



TOWN OF BLACK MOUNTAIN – Regular Session Agenda

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

Date: 10/12/09 Time: 6:00 p.m.

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation Led By: Rev. Mary Faith Carson, Retired Minister, Presbyterian Church (PCUSA)

2. COMMUNICATIONS FROM THE MAYOR

3. CITIZEN COMMENTS

4. COMMUNICATIONS FROM THE TOWN ATTORNEY

5. 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 #1: To adopt the minutes of September 10, 2009 (Agenda Workshop) and September 14, 2009 (Regular Session)

Motion #2: To amend the previously adopted minutes of August 6, 2009 (Agenda Workshop) as corrected (per request of Vice Mayor Sobol)

B. Budget Amendment #2009-04

Motion: To approve budget amendment #2009-04, carrying forward available project funding at June 30, 2009 for ongoing projects (Town Hall Renovation, Greenway Development, Backhoe Purchase)

C. CALL FOR PUBLIC HEARING on the 2007 Revised Preliminary FIRMs and Proposed Flood Damage Prevention Ordinance

Motion: To call for a public hearing on the 2007 Revised Preliminary FIRMs and proposed Flood Damage Prevention Ordinance on Monday, November 9, 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.

D. Adoption of Resolution (R-09-23) to support and participate in a regional collaboration of county and city governments, to address regional fuel planning through the US Department of Energy's Local Energy Assurance Planning (LEAP) Initiative

Motion: To adopt Resolution (R-09-23) as presented.

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- E. Adoption of Grant Project Ordinance for US Hwy 70 Corridor Sidewalk TIP Project # U-5178, providing for installation of sidewalk on the north side of US Hwy 70 from Blue Ridge Road to Grovestone Road

Motion: To adopt grant project ordinance for TIP project #U-5178 as presented.

- F. Adoption of Grant Project Ordinance for Montreat Connector TIP Project #U-5179, providing for asphalt greenway along the west side of Flat Creek

Motion: To adopt grant project ordinance for TIP project #U-5179 as presented

- ADD G.** Adoption of Corporate Resolution and Certificate of Incumbency with SunTrust Bank for Purchasing Card Program

Motion: To adopt corporate resolution and certificate of incumbency with SunTrust Bank for the purpose of planning and implementing a purchasing card program

- ADD H.** Resolution (R-09-24) authorizing the mayor to sign Amendment I to the wholesale water agreement between the City of Asheville and the Town of Black Mountain

Motion: To authorize the mayor to sign Amendment I to the wholesale water purchase agreement between the City of Asheville and the Town of Black Mountain

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

6. NEW BUSINESS

- A. Presentation and Adoption of Town 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

- B. Presentation and Adoption of the Town Stormwater Master Plan & Update on Related Projects – J.P. Johns, McGill & Associates

Motion #1: To adopt resolution authorizing staff to execute stimulus project grant agreement and initiate purchase order with McGill & Associates based on their proposed Scope of Work for Tomahawk Branch Improvements

Motion #2: To direct staff to pursue a no-rise study for a greenway bridge under the railroad trestle at Sutton & Ridgeway Avenues

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Motion #3: To adopt resolution of support for FEMA buy-out proposal for specified property(ies) located in floodway.

Motion #4: To adopt the Stormwater Master Plan

ADD C. Grant of encroachment on air-rights above a public right-of-way (request of Cheshire Village LLC)

Motion: To convey to Cheshire Village LLC, the right to the use of the airspace above East Market Street for the building that overhangs in to that space by 1.4 feet

7. OLD BUSINESS

A. PUBLIC HEARING on the proposed Development Agreement and Master Plan for the Roberts Farm property

Motion #1 & #2: To open/close the public hearing

Motion #3: To adopt the Development Agreement and Master Plan for the “Roberts Farm” property (PIN #0609-88-7008-00000)

Motion #4: To adopt the attached statement of consistency

B. CONTINUATION OF PUBLIC HEARING (continued from September 14, 2009) on proposed updates to Land Use Codes and consideration of adoption with an effective date of January 1, 2010

Motion # 1 & #2: To continue and close/continue 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 #3: 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 #4: To adopt the accompanying Statement of Consistency in concurrence with the Planning Board.

8. COMMUNICATIONS FROM THE TOWN MANAGER

- A. Manager’s Quarterly Report
- B. Departmental Reports

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9. COMMITTEE/BOARD REPORTS

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

11. CLOSED SESSION

Motion: To go into closed session to: 1) consult with attorney on litigation matters as permitted in N.C.G.S. § 143-318.11 (a) 3; 2) discuss property acquisition as permitted in N.C.G.S. § 143-318.11 (a) 5; 3) discuss personnel matters as permitted in N.C.G.S. § 143-318.11 (a) 6

12. ADJOURNMENT



Marcia D. Onieal, Town Manager