



REVISED

TOWN OF BLACK MOUNTAIN – Regular Session Agenda

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

Date: **9/14/09** Time: **6:00 p.m.**

I. CALL TO ORDER

-Welcome

-Pledge of Allegiance

-Invocation Led By: Rev Ron Horgan, Executive Pastor, Montreat Presbyterian Church

II. COMMUNICATIONS FROM THE MAYOR

A. Recognition-Black Mountain Tennis Association's Quickstart Junior Tennis Team, Judy Eubanks

ADD B. 3rd Quarter Entrepreneurial Award recognizing Lewis "Bud" Haney of Nine South

ADD C. Proclamation declaring September 17-23 Constitution Week in Black Mountain (request of Alderman Phillips, on behalf of the Daughters of American Revolution)

III. CITIZEN COMMENTS

IV. COMMUNICATIONS FROM THE TOWN ATTORNEY

V. 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 the Minutes

Motion: To adopt the minutes of August 6, 2009 – Agenda Session, August 10, 2009 – Regular Session, August 10, 2009 – Closed Session, August 11, 2009 – Closed Session, September 1, 2009 – Closed Session, September 1, 2009 – Special Session

B. Resolution Commending the Service and Recognizing the Retirement of Shirley J. Raines as Town Clerk (R-09-18)

Motion: To adopt the resolution of recognition, as already presented to Shirley Raines on the occasion of her retirement, August 31, 2009

C. Budget Amendment #2009-03

Motion: To approve budget amendment #2009-03, allocating \$595 received from VFIS Insurance to be designated for the replacement of a damaged radio

D. NCWTFC FIT Grant Project Ordinance Amendment

Motion: To approve project ordinance amendment in order to carry forward unexpended funds in the amount of \$15,923 from years 1 and 2 to year 3, ending June 30, 2010

TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA

September 14, 2009

- 2 -

- E. DHS/FEMA Grant Project Ordinance Close-out
Motion: To approve closing out the FY2007 Assistance to Firefighters Grant, which provided the Town \$182,508 in funding for fire fighting and personal protective equipment
- F. **CALL FOR PUBLIC HEARING** on the Proposed Masterplan and Development Agreement for the Robert's Farm Property by RJH Development, Inc.
Motion: To call for a public hearing on the proposed Master Plan and Development Agreement for the "Robert's Farm Property" (PIN 0609-88-7008-00000) on Monday, October 12, 2009 at 6:00 p.m., or as soon thereafter as possible, in the meeting room of the Town Hall located at 160 Midland Avenue.

VI. OLD BUSINESS

- A. Proposal to Dismiss ABC Board Members
Motion: To dismiss ABC Board members Hughes, Spaulding and Sobol from their appointments to the Black Mountain ABC Board for cause
- B. **SECOND PUBLIC HEARING** on proposed updates to Land Use Codes and consideration of adoption with an effective date of January 1, 2010
Motion #1: To Open/Close public hearing on zoning map and text amendments as presented in the revised Land Use Code (Title XV of the Town Code of Ordinances)
Motion #2: To adopt the Land Use Codes as presented in the August, 2009 draft, with additional changes as recommended by the Planning Board and staff.
Motion #3: To adopt the accompanying Statement of Consistency in concurrence with the Planning Board.
- C. **DELETE**
~~Presentation of Town Stormwater Master Plan—J.P. Johns, McGill & Associates~~
~~*Motion #1: To authorize staff to execute stimulus project grant agreements for Tomahawk Branch Stormwater Improvements*~~
~~*Motion #2: To direct staff to pursue a no-rise study for a greenway bridge under the railroad trestle*~~
~~*Motion #3: CALL FOR PUBLIC HEARING (and possible adoption of Stormwater Master Plan) for October 12, 2009 at 6:00 p.m. or as soon thereafter as possible, in the meeting room of the Town Hall located at 160 Midland Avenue.*~~

VII. NEW BUSINESS

- A. Appointment of Deputy Clerk
Motion: To appoint Rosa Hilbert as Deputy Clerk for the Town of Black Mountain

TOWN OF BLACK MOUNTAIN – REGULAR SESSION AGENDA

September 14, 2009

- 3 -

- B. **DELETE**
~~Presentation and Adoption of Town's Draft Strategic Energy Management Plan and NCLM Green Challenge Resolution — Bake Garman/Terry Albrecht/Chris Dobbins, Waste Reduction Partners~~
~~*Motion: To adopt the draft Strategic Energy Management Plan and the NCLM Green Challenge Resolution*~~
- C. Endorsement of Support and Participation in joint regional ARRA application for grant funding of regional greenway from Old Fort to Black Mountain to City of Asheville
Motion: To adopt resolution of support for a joint proposal and application for TIGER grant , with Asheville and Buncombe County, for construction of regional greenway under ARRA federal stimulus program
- D. **PUBLIC HEARING** to consider authorizing application to Local Government Commission for Approval of Financing for Purchase of Downtown Property
Motion: To open the public hearing as required for filing of an application to the State of North Carolina Local Government Commission for approval to enter into a 15-20 year financing agreement for \$2,100,000 for the purchase of downtown property
- E. Resolution Authorizing the Filing of An Application for Approval of a Financing Agreement Authorized by NC General Statute 160A-20 for the Purchase of Downtown Property
Motion: To adopt a resolution of finding of fact, and to authorize the Town Manager to file an application for approval of project financing through the NC Local Government Commission

VIII. COMMUNICATIONS FROM THE TOWN MANAGER

IX. COMMITTEE/BOARD REPORTS

- A. Appointment to fill vacancy on Recreation Commission

X. CITIZEN COMMENTS (at 8:00 p.m., if all preceding items on the agenda have not been finished by that time)

XI. ADJOURNMENT

Marcia D. Onieal, Town Manager