



## TOWN OF BLACK MOUNTAIN – Regular Session Agenda

Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

Date: **07/12/10** Time: **6:00 p.m.** (preceded by an Agenda Workshop at 5:00 pm)

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 **Conserve resources; print only as necessary.**

### 1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – Pastor Mike Siemen, Bee Tree Christian Church, Swannanoa

### 2. APPOINTMENTS TO TOWN BOARDS & COMMISSIONS

- Housing Commission (3-year term) – Levon Lindsey
- Housing Commission (1-year term) – (no applicants)
- Zoning Board of Adjustment (1-year unexpired term) – Dawn Wilson
- Zoning Board of Adjustment (alternate 2-year term) – Michael Solomonides

*Motion: To appoint the slate of candidates for Housing Commission and Zoning Board of Adjustment as presented.*

### 3. COMMUNICATIONS FROM THE MAYOR AND ALDERMEN

#### A. Mayor – Carl Bartlett

- *Announcements*
- *Proclamation Honoring Asheville Savings Bank for 50 Years of Service in Black Mountain*
- *Certificates of Appreciation – Outgoing Board & Commission Members*
  - 1) Greenways Commission – Diana McCall
  - 2) Historic Preservation Commission – Philip Lamb
  - 3) Historic Preservation Commission – Mark Barker
  - 4) Housing Commission – Jessie Sherrill
  - 5) Housing Commission – Ellen Farrior
  - 6) Housing Commission – Dot Jones
  - 7) Housing Commission – Dawn Wilson
  - 8) Recreation Commission – Harry Nanney
  - 9) Recreation Commission – Judy Eubanks
  - 10) Recreation Commission – Terry McElrath
  - 11) Zoning Board of Adjustment – Teresa Tatham
  - 12) Zoning Board of Adjustment – Beau Bobbitt
  - 13) Zoning Board of Adjustment – Doug Brock

**TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA**

**July 12, 2010**

**- 2 -**

---

- ***Oaths of Office – Newly Appointed Board & Commission Members***

1. ABC Board – Mary Padgett Sneed
2. Greenways Commission – John Murphy
3. Greenways Commission – Dottie Shuman
4. Historic Preservation Commission – Chad Slagle
5. Historic Preservation Commission – Jack Buchanan
6. Housing Commission – Philip Bisesi
7. Housing Commission – Ruth Norton
8. Housing Commission – Carolyn Copeland
9. Planning Board – Ryan Stone
10. Planning Board – John Rountree
11. Planning Board – Buzz Yeatman
12. Recreation Commission – Molly Keeney
13. Recreation Commission – Brian Burpeau
14. Recreation Commission – Trish MacIsaac
15. Recreation Commission – Jeff Hunter
16. Urban Forestry Commission – Van Burnette
17. Urban Forestry Commission – Eric Wardwell
18. Urban Forestry Commission – Jerry Wicker
19. Zoning Board of Adjustment – Ray Lamm
20. Zoning Board of Adjustment – Chris Browning
21. Zoning Board of Adjustment – Elaine Loutzenheiser
22. Zoning Board of Adjustment (alternate) – Terry McCall
23. Additional members appointed on 7/12/10 (*see above*)

- A. Vice Mayor – Joan Brown
- B. Board of Aldermen

**4. COMMUNICATIONS FROM STAFF**

- A. Town Attorney - Ron Sneed
- B. Town Manager - Marcy Onieal
  - Fireworks Sponsors – Family Care Home
  - Boards & Commissions Orientation – August 11
  - Zoning Board of Adjustment Regular Schedule Change – 3<sup>rd</sup> Thursdays
  - Electronic Gaming – Action of General Assembly
  - Transit Update
  - Town Square Property Use Concerns
  - ADA Compliance Audit
  - Project Updates
  - Manager’s Vacation July 16-30
- C. Manager’s Quarterly/Year-End Report – Leadership Staff

**TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA**

**July 12, 2010**

**- 3 -**

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**5. CITIZEN COMMENTS**

*Individuals wishing to address the Board are asked to sign in at the entrance to the board room, indicating the topic(s) or agenda item(s) you wish to discuss, so that speakers may be grouped according to topic. Comments by any one speaker shall be limited to three minutes per topic. If the topic you wish to discuss pertains to a **public hearing** scheduled for this meeting, please reserve your comment for the applicable public hearing.*

**6. CONSENT AGENDA**

*All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the consent agenda and considered separately.*

**A. Adoption of Minutes**

*Motion: To adopt the minutes of June 14, 2010 (Agenda Workshop & Regular Meeting-Cancelled due to lack of Quorum), June 16, 2010 (Special Called Meeting to replace originally scheduled Agenda Session from 6/14/10), and June 16, 2010 (Special Called Meeting to replace originally scheduled Regular Session from 6/14/10)*

