoning ordinance to rezone 646 Carl Eller Road as Commercial Highway C-2 zone.

Alderman Jolley seconded the motion. Upon call for a vote on the motion by the Mayor, the motion was approved unanimously. (A Hachment ())

Town Manager Report

Mayor Chandler then recognized Mr. Bennett to present the Town Manager Report.

Tuition Assistance Program: Mr. Bennett advised the Board that pursuant to their discussion at the February meeting, he had conducted considerable research into the matter of creating a Tuition Assistance Program as an employee benefit to assist employees with certain educational expenses. Mr. Bennett advised that the proposed policy sets certain criteria and standards to approve an educational program, degree, certificate or other program, to be beneficial to both the employee and Town. A grade of "C" or better or a certificate of completion or letter from the instructor verifying satisfactory completion is required for the educational expenses to be reimbursed. The policy also sets the reimbursement amount up to \$1,000 per fiscal year and is subject to annual appropriation availability. A complete copy of the "Tuition Assistance Program" policy is included in these minutes. Upon review and discussion by the Board, Mayor Chandler called for a motion. Alderman Jolley made a motion to approve the Tuition Assistance Program as presented by management. Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. This policy supersedes and replaces any previous similar policy, specifically Article VI, Section 9, "Education Assistance Program" contained in the Town of Mars Hill Personnel Policy, 2005 edition, et al. (Attachment E)

Agreement and Related Documentation to Conduct Municipal Elections with Madison County **Board of Elections:** Mr. Bennett then presented the Board with the information received from the Madison County Board of Elections concerning the administration of the November 5, 2019 Municipal Election for the Town of Mars Hill. As in past elections, the Madison County Board of Elections proposes to conduct all aspects of the municipal election for the Town pursuant to an agreement for services. The Town has two aldermen seats whose terms expire this year. The Madison Board of Elections has prepared and submitted an "Agreement to conduct Municipal Elections" for Board consideration. A copy of the agreement is included as a part of these minutes. The document is similar to that of years past. The estimated cost to the Town is \$5,852.74 but is subject to specific expenses incurred pursuant to the agreement. The Town must certify the offices that are to be subject to election, provide information to clearly identify the eligible voters, and certain other administrative provisions included in the "Agreement." The Board of Elections is then responsible to conduct the election as required by law including payment of poll workers, production of ballots, and all other related election process matters as included in the "Agreement." Upon discussion of the agreement and related documents by the Board, Mayor Chandler called for a motion. Alderman Zink made a motion to approve the "Agreement to Conduct Municipal Elections" with Madison County Board of Elections on November 5, 2019 and will not offer early voting or voting by absentee ballot. Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment F)

Project Update

The I-26/Calvin Edney pump station and sewer line installation project continues on schedule. Substantial completion date is set for May 15, 2019 and the final project completion date is set for June 14, 2019. The Smith Farm Park/Bailey Mountain continues to be a primary focus as the Town Manager is working with Land of Sky Regional Council to complete a grant application to the N.C. Parks and Recreation Trust Fund (PARTF) to fund development of recreational elements such as trails, entertainment venue, picnic areas and recreation equipment, and also infrastructure needs such as parking areas, restrooms and driveways. The Town Manager has met with the Parks and Recreation Committee and work is progressing toward meeting a May 1, 2019 application deadline for the PARTF grant. The Town Manager then provided a general update on town activities including that he has met with all town department heads and visited all town facilities. He advised he has met with a number of business owners in town and today met with the President of Mars Hill University and several senior MHU administrators. Also, the Town Attorney sent a letter to a potential zoning violator who was given a compliance date of March 6, 2019 or further action will be taken.

Old Business

There was no old business.

New Business

French Broad Electric Right of Way Easement Agreement is needed for the Smith Farm property according to Mr. Bennett. During the property transfer process with Clean Water Management Trust Fund (CWMTF), it was discovered there was no right-of-way agreement in place for the existing utilities on the Smith Farm property now owned by the Town of Mars Hill. Former manager Darhyl Boone had consulted with the general counsel for the CWMTF and the State reviewed the standard French Broad agreement making some minor modifications to satisfy CWMTF requirements. Upon discussion of the agreement by the Board, Mayor Chandler called for a motion. Alderman Jolley made a motion to approve the "Right of Way Easement Agreement with French Broad Electric in conjunction with the Town of Mars Hill" as presented by management. Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. (Attachment G)

Downtown Strong Initiative

Mr. Bennett presented the Board with information on the Downtown Strong program, a new initiative of the NC Department of Commerce's Main Street & Rural Planning Center. This program will provide downtown revitalization expertise to several rural communities across the state and Mars Hill

has been contacted to consider making an application. Downtown Strong will help communities either prepare for the Downtown Associate Community program, or to prosper on their own. Services from the Department and Center will focus on downtown economic development strategies in the areas of economic vitality, design, promotion and organization actions. Mr. Bennett provided Board members with a memorandum explaining the program from Kenny Flowers, Assistant Secretary for Rural Economic Development, and other materials from the Main Street & Rural Planning Center concerning the program (Attachment H). This program is specifically for core downtowns, like the Main Street Program, to provide planning and technical assistance for revitalization efforts. Mr. Bennett advised he has been working on collecting data for the application packet which is due Wednesday, March 6th. Upon discussion of the program and related documents by the Board, Mayor Chandler called for a motion. Alderman Jolley made a motion to authorize the Town Manager to proceed with preparation and submission of the Downtown Strong application as presented by management. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

