



TOWN OF BLACK MOUNTAIN

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

Date: November 9, 2020 Time: 6:00 p.m. Regular Session Minutes

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*Should you need other assistance or accommodation for this meeting, please contact
Town Clerk Savannah Parrish at 419-9310, or by email at townclerk@townofblackmountain.org
(828) 419-9300 / TDD (800) 735-2962*

1. CALL TO ORDER

Mayor Larry Harris called the meeting to order at 6:00 p.m. with the following members present:

Mayor Larry Harris
Alderman Tim Raines
Alderman Archie Pertiller
Alderman Maggie Tuttle
Alderman Ryan Stone
Alderman Jennifer Willet

The following staff members were present:

Josh Harrold - Town Manager
Ron Sneed – Town Attorney
Savannah Parrish - Town Clerk/Assistant to the Manager
Jessica Trotman – Planning Director

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Alderman Maggie Tuttle welcomed Pastor Lauren Sims-Salata of Black Mountain United Methodist Church. Pastor Sims-Salata offered the invocation.

2. PROCLAMATIONS, AWARDS & RECOGNITION

Mayor Harris congratulated Alderman Archie Pertiller, Doug Hay, and Pam King on being elected to the Board of Aldermen. Mayor Harris stated that Town Offices would be closed on November 11th, 2020 in observance of Veterans Day and on November 26th and 27th, 2020 for the Thanksgiving holiday.

3. CITIZEN COMMENTS - None

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 the chair may group speakers according to topic. The chair will

recognize individuals requesting to address the Board. Comments by any one speaker shall be limited to three (3) minutes.

To send comments **prior to the meeting**, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile them and present them to the Mayor for consideration.

4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

Manager Harrold requested that Agenda Item 8D – Amendments to Chapter 48 be taken off tonight's agenda. Alderman Ryan Stone moved to remove Agenda Item 8D. The motion passed with a vote 5-0.

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 Minutes

Motion: *To adopt the minutes of September 14, 2020 Regular Session Meeting and Closed Session Meeting.*

B. Resolution to Award Badge & Service Weapon to Police Sergeant Stacy Ayers # R-20-07

Motion: *To adopt Resolution #R-20-07 awarding retiring Police Sergeant, Stacy Ayers his badge and service weapon as provided in NC G.S. 20-187.2.*

C. Resolution to Award Badge & Service Weapon to Police Major Rob Austin # R-20-08

Motion: *To adopt Resolution #R-20-08 awarding retiring Police Major, Rob Austin, his badge and service weapon as provided in NC G.S. 20-187.2.*

D. Budget Amendment for Governor's Crime Commission Grant.

Motion: *To approve Budget Amendment #BA-FY-21-07 as presented, increasing 10-10-5100-180 (Forfeiture Funds) by \$88,000 and increasing 10-00-3907-000 (Fund Balance Approp. - Police) by \$88,000.*

E. Call for Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential).

Motion: *To call for a public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible in the Board Room of Town Hall at 160 Midland Avenue.*

F. Call for Public Hearing for Text Amendments to Road Standards (Land Use Code). # O-20-15

Motion: *To call for a public hearing for text amendments road standards in the Land Use Code to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

G. Call for Public Hearing for Text Amendments to Water Improvements. #O-20-16

Motion: *To call for a public hearing for text amendments clarifying prohibited uses to be held on Monday, November 9, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.*

Consent Motion: *To approve consent item A-G as presented.*

Manager Harrold presented the consent agenda. Alderman Maggie Tuttle moved to approve the consent agenda as presented. The motion was approved by a vote of 5-0.

6. CITIZEN COMMENTS

*The chair will recognize individuals requesting to address the Board regarding the specific **New Business or Unfinished Business items below**. Comments by any one **speaker shall be limited to three (3) minutes**. 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.*

To send comments prior to the meeting, please call Town Hall at 828-419-9310 or email comments to Comments@townofblackmountain.org. The Clerk will compile and present written comments to the Mayor for consideration.