**B. Budget Amendment #BA-FY2011-01**

*Motion: To approve budget amendment #2011-01, recognizing receipt of donations and allocation of expenditures in the amounts of: 1) \$9,717 distribution from the Buncombe County Anti-Crime Task Force to the Police Department for purchase of thermal imaging equipment and ballistic shield; and 2) \$50 donation to the Recreation Department for tennis court improvements.*

**C. Cost Sharing Agreements with NCDENR and Army Corps of Engineers for Dam Safety Studies and Emergency Action Plans**

*Motion 1: To adopt the cost sharing agreement with the Army Corps of Engineers for planning assistance in conducting Safety Studies and preparing Emergency Action Plans for the Tomahawk Branch and Watershed Dams*

*Motion 2: To adopt Resolution #R-10-08 requesting cost sharing assistance from NCDENR-Division of Water Resources for the same project and authorizing the mayor and/or manager as agents for purposes of this project*

**D. Declaration of Surplus Equipment – Self Contained Breathing Apparatus, Fire Department**

*Motion: To declare 35 Scott SCBA's and related equipment surplus and dispose via public auction or by sale on GovDeals*

**Consent Motion: To approve consent items A - D as presented.**

**TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA**

**July 12, 2010**

**- 4 -**

---

**7. OLD BUSINESS**

- A. Award of Contract for Construction of Sewer Extensions to Annexed Areas (Avena/McCoy Cove/Blue Ridge Roads) – David Straub, David D. Smith & Co. Engineering

*Motion 1: To adopt Resolution #R-10-09 accepting a loan offer in the amount of \$1,396,255 from the Construction Grants and Loans Section, NC Division of Water Quality to extend sewer services, and designating the Town Manager as authorized agent*

*Motion 2: To award the contract for construction of sewer extensions to the lowest responsive responsible bidder, T&K Utilities, Asheville, NC in the amount of \$704,491.50*

- B. Discussion of Tomahawk Branch Stormwater Improvement Project – J. P. Johns, McGill and Associates (*request of Mayor Bartlett*)
- C. Discussion of Golf Course Marketing Promotion – David Ballard, Golf Operations Manager (*request of Mayor Bartlett*)
- D. Discussion of Tennis Court Resurfacing – Jim Orr, Recreation & Parks Director (*request of Mayor Bartlett*)
- E. Ingle’s Site Plan & Driveway Permit – Rick & Teresa Watson

**8. PUBLIC HEARINGS**

- A. Public Hearing to consider a recommended text amendment to the Land Use Code regarding wood and yard waste facilities

Motions 1 & 2: *To open/close the public hearing;*

Motion 3: *To adopt the Planning Board’s recommended text amendment;*

Motion 4: *To adopt the attached Statement of Consistency (if Motion 3 is adopted).*

- B. Public Hearing to consider application to amend the zoning map from Town Residential (TR-4) to Highway Business (HB-8) for 9 properties located along Blue Ridge Road (*request of applicants, Jeff Hall/Don Collins*)

Motions 1 & 2: *To open/close the public hearing;*

Motion 3: *To approve [or deny approval of] the applicant’s request to re-zone the nine requested parcels from TR-4 to HB-8;*

Motion 4: *To adopt the attached Statement of Consistency (if Motion 3 is adopted).*

**TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA**

**July 12, 2010**

**- 5 -**

---

**9. NEW BUSINESS**

A. Budget Amendment #BA-FY2011-02 (*request of Alderman Rayburn*)

*Motion: To approve [or deny approval of] Budget Amendment #2011-02, transferring \$50,750 from Fund Balance to General Fund, and allocating \$6,000 to the Chamber of Commerce, \$5,000 to the Swannanoa Valley Museum, and \$39,750 for the Disease Management Program for Town employees, retirees and dependents*

B. Request from the Swannanoa Valley Historical & Preservation Association, Inc., for Town's release of easement in alleyway adjacent to Swannanoa Valley Museum – Wendell Begley, Chair, Jill Jones, Executive Director

*Motion: To approve [or deny approval of] release of Town-owned easement in alleyway between Dripolator and Swannanoa Valley Museum*

**10. COMMUNICATIONS FROM BOARDS & AGENCIES**

A. Urban Forestry Commission Annual Report – Van Burnette, Chair

B. Rainbow Recycling Video Presentation – Marilyn Sobanski, Chair

**11. CITIZEN COMMENTS**

*The time reserved for closing comments is intended to address citizen interests not already addressed by the earlier citizen comment period or public hearings. Closing comments by any one speaker shall be limited to three minutes.*

**12. CLOSED SESSION**

*Motion: To go into closed session to consult with the town attorney on litigation matters, as permitted in NCGS §143-318.11(a)(3).*

**13. ADJOURNMENT**



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Marcia D. Onieal, Town Manager