Meeting Time Change

Mr. Bennett advised there was some interest in changing the regular monthly meeting time of the Mayor and Board of Aldermen from 7:00 p.m. to 6:00 p.m. Upon discussion of changing the meeting time to 6:00 p.m. by the Board, Mayor Chandler called for a motion. Alderman Jolley made a motion to adjust the scheduled monthly meeting time from 7:00 p.m. to 6:00 p.m. to be held on the first Monday of the month. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

Public Comment

Terry Hopkins was the first to be recognized to speak at the public comment period. Ms. Hopkins stated she was relatively new to town and she didn't know how these meetings worked. Ms. Hopkins advised she was concerned about the asphalt plant issue in Marshall. The Board advised her that the Board had not been approached about the asphalt plant and had no official position. The Board further advised Ms. Hopkins and those in attendance that public comment period was a time to provide comments and not a question and answer session with the Board.

Bruce Anderson and Brandon Quinn asked if their subdivision project, Eden Rock, was on the agenda. Mr. Bennett advised them that they were not on the agenda and he was not aware of any actions pending in front of the Board. Mr. Quinn advised he thought they were to be here. Mr. Bennett advised the Board and Messrs. Anderson and Quinn that he would research the issue, including contacting the former town manager, and contact Mr. Quinn to notify him of the next required steps as related to actions by the Town. There was also discussion of the proposed zoning designation for the subdivision and the required setbacks may restrict the developer in the quality of home he may be able to produce. The Board advised Mr. Quinn they would be willing to hold a special meeting if there is

any time sensitive issues he needs addressed by the Board but a variance to the regulations was unlikely.

Closed Session – Personnel Matter

Mr. Bennett advised the Board that there is a personnel and legal matter requiring a closed session. Upon hearing from Mr. Bennett, Mayor Chandler called for a motion. Alderman Zink made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(3) and (6) to discuss personnel and legal matters. Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to enter closed session was unanimously approved.

Closed Session

Return to Open Session

Upon completion of the business pertaining to the closed session, Mayor Chandler called for a motion to end the closed session. Alderman Zink made a motion to end the closed session and return the meeting to open session, Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to return to open session was unanimously approved.

Adjourn

There being no further business before the Board, Mayor Chandler called for a motion to adjourn. Alderman Zink made a motion to adjourn, Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 1th day of April, 2019.

John L. Chandler, Mayor

ATTEST:

Nathan R. Bennett,

Town Manager

A Hachment "A"



Town of Mars Hill MAYOR AND BOARD OF ALDERMEN

AGENDA REGULAR MEETING Mars Hill Town Hall Conference Room March 4, 2019 at 7:00 p.m.

- 1. Call to Order Mayor John L. Chandler
- 2. Approval of Agenda
- 3. Approval of Minutes: February 4, 2019
- 4. Bailey Mountain/Smith Farm Project Update Lee Hoffman
- 5. PETITION FOR ANNEXATION
 - a. Lunsford Property Pine Ridge Road
 - b. Consideration of Action on Petition for Non-Contiguous Annexation
- 6. REQUEST FOR ZONING ORDINANCE AMENDMENT
 - a. 646 Carl Eller Road from R-1 to C-2
 - b. Public Hearing
 - c. Consideration of Action on Application to Amend Zoning Ordinance
- 7. Town Manger Report Nathan Bennett, Town Manager
 - a. Tuition Assistance Program Proposed Policy
 - b. Agreement and Related Documentation to Conduct Municipal Elections with Madison County Board of Elections
 - c. Project Update
 - d. General Update
- 8. Old Business
- 9. New Business
- 10. Public Comment
- 11. Closed Session (Pursuant to N.C.G.S. § 143-318.11(3) and (6)
- 12. Adjourn

Attachment "B"

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

DATE 2/11/19

TO: Board of Aldermen, Town of Mars Hill

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Mars Hill.
- 2. The area to be annexed is non-contiguous to the Town of Mars Hill and the boundaries of such territory are as follows:

(Insert Metes and Bounds Description of Boundaries)

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town.

NAME

ADDRESS

1. BRUCE LUNSFORD SR. YOU MILLER HODGE RD. INMAN SC 29849
2. DORIS E. LUNSFORD YOU MILLER HODGE RD. INMAN SC 29849
3.
4.
5.

Bruce Lunsford dolloop verified ORTHURSTY DORIS Ellen Lunsford dolloop verified ORTHURSTY DORIS Ellen Lunsford DORTHURST ORTHURSTY.