7. UNFINISHED BUSINESS - None

8. NEW BUSINESS

A. Portman Villa Lien

Manager Harrold stated that the structure located at 204 Portman Villa Road was condemned due to unsafe conditions and an order was given for it to be demolished. The property owner did not have it destroyed and therefore the Town paid to have it demolished for a cost of \$6,500.00. A lien was placed on the property in April of 2016. The property owner is now seeking financial assistance or lien forgiveness from the Town. The total amount of the lien with interest is now roughly \$8,843.00.

Alderman Jennifer Willet moved that all interest be abated and that no new interest be accrued on the lien. The motion was approved by a vote of 5-0.

B. Adoption of Town of Black Mountain Standards and Details Manual #O-20-17

This manual consolidates regulations in the Land Use Code and Code of Ordinances. The creation of this manual will include regulations from NC Department of Transportation and the Fire Code.

Alderman Archie Pertiller moved to adopt the Standards and Details Manual as presented. The motion was approved by a vote of 5-0.

C. Amendments Chapter 43 of the Code of Ordinances

#O-20-18

The Town at this time does not have a Standards and Details Manual that lists all of the requirements for constructing roads and driveways. The current ordinance has different standards throughout the code of ordinances and they do not all align with one another. The proposed amendments remove any listed standards and instead make reference to a Standards and Details Manual that will be available in the Planning Department and will include all regulations from the Town, NCDOT, and the Fire Code.

Alderman Jennifer Willet moved to approve and adopt Ordinance #O-20-18 as presented. The motion was approved by a vote of 5-0.

D. Amendments to Chapter 48 of the Code of Ordinances - removed from consideration.

E. Update on solar projects for municipal buildings.

Buncombe County hired Pisgah Energy Design and Development for analysis of buildings throughout the county. Three buildings in the Town of Black Mountain were analyzed. Staff recommends that the Town enter into the RFP phase with the County to better understand the cost of the project. Currently, the estimated cost is \$389,000. No action is required at this time.

F. Sanitation Update

Staff is requesting one (1) additional rear loader at \$180,000 and one (1) additional scout truck at \$65,000. Staff recommends financing the additional vehicles on a five (5) year term at 1.61% interest. A seven (7) year financing term is also available at 1.81% interest. Staff is also requesting two (2) additional employees with an annual salary of \$55,000. Mayor Larry Harris stated that he believes it is prudent to approve the trucks and employees. Alderman Jennifer Willet inquired about the terms of the loans. Finance Director Kirk Medlin clarified that the loan can be paid off early with no penalty.

Alderman Jennifer Willet moved to approve financing for sanitation trucks on a seven year financing term and hiring of two additional employees.

9. PUBLIC HEARING

Continued from October 12, 2020 Regular Session Meeting

- A. Rezone 324 N. Fork Road (PIN #0700-92-8001) from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. **#Z-O-20-04**

Planning Director Jessica Trotman entered the meeting and presented the information. Attorney Ron Sneed recommended that the public hearing be opened.

Alderman Ryan Stone moved to open the public hearing to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. The motion was approved by a vote of 5-0.

Jessica Trotman explained the typography of the lot and the surrounding area. The property is located across from the Golf Course and is one parcel away from the UR-8 zoning district. The difference in uses between the differing residential districts is comparable but the UR-8 district would allow a greater amount of density, however, the property is encumbered by the stream and MSD sewer easement. She reminded the Board of Aldermen that the Planning Board heard the request at their August 24th meeting. In that meeting a motion was made to rezone the entire parcel from CR-1 to TR-4. The motion failed with a tied vote of 3-3. A second motion was made to rezone from N. Fork Road to the middle of the creek (the west side) from CR-1 to TR-4 and then rezone the east side from CR-1 to SR-2. The motion passed with a vote of 5-1.

Manager Josh Harrold read the following public comments:

Lowry Reed - 830 Hiawassee Avenue: I would like to protest the rezoning of this area to high density. I am a homeowner on the corner of Hiawassee and North Fork, and I have first hand experience of the traffic on this road. Just last month I woke up to find a car that had slid into my yard, narrowly missing a very large tree. Drivers routinely exceed the speed limit on this twisty, poor visibility road, and adding higher density housing would only exacerbate the situation.

