



## 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.**

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### 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

### 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*

- 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*

- 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-*

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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. 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
- B. 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

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*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**

- A. Transit System Update
- B. Black Mountain Population Estimate
- C. Community Service Work
- D. Calendar Reminder
- E. Other

**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**

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Marcia D. Onieal, Town Manager