ArcGIS Web Map



1/25/2019, 1:50:32 PM

2017 Madison County Tax Parcels

Addresses

Roads 2 2018

* Percel subject
to volumer annexation
Fagnost.
Lunsford, Bruce & Doris

1:2.257 0 0.02 0.04 0.09 mi 1 0 0.04 0.07 0.14 km

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/ Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Web AppBuilder for ArcGIS Microsoft |

Alcain and iniah

For January Feb 28 2003

#34.00

State of MADISON

North Carolina County

Real Estate Excise Tax

FILED in MADISON County, NC c Feb 28 2003 at 11:14:08 AM by: Jens Lee Buckner Register of Deeds

EXCISE TAX: \$34.00

This instrument drafted by:

Steven Blackwell

(No title examination performed)

After recording, mail to:

Steven Blackwell, Attorney

PO Box 1418 Mars Hill, NC 28754

NORTH CAROLINA

MADISON COUNTY

DEED

This deed is made this the <u>27th</u> day of <u>February</u>, 2003, by T. CLAYTON WILLIS (aka THOMAS CLAYTON WILLIS) and wife, ELAINE D. WILLIS, and C. N. WILLIS, JR., widower, all of Madison County, North Carolina, hereinafter referred to as "Grantor", to EDITH W. LUNSFORD of Madison County, North Carolina, hereinafter referred to as "Grantee".

(The designation "Grantor" and "Grantee" as used herein shall include said parties, their respective estates, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter, all as required by context.)

The address of Grantee is: 431 Pine Ridge Road Road, Mars Hill, NC 28754

WITNESSETH:

That the said Grantor in consideration of Ten dollars and other valuable consideration to Grantor paid by the said Grantee, the receipt of which is hereby acknowledged, has by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in #3-1 Township, Madison County, North Carolina and more particularly described as follows:

BEGINNING at an unmarked point in Pine Ridge Road, (S.R. 1623), being the beginning corner in Deed Book 288, Page 320; thence with Pine Ridge Road, (S.R. 1623), N 79°02'47" W, 38.16' to an unmarked point in Pine Ridge Road, (S.R. 1623); thence N 70°19'56" W, 92.07' to an unmarked point in Pine Ridge Road, (S.R. 1623); thence N 01°16'12" E, 20.45' to a ½" rebar in the right-of-way of Pine Ridge Road, (S.R. 1623), thence leaving said road and continuing N 01°16'12" E, 476.32' to a 5/8" rebar with ID Cap (set), thence continuing N 01°16'12" E, 9.89' to an unmarked point in a branch for a total distance of 506.66'; thence with the branch the following calls and distances: S 77°03'20" E, 25.72'; S 87°59'13" E, 32.82'; N 71°35'25" E, 18.02'; N 79°21'56" E 22.81'; S 68°59'32" E, 42.05'; N 45°45'40" E, 7.24'; S 75°35'32" E, 37.29'; S 85°48'31" E, 27.46'; N 56°44'41" E, 18.12'; S 86°26'30" E 40.59' to an unmarked point; thence leaving the branch S 15°30'00" W, 24.63' to a ½" rebar (found); thence continuing S 15°30'00" W, 510.93' to a ½" rebar (found) in the right-of-way in Pine Ridge Road, (S.R. 1623); thence continuing S 15°30'00" W, 18.47' to an unmarked point in Pine Ridge Road, (S.R. 1623), the point and place of beginning a total distance of 554.03'. Being 2.34 acres, according to a survey for Thomas Clayton Willis, by McMahan & Associates, P.A. dated February 5, 2003.

BOOK 290 PAGE 632

Being the same lands as described in Deed Book 288, Page 320 and a portion of Deed Book 269, Page 378, Parcel 3, as the same is recorded in the office of the Register of Deeds of Madison County, North Carolina.

C.N. WILLIS, JR. executes this deed to convey and release his life estate in the above described lands as reserved in Deed Book 288, Page 32 and Deed Book 269, Page 378, as the same is recorded in the office of the Register of Deeds of Madison County, North Carolina.

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said Grantee in fee simple.

And the said Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has above written.	is hereunto set his hand and seal the day and year first
	7. Clay to Willis (SEAL) T. CLAYTON WILLIS
	Claim D. Willis (SEAL) ELAINE D. WILLIS
	C.N. WILLIS, JR. (SEAL)
STATE OF NORTH CAROLINA COUNTY OF MADISON	
WILLIS and wife, C.N. WILLIS, JR., perso	e County and State aforesaid, certify that T. CLAYTON nally appeared before me this day and acknowledged the ss my hand and official stamp or seal, this 27th day of Notary Public
My commission expires: 09/22/2007 ON CO	ACA Market
STATE OF NORTH CAROLINA COUNTY OF <u>Buncombe</u>	
WILLIS, personally appeared before me thi	the County and State aforesaid, certify that ELAINE D. s day and acknowledged the execution of the foregoing p or seal, this <u>27</u> day of <u>February</u> , 2003. Notary Public
My commission expires June 7, 2003	
STATE OF NORTH CAROLINA COUNTY OF MADISON	
The foregoing certificate(s) of Oolman S. County designated are certified to be correct.	Arouda, Gilli, Oun, Notary Public of the State and Bruckley
This 28 day of Jehruary, 2003.	Ome La Ruskins

DENA LEE BUCKNER

Register of Deeds of Madison County

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Discissimetres of merchantability and fitness for a particular purpose.