Jim and Pat Ward - 303 Laurel Circle Drive: We are hoping after the hurricane residual rains last week and amount of runoff again into Lake Tomahawk and with additional time to review the rezoning request, that the petition by Mr. Decker's property (324 N. Fork) to be rezoned will be denied and current zoning as CR1 remain. We feel the same way with regard to Mrs. Begley's request off of Sunset Drive leaving zoning at current TR4. Obviously having zoning changed to higher density makes the property more desirable – marketable for development. Yes, property owners should be able to develop their property but within limits as to what is best for a community at large. Disagree with Jesse Gardner that every square foot of 'in town' does not need to be developed as we are NOT a city. We do not have the infrastructure in place to adequately accommodate high density development, narrow winding two lane roads are not set up for higher density development. Not certain what the point is of having a planning board in place, for that board to tell the petitioner why the proposal has been denied and then the petitioner to hopefully get a favorable review before the BOA with absolutely no

attempt to modify initial request. If you have qualified people in these positions then you should be deferring to them or HIRING staff in lieu of volunteers. Thanks for the consideration and appreciate the ability to now listen to the meetings via YouTube.

Casey and Jay Linke - 45 Hi View Drive: My name is Jay Linke; I reside at 45 Hi View Dr. My family—my wife and two young daughters—recently purchased our home adjacent to the Applicant's land. We were drawn to the location both by the serenity and seclusion of the surrounding forest and by the proximity to downtown Black Mountain. We, along with our Hi View Drive neighbors, cherish the natural beauty and wonderful rural community that the area offers. We share over 300 linear feet of property boundary with the Applicant. While I acknowledge the Applicant's intentions, I wholeheartedly disagree with any notion that the parcel should be zoned anything other than CR-1. Having earned a Master's degree in City and Regional Planning from the University of North Carolina, I am well-versed in land use and sustainable development matters, and I maintain a keen interest in local planning initiatives. Several years ago, the Town convened to update the Town's Comprehensive Plan, which is described as "a roadmap that provides guidance on where and how the Town will grow and change over time." The effectiveness of any Comprehensive Plan largely depends on the underlying zoning. Consistent with the Comprehensive Plan, one of the key objectives of a zoning ordinance is to provide a clear, deliberate framework that steers community growth—a framework that, when enforced consciously and carefully, supports a thriving community for generations into the future. I am concerned that rezoning the Applicant's property to TR-4 or SR-2 would diverge from the vision statements set forth in the Comprehensive Plan, and would have detrimental effects on the immediate natural and built environment and on the character of the surroundings as well as the Town itself. There are many positive attributes that support the zoning map as it is drawn today. Focusing higher density towards the town center encourages walking and biking, which decreases fossil fuel emissions and minimizes automobile congestion and the need for additional parking downtown. Denser town centers preserve rural space on the Town periphery like the CR-1 zones have successfully done for decades. Rural buffers, in turn, allow for natural stormwater infiltration, reduce erosion and sedimentation of our streams and lakes, and preserve wildlife habitat which is crucial as the Black Mountain and Buncombe County continue to grow. If the roughly 16-acre parcel is subdivided into lot sizes allowed under TR-4 or SR-2, I worry that Town infrastructure will be overburdened, and environmental quality and character of the surrounding neighborhoods will be degraded. North Fork Road and the associated stormwater infrastructure is already stressed by the low number of rural residents that live within the Town limits and outside. Adding as many as 64 more homes would require improvements to North Fork Road. The road is neither pedestriannor bike-friendly—in fact, it is the opposite. Though it is less than a two-mile trip, new and

existing Linke Family 45 Hi View Drive Black Mountain, NC 28711 LINKE November 3, 2020 residents alike are forced to drive to town out of concern for their own safety. In addition to transportation infrastructure, the environmental consequences would be considerable. First, extensive disturbance of steep slopes like those that exist on the property would exacerbate existing erosion and sedimentation issues. Second, the addition of impervious surfaces would increase stormwater runoff and eutrophication of downstream aquatic resources. North Fork Road already floods during heavy rains events. In addition, signs of negative environmental impacts are already noticeable. The stream banks within the golf course are eroding, and as I write this Lake Tomahawk sits empty for dredging—an improvement that will be required with greater regularity as upstream development continues. Notably, stormwater from the property flows directly into Tomahawk Branch which drains into Lake Tomahawk—a beautiful community gathering place enjoyed by the entire Town. Upstream greenfield development poses a direct threat. Third, the forest, which has been preserved in large part by the CR-1 zoning designation, provides valuable habitat for local wildlife and migratory birds—offering inherent value to the community at-large. My overarching concern is that these impacts will not have been given the requisite consideration if the Applicant's request is approved. The Applicant is requesting a zoning change with the intention of one day being able to develop the parcel with high-density residential lots. The purpose of zoning, however, is not for individual landowners to manipulate to best suit their future aspirations, but instead it is to be used as a tool for governing bodies to implement and protect the collective desires of the broader community and carefully steer growth in a way that is consistent with the Town's vision for the future. I ask: How would such a change fit within the Town's long-term planning goals? What unforeseen consequences would accompany such a change? What effect would this change have on supporting infrastructure? And, ultimately, would this fit the character of the Community?

Cas Sochacki: I am writing as a concerned citizen over the proposed zoning change to the property owned by Sam Decker on the corner of North Fork Road and Walker Cove Road. I live on Walker Cove Road with my wife and two young children. This particular property holds significance to me as a picturesque entrance to my road and a gem of open space in the town of Black Mountain. I am asking the board to deny Mr. Decker's request to re-zone this property to high density residential. The property should be zoned CR-1 just like all the other surrounding property. What makes this property any different? I fully agree with the letter submitted to you by my neighbor Jay Linke. It saddens me to drive through town and see new high-density developments going up in all the empty spaces and old farm land. The town doesn't have the need or infrastructure for all this development. We moved to Black Mountain from Asheville because we are small town people who value nature, community, and the relaxed atmosphere of a small town. My family is asking the board to please consider a balanced approach to the town's future development. The zoning of this particular property is the

perfect step towards considering a more checked and thoughtful development strategy for Black Mountain. Thank you for your consideration.

Kathleen and John English - 55 Hi View Drive: We live at 55 Hi View Drive and are within 200 feet of Sam Decker's property. We watched with interest the Planning Committee's meeting to consider his requested rezoning from CR-1 to UR-8. While we understand his desire to use proceeds from his property to finance his retirement, we urge him to pursue that goal within the existing CR-1 zoning. Our reasons:

- The infrastructure on North Fork is already woefully inadequate for the existing traffic and rainfall.
- This property lies directly across the road from an area zoned for conservation in the town's 2014 future use recommendations.
- While the part of the property closest to us will fall under steep slope guidelines and development therefore will probably not affect our home's value, dense construction on either the open field or slope will cause additional environmental strain on the waterway system that feeds into Lake Tomahawk, contrary to the intention of the conservation zoning of that area.
- The expense to the town to make the necessary infrastructure accommodations will divert funds from other needed projects.

We believe retaining the existing CR-1 classification will strike the balance between allowing Mr. Decker to use his resources and maintaining the vision for the town's future as depicted in past planning documents and the current work being done by Elevate Black Mountain. Would you please read this letter at the next alderman meeting?

Kathy and Kenny Phillips - 26 Hi View Drive: My husband and I live off N. Fork within 200 feet of Mr. Sam Decker's property at 324 N Fork that he has requested to be rezoned. I've written a letter addressing our concerns with this request. We attended the Planning Commission meeting along with 6 other neighbors and gave some input during that meeting. I was distressed to see that you recommended the BOA "give Mr Decker what he wants" without reviewing the maps and information from the Planning Commission. There is much to consider when rezoning this parcel of land. I expect the Alderman to review the Planning Commission's information and maps thoroughly before voting. I was also displeased to hear that "no neighbors commented" during the Planning Commission which is just not true. My husband and I attended along with several other neighbors, many of which commented on our concern with this request. The Planning Commission spent 2.5 hours discussing many aspects of this request including, but not limited to - spot-zoning along with all it's additional requirements, whether it matched the Comprehensive Plan guidelines, steep slope issues, stream buffer issues, storm water issues, lack of sidewalks, loss of

impervious areas etc. They did a good job on a complex issue and could not come to an agreement - which tells me a lot. More information and community input is needed before a decision is made. I'm not sure why the BOA has these advisory commissions if they are not going to listen to never mind take their advice. I would like my letter read during the next BOA meeting - before the Board makes any further votes regarding this rezoning. My neighbors and I are very concerned with several aspects of this rezoning request. Please feel free to call me if you have any questions. Thank you for your consideration.