Attachment "C"

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition has been received on by the Board of Aldermen; and
WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and
WHEREAS , the Board of Aldermen of the Town of Mars Hill deems it advisable to proceed in response to this request for annexation.
NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Mars Hill that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Aldermen the result of the investigation.
Mayor Mayor
Attest: SEAL Clerk

Attachment "D"

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION PURSUANT TO G.S. 160A-58.2, AS AMENDED

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the Board of Aldermen has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Mars Hill, North Carolina;

Section 1. That a Public Hearing on the question of annexation of the contiguous area described herein will be held at

Mars Hill Town Hall, 6.00 o'clock, P. M. on the

1 St day of April, 2019.

Section 2. The area proposed for annexation is described as follows:

(Insert metes and bounds description)

Section 3. Notice of said Public Hearing shall be published in The News Record-Sentinel, a newspaper having general circulation in the Town of Mars Hill, at least ten (10) days prior to the date of said Public Hearing.

Mayor, Town of Mars Hill

Attest:

Jerk

(SEAL)

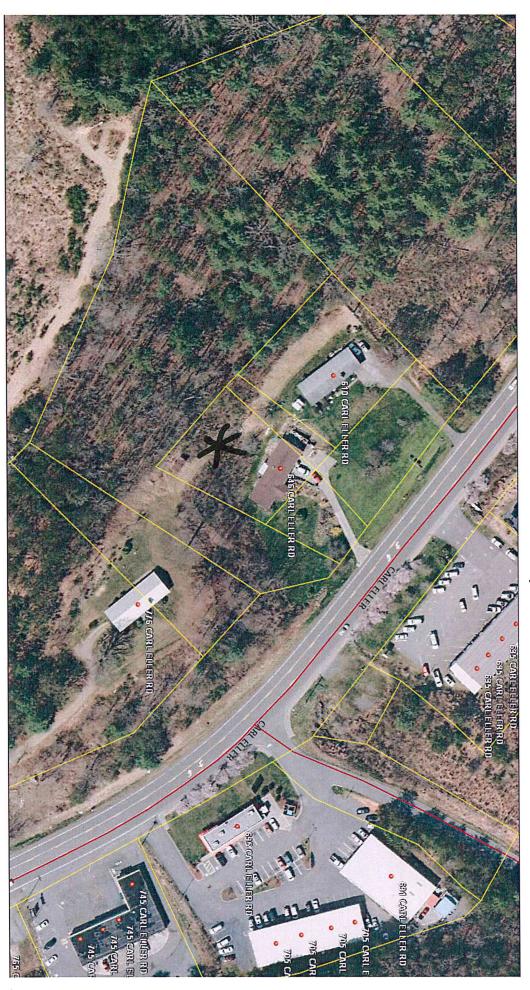
Attachment "D(1)"

TOWN OF MARS HILL Mars Hill, NC 28754

APPLICATION FOR AMENDING ZONIING ORDINANCE

NAME OF APPLICANT JACK W. Shepherd
ADDRESS 837 Old MARS H.II HWY WOAVERUILLE N.C. 28787
NAME OF OWNER SEROTA MARS HILL LLC
ADDRESS 19 ARLINGTON ST SUITE ASheville, NC. 28801
I (We) HEREBY FILE THIS APPLICATION TO THE TOWN OF MARS HILL MAYOR & BOARD OF ALDERMEN FOR THE REZONING OF THE PROPERTY DESCRIBED HEREIN, DESCRIPTION OF PROPERTY: 646 CARL ELER BOL Huy 1.3 O. 80 Acres Dr. 653/703 SEE PLAT RITACHMENT
Fronting feet on the side of _Plat ATTAched
Beginning feet from the corner of Depth feet.
PROPERTY IS CURRENTLY ZONED: <u>Residual</u> R-1
REQUEST THE REZONING OF SAID PROPERTY TO: Commercial C-Z
STATE REASON FOR REZONING: FOR FUTURE Devalop MENT!
I hereby depose and say that all above statements and submitted are true to the best of my knowledge and belief. APPLICANT OR AGENT

ArcGIS Web Map



1/27/2019, 3:48:25 PM

2017 Madison County Tax Parcels

Addres

Roads

Roads 2 2018

* Subjet Parcel
to rezone to C-2



Source: Eatl, Digital Globe, GeoEye, Earthstor Geographics, CHES/ Airbus DS, USDA, USGS, AeroGPID, IGH, and the GIS User Community AHachment "E"



TOWN OF MARS HILL

TUITION ASSISTANCE PROGRAM

Effective Date: April 1, 2019

Council Approval Date: March 4, 2019

Page 1 of 1

Town Manager
Responsible Party

PURPOSE

Full-time employees who have completed their probationary period may apply for tuition assistance reimbursement for courses taken on their own time at an accredited institution of higher education or specialized instruction. The courses taken must improve the employee's skills for their current job or prepare them for promotional opportunities within the Town service.

Tuition, registration fees, laboratory fees, student fees, and textbooks are eligible expenses. Employees may be reimbursed up to \$1,000 of eligible expenses per fiscal year upon satisfactory completion of the course(s). Satisfactory completion of the course will be defined as a grade of "C" or better where letter grades are given. Otherwise, as in the case of pass/fail courses or in a course where no grade is given, a written statement of successful completion from the instructor or a certificate of completion will be acceptable to demonstrate successful course completion. Requests for tuition assistance shall be submitted to the department head prior to course registration and subject to the review and approval of both the department head and Town Manager subject to availability of funds.

After successful completion of the course, the employee must apply for reimbursement by submitting a Tuition Assistance Program Reimbursement Request form and required documentation to their department head. Upon review by the department head for completeness, the request will be submitted to the Town Manager for final approval and payment.

It is anticipated by both the employee and Town that the employee will remain in Town service for a minimum of one year following the completion of any course work for which partial reimbursement or full payment is received. However, if the employee leaves Town service prior to the completion of coursework, or prior to the completion of the one-year service requirement, all funds paid by the Town pursuant to this Tuition Assistance Program must be repaid to the Town. Any waiver of this provision must be reviewed by the Town Manager and approved by the Town Council.

POLICY NOTE: This policy supersedes previous policy "Education Assistance Program," Article VI, Section 9 contained in the Town of Mars Hill Personnel Policy, 2005 edition, et al.



Attachment "F" Madison County Board of Elections

5707USHwy25-70Marshall, North Carolina 28753 Phone 828 649 3731 Fax: 828 649 0187

January 25, 2019

NORTH CAROLINA MADISON COUNTY

AGREEMENT TO CONDUCT MUNICIPAL ELECTIONS

THIS AGREEMENT made and entered into by and between the Town of Mars Hill, a municipal corporation hereinafter referred to as "Municipality" and the Madison County Board of Elections hereinafter referred to as "Board of Elections."

WITNESSETH

THAT, WHEREAS, the above named Municipality will continue its agreement with the Board of Elections to conduct its future municipal elections; and

WHEREAS, the Board of Elections will conduct said municipal elections upon proper execution of this agreement, and

WHEREAS, parties to this agreement acknowledge that fair and accurate elections cannot take place without the Board of Elections receiving accurate and complete voting district and voting schedule information from the Municipality sufficiently in advance of the election to assign voters properly; and

WHEREAS, when contracting with the county Board of Elections for the conduct of its elections, a municipality is required to pay the actual cost of conducting said elections however, the Board of Elections understands that it would benefit municipal officials to have the most accurate estimate of costs possible for allocation of budget revenues.

Barring new laws, annexations, districting, redistricting, ward changes, any other changes by the Municipality and other variables, the Board of Elections will notify the Municipality if it anticipates the cost of the next election to increase by more than ten percent when compared with the most recent odd-numbered-year election billing.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED BETWEEN THE PARTIES HERETO THAT:

The Board of Elections shall conduct all elections required by law or duly called by said Municipality, all as by law provided.

It is the responsibility of the Municipality to provide the Board of Elections with clear and accurate maps, districts, municipal lines, government changes and proof of preclearance. The Page 2
 January 25, 2019

Board of Elections cannot assure voters are properly assigned to districts without accurate information to all facts necessary to conduct an election, promptly but in no event less than 90 days before filing begins. A form provided by the Board of Elections will be sent to the Municipality in advance of the filing date giving all information as to the form of government, the offices to be elected and all other dates and relevant election information. This form must be signed by the mayor, city or town manager, or other designated official and returned to the Board of Elections 30 days before filing begins.

The Municipality shall pay to the Board of Elections the actual cost of conducting an election within thirty days of receipt of billing, subject to the setoff of retained filing fees. Actual costs of an election shall include, but is not limited to all expenses, travel, actions and labor in preparation for and conduct of all primaries, runoffs, and elections. Actual costs shall also include expenses, transportation, and labor costs for election protests, petition examination, and petition certification that may arise from the elections.

The Board of Elections shall not be responsible for any expenses arising from litigation from a municipal election, except as to allegations that the Board of Elections failed to follow the instructions of the Municipality as to the election or was negligent in the conduct of the election. In addition, if the municipality requires annexation activation, ward defining, districting, or redistricting work, actual costs will be charged by the Board of Elections to the Municipality in the year of municipal elections. Reference should be made to previous billings for estimated cost of such work that may include mailing of annexation notifications, required overtime of staff, and related cost of supplies. The Municipality shall be entitled to a detailed billing for actual incurred costs.

If the Board of Elections conducts an election for said Municipality simultaneously with a countywide election, all actual expenses incurred for conducting the municipal election in excess of the cost for the countywide election shall be reimbursed by said Municipality to the Board of Elections.

The number of and compensation for poll workers and voting machine technicians, along with election preparations and training and programming of voting machines, as well as other matters directly related to any election, shall be determined according to federal election laws, North Carolina Administrative Code and General Statutes of North Carolina by the North Carolina State Board of Elections and the Madison County Board of Elections.

The North Carolina State Board of Elections and Madison County Board of Elections have jurisdiction over election matters. Therefore, any questions or problems concerning elections, including billing, should be brought directly to the Madison County Board of Elections for resolution.

All municipal filing fees paid to the Board of Elections shall be deposited to the account of Madison County and deducted from the Municipality's election costs. The Municipality will be provided exact written information as to the fees collected.

• Page 3 January 25, 2019

The term of this Agreement shall be for a two-year period, commencing on the first day of July 2019 and terminating on June 30,2021. The term of this Agreement shall be automatically extended for successive two (2) year periods unless either party provides verified hand delivered notice to the other party of its intent to terminate the agreement no later than the first day of May of the year the termination is to be effective.

If the Municipality desires to allow absentee voting in its elections or to eliminate absentee ballots, it shall be the responsibility of the Municipality to comply with the provisions of General Statute 163-302.

IN TESTIMONY WHEREOF, said Municipality has caused this instrument to be executed in its corporate name by its Mayor, its Official Seal to be affixed and attested by its Clerk, and the Madison County Board of Elections has caused this instrument to be executed in its name by all members and attested by its Director in duplicate originals, the day and year first above written; one duplicate original to be retained by each of the parties hereto.

THIS, THE 4th DAY OF March, 2019

APPROVED .	BY JOHN COMPOSED TO SEE THE SE	CHANDLER, MAYOR
	MADISON COUNTY BOAR	D OF ELECTIONS
	BY	CHAIR
	Ву	SECRETARY
	BY	MEMBER

Madison County Board of Elections

2019 Municipal Election Information

The three municipalities within the boundaries of Madison County (The Town of Hot Springs, The Town of Mars Hill, and The Town of Marshall) will have an election on *November* 5th, 2019.

- The following regulations will apply:
- All three municipalities will conduct their election under the "Nonpartisan Plurality" method provided in General Statute 163-279(a1)
 - All three municipalities **DO NOT** provide absentee voting (GS 163-302).
- There will be no: Civilian Absentee Mail-In Voting, One-Stop Absentee Voting, or Military and Overseas Mail-In Voting (UOCAVA)
- Any registered voter who resides within the boundaries of the municipality may vote during the election.

The following offices will be open:

Town of Hot Springs Vote for: Mayor, Three Aldermen	Town of Mars Hill Vote for: Two Aldermen	Town of Marshall Vote for: Mayor, Two Aldermen
(Seats Expiring) Mayor: Sidney Harrison	(Seats Expiring) Aldermen: Larry Davis	(Seats Expiring) Mayor: Jack Wallin
Aldermen: Vaughn Barnett Jeanne Gentry Jimmy Moore	Stuart Jolley	Aldermen: Aileen Payne Laura Ponder Smith

Candidate filing will begin on *Friday*, *July 5th*, *2019 at noon*, and will continue during regular business hours until *Friday*, *July 19th*, *2019 at noon*.

The filing fee for all races will be five dollars (\$5.00) and is due when presenting the Notice of Candidacy to the Board of Elections.

Important Dates:

July 16th: Deadline to withdraw notice of candidacy

August 2nd: Deadline to file a challenge to candidacy

October 11th: Voter Registration deadline

November 5th: Election Day

November 15th: County Canvass

November 19th: Last day to file an Election Protest (Issue not involving tabulation of ballots)

The information provided regarding the Municipa	al Election Method and Offices with seats expiring is
true and correct.	
Al Andle	3-4-19
Mayor or Town Manager	Date

Please return signed attestation no later than 30 days prior to the Beginning of Candidate Filing on Friday, July 5, 2019.

MADISON COUNTY BOARD OF ELECTIONS

PO BOX 142, MARSHALL, NC 28753
TELEPHONE: 828-649-3731 FAX: 828-649-0187
madison.boe@madisoncountync.gov

January 18, 2019

Please review the document <u>List of Street Names</u> and attest that it is accurate for your Town.

Mayor or Town Manager

Date

MADISON COUNTY BOARD OF ELECTIONS

PO BOX 142, MARSHALL, NC 28753
TELEPHONE: 828-649-3731 FAX: 828-649-0187
madison.boe@madisoncountync.gov

January 23, 2019

TOWN OF MARS HILL

Municipal Election 2019 ESTIMATE for Election Services

EXPENSE ITEM	Estimated Amount Based on 1532 Registered Voters
Coding Costs	\$1,100.00
Election Officials	\$1,060.00
Postage (\$0.55 each) Polling Location	\$842,60
Administrative Mailing	
Election Officials Training	\$720.00
Paper Ballots (100% of Registered Voters)	\$459. 60
Legal Advertising	\$450.00
Temporary Office Assistant	\$266.00
Voter Registration Cards (\$0.17 each) Polling	\$265.54
Location Administrative Mailing	
Hand / Eye Audit	\$214.00
Office Supplies	\$180.00
L&A Testing Staff	\$107.00
Staff Training Refreshments / Meals	\$100.00
Travel for Board Members	\$75.00
Machine Delivery Assistants	\$53.00
Postage Certificates of Election Mailing and	\$10.00
Election Administrative Packets	
Subtotal Costs	\$5,902.74
Filing Fees Collected (Credit)	-\$50.00
TOTAL COSTS	\$5,852.74

The Board of Elections appreciates the opportunity to provide election services for the Town of Mars Hill. Please do not hesitate to contact us if you have questions regarding this estimate or to provide input into how we can improve our services.

AHachment "G"

FRENCH BROAD ELECTRIC MEMBERSHIP CORPORTATION Return to: PO Box 9, Marshall, NC 28753 RIGHT-OF-WAY EASEMENT AGREEMENT

This Right-of-Way Easement Agreement is made on this the <u>QU</u> day of <u>March</u>, 2019.

WHEREAS the Town of Mars Hill (hereinafter called the "Grantor") is the owner of that certain approximately 86.71-acre tract of land located in No. 3 Township, Madison County, North Carolina, which was conveyed to it by the deed recorded in Book 662, Page 532 at the Madison County Register of Deeds and which is more particularly described and shown as "PARCEL 1" on the plat of survey recorded in Plat Book 8, Page 859 at the Madison County Register of Deeds. The hereinbefore described tract of land is hereinafter called the "Town Property" and the hereinbefore identified plat of survey is hereinafter called the "Plat;"

AND WHEREAS the French Broad Electric Membership Corporation (hereinafter called the "Cooperative") is the owner of existing overhead electric lines that run across the Town Property as shown on the Plat. The longest segment of the existing overhead electric lines runs generally in a north-south direction from the northern property line to the southern property line. Two additional segments extend from the longest segment in a generally northeasterly direction and one additional segment extends from the longest segment a short distance in a generally northwesterly direction. The existing overhead electric lines are supported by a series of single electric poles along the span of the lines, and these poles are shown on the Plat. The existing overhead electric lines are hereinafter called the "Existing Electric Lines." The existing electric poles are hereinafter called the "Existing Electric Poles." The Existing Electric Lines, the Existing Electric Poles, and any related existing guywires or anchors are hereinafter collectively called the "Existing Electric Infrastructure;"

AND WHEREAS the Cooperative has not been conveyed by deed or other instrument an easement or other property interest to support the Existing Electric Infrastructure's being located on the Town Property;

AND WHEREAS the Grantor and the Cooperative desire to provide for an electric easement to support the Existing Electric Infrastructure's being located on the Town Property.

NOW THEREFORE, the Grantor and the Cooperative provide and agree as follows:

KNOW ALL MEN BY THESE PRESENTS that the Grantor does hereby grant unto the Cooperative, its successors and assigns, the perpetual right, privilege, and easement to go in and upon that area of land described in Exhibit A hereto (hereinafter called the "Easement Area"), to construct, operate and maintain an electric transmission, communications including internet, and/or distribution line or system on or under the above land; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Cooperative may from time to time deem advisable, including by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, manholes, connection boxes, transformers and transformer enclosures; to cut, trim and control the growth, by chemical means, machinery or otherwise, of trees and shrubbery located within 20 feet of the center of an overhead line or system and 5 feet of the center line of an underground line or system. The Cooperative may leave the trees, brush and other vegetation where it has fallen except that the Cooperative will endeavor to remove material in a yard, walkway, driveway or roadway and from fences or streambeds. The Cooperative reserves the right at any angle point of the electric line to install guys and anchors that may extend beyond 40 feet from the electric line for the support of said lines. Trees or vegetation located beyond the edge of this right-of-way, which threatens to endanger the electric line, may be trimmed or removed at the discretion of the Cooperative. The member agrees to keep the easement clear

of all buildings, structures, or other obstructions; and to license, permit or otherwise agree to the joint use of occupancy of the lines, systems, or if any, of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

The Cooperative agrees and covenants that it shall not assert any easement rights related to the Existing Electric Infrastructure beyond those described in this Right-of-Way Easement Agreement, and if any exist such rights exist, it hereby abandons the same.

IN WITNESS WHEREOF, the Grantor and the Cooperative have hereunto set their hands and seals this the 26 day of March, 2019.

GRANTOR:

TOWN OF MARS HIL

(SEAL) John Chandler

MHHHM

Mayor of the Town of Mars Hill

ATTEST:

Stuart Jode

[Affix Town Seal]

Town Clerk

STATE OF NORTH CAROLINA COUNTY OF MADISON

I, the undersigned Notary Public of the aforesaid county, North Carolina, do hereby certify that Stuart Jolley personally appeared before me this day and acknowledged that he/she is the Town Clerk of the Town of Mars Hill, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town of Mars Hill, the foregoing instrument was signed in its name by its Mayor, Stuart Jolley, sealed with its corporate seal, and attested by himself/herself as its Town Clerk.

Witness my hand and notarial seal this the 157 day of April

2019.

STAMP/SEAL

COOPERATIVE:

(SEAL) Joseph Justice President ATTEST: Bill Riddle **Assistant Corporate Secretary** [Affix Corporate Seal] STATE OF NORTH CAROLINA **COUNTY OF MADISON** I, the undersigned Notary Public of the aforesaid county, North Carolina, do hereby certify that <u>Bill Riddle</u> personally appeared before me this day and acknowledged that he/she is the Assistant Corporate Secretary of the French Broad Electric Membership Corporation, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, Joseph Justice, sealed with its Witness my hand and notarial seal this the OUNTRY Public: Printed Name: My commission expired No Commission ex corporate seal, and attested by him/herself as its Assistant Corporate Secretary. My commission expires:

FRENCH BROAD ELECTRIC MEMBERSHIP CORPORATION

EXHIBIT A

DESCRIPTION OF THE EASEMENT AREA

The Easement Area is that certain part of the Town Property more particularly described as four forty foot (40') wide strips of land the centerlines of which are the centerlines of the Existing Electric Lines as they are defined herein and as they are located on the ground at the time of the execution of this Right-of-Way Easement Agreement. The Easement Area also includes a five foot (5') wide area around any guys or anchors supporting the Existing Electric Poles as such guys and anchors are located on the ground at the time of the execution of this Right-of-Way Easement Agreement.

AHachment "H"



ROY COOPER

Governor

ANTHONY M. COPELAND

Secretary

KENNY FLOWERS
Assistant Secretary

To: Incorporated towns and cities in Hometown Strong Counties

From: Kenny Flowers, Assistant Secretary for Rural Economic Development

Date: February 6, 2019

RE: Downtown Strong Initiative

In 2018-19, representatives of the Governor Roy Cooper's Hometown Strong initiative visited North Carolina counties to better understand how rural communities could actively reinvigorate their local economies. From the input provided by Hometown Strong counties, as well as insights from the NC towns/cities and counties that work on a regular basis with the North Carolina Department of Commerce, the Department has identified leadership development and education, building local government capacity, and downtown revitalization as keys to successful economic development in North Carolina's rural communities. **Downtown Strong**, a new initiative of Commerce's NC Main Street & Rural Planning Center, will provide downtown revitalization expertise to several incorporated rural communities across the state.

Downtown Strong will assist selected incorporated rural cities that are not yet part of the formal North Carolina Main Street program, or that have needs outside of the traditional Main Street program. **Downtown Strong** will help communities either prepare for the Center's Downtown Associate Community program, or to prosper on their own. Services will utilize the successful framework of the Main Street AmericaTM program: downtown economic development strategies implemented through four key areas of focus - economic vitality, design, promotion and organization actions.

The **Downtown Strong** Initiative is designed to assist incorporated rural communities that are not currently designated as a NC Main Street or Small Town Main Street community, or a community participating in the Center's Downtown Associate Community program. It is anticipated that 20-30 communities, located geographically across the state in the 80 rural counties and featuring an intact traditional downtown district, will be selected to receive services.

The goals of the Downtown Strong Initiative are to accomplish the following:

- Help communities build a stronger connection to state government financial resources and assistance.
- Emphasize the importance of a strong downtown presence in any successful community-wide economic development effort.
- Boost an existing downtown revitalization effort where one exists or start a new downtown revitalization effort where needed.
- Build community capacity by providing educational and training opportunities at the regional level and encouraging participation in the statewide Main Street conference.
- Provide community networking opportunities with other participating cities.
- Conduct an Opportunity Assessment and Implementation Strategy for each participating community and provide a written assessment and implementation plan report and slide presentation.
- Develop a Downtown Strong Toolkit to be used to assist communities engaged in downtown revitalization initiatives.

Opportunity Assessment and Implementation Strategy follow-up will be provided through the NC Main Street & Rural Planning Center's Downtown Associate Community program if the community pursues that initiative, or through the Center's Prosperity Zone planners if the community wishes to pursue its implementation strategy on their own.

The NC Main Street & Rural Planning Center works in regions, counties, cities, towns, downtown districts and in designated North Carolina Main Street communities, to inspire placemaking through building asset-based economic development strategies that achieve measurable results such as investment, business growth and jobs.

Attached you will find a Fact Sheet about the NC Main Street & Rural Planning Center and the Downtown Strong Initiative and a Downtown Strong Interest Information Packet that will need to be completed and submitted no later than <u>February 25, 2019</u>. We look forward to hearing from you.

For Additional Information:
Elizabeth (Liz) Parham, CMSM
Director, NC Main Street & Rural Planning Center
4346 Mail Service Center
Raleigh, NC 27699-4346
lparham@nccommerce.com
919-814-4658



Downtown Strong Initiative

The NC Main Street & Rural Planning Center (MS&RP Center) is licensed by the National Main Street Center and charged by the North Carolina Department of Commerce to administer the Main Street program throughout the state. There are three downtown revitalization programs that are offered through the MS&RP Center: the Main Street program, that began in 1980; the Small Town Main Street program, that began in 2003; and the Downtown Associate Community program, that began in 2015. In addition, the Downtown Strong Initiative, established in 2019, will assist selected incorporated rural cities and towns located within the state's 80 Tier 1 and Tier 2 counties, that are not yet part of the formal North Carolina Main Street program, or that have needs outside of the traditional Main Street program. Downtown Strong is a result of feedback from rural leaders during Hometown Strong community meetings. Hometown Strong convened leaders from every cabinet agency to meet with local leaders to forge new relationships, increase communication and help state government better serve rural North Carolinians.

The Downtown Strong Initiative will help communities either prepare for the Center's Downtown Associate Community program, or to prosper on their own. All of these programs follow the National Main Street Center's Main Street America™ program that helps communities create transformation strategies and organize downtown revitalization initiatives around the Main Street Four Points for downtown revitalization: Economic Vitality, Design, Promotion, and Organization.

Services and Assistance Provided

Strategic Planning and Technical Assistance

- Presentation on the Main Street America™ Program and the critical role downtown plays in rural economic development
- On-Site Community Opportunity Assessment and Implementation Strategy Development
- Written Implementation Strategy Report
- Implementation Strategy PowerPoint Presentation

Education and Training

- Statewide downtown revitalization education offered at the NC Main Street conference
- Regional education and training offered to build community capacity
- Subscription to the electronic NC Main Street & Rural Planning Center Newsletter
- Downtown Strong Toolkit Materials

TO LEARN MORE ABOUT THESE SERVICES, CONTACT:

Liz Parham, Director NC Main Street & Rural Planning Center

4346 Mail Service Center, Raleigh, NC 27699-4346 919-814-4658 | parham@nccommerce.com