Robyn Josephs: Please deny both zoning changes on tonight's agenda, or at least postpone decision making until the newly elected board members takes office.

Matt Turner: In my personal opinion this should be moved to next month when the new board is present.

Alderman Jennifer Willet moved to close the public hearing. The motion was approved by a vote of 5-0.

Manager Harrold presented the statement of consistency.

Alderman Maggie Tuttle moved to adopt the Statement of Consistency as presented and to adopt Zoning Ordinance #Z-O-20-04 to rezone 324 N. Fork Road from CR-1 to TR-4 on the west side of the property and from CR-1 to SR-2 on the east side of the property. The motion was approved by a vote of 4-1, with Alderman Ryan Stone voting in opposition.

- B. Public Hearing to Rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 (town residential) to UR-8 (urban residential) #Z-O-20-05**

Alderman Jennifer Willet moved to open the public hearing to rezone 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8. The motion was approved by a vote of 5-0.

Ruby Begley submitted a rezoning application to rezone her properties at 134 Sunset Drive, 6 Vance Drive, and 99999 Vance Drive from TR-4 to UR-8. The property consists of 11.26 acres combined. The property is located across from I-40. The difference in uses between the differing residential districts is comparable but the UR-8 district would allow a greater amount of density. The Planning Board heard this request and voted 3-2 to deny the application.

Manager Harrold read the following public comments:

Robyn Josephs: Please deny both zoning changes on tonight's agenda, or at least postpone decision making until the newly elected board members takes office.

Lois Ford: I am again writing to strongly oppose the rezoning of the parcel of land on Sunset and Vance to urban/high density. The planning board denied the

request at the end of September after listening to the concerns of the area residents. Sunset Drive ,the road that services this area, is narrow and curvy. . As a resident of Disosway Street, Sunset Drive is the only way to access my home. Even at this time, I must be vigilant about car traffic and foot traffic. A large increase of traffic which would be a result of a high density development would make travel on this road hazardous. Also, there are no sidewalks on this road nor is there room to build them. The zoning request stated that this area is easily walkable to town. It is NOT. This land parcel is surrounded by approximately 22 single family residences and 5 empty lots. A high density building area would greatly change the character and makeup of the neighborhood. I urge you to oppose this zoning change. It will only negatively impact our neighborhood and the overall community.

Sharon Allison: We are an effected parcel in this matter. It is our belief that the road network around and on Sunset Dr will exceed carrying capacity if a high density development is allowed. As such, there is simply no way this spot zoning won't diminish surrounding property values. This is profoundly unfair to others in the neighborhood. The Planning Board made the right decision and it is our hope that the Board of Alderman will do the same.

Email sent with no name: There are more than 5 illegal Roosters and chicken farms that are on Westview drive especially at the entrance into it. As a resident here, I am for the rezoning as it might help with this problem!

Kelly Rish: I would like to go on record as not supporting changing the zoning for the 11 acres on Sunset Dr from residential/ TR-4 to urban/ UR-8. It is my hope you take into consideration of the Planning / Zoning meeting in Oct, where they voted 3 to 2 to keep the zoning the same. I urge you come to Sunset and look at it for yourselves, before making a decision. Then head to Henson's parking lot and look up and picture the massive change. Right now, it is a dangerous road, narrow with turns. We are always looking out for walkers, dogs, bikers, other cars. I can not imagine more cars. I would stress a traffic study be done before a decision. Drainage is a big issue as well. Several areas flood, makes it slow going and with more cars it would be a nightmare. The environmental aspect is huge also. The entire landscape will change with massive tree removal. It would greatly sadden me to see that change. Along those lines, the eco system will be disrupted, from birds to bears and quite honestly, that is what attracted us this area, to see that change so much, would be heartbreaking. When decided where to move, we choose here due to the zoning. We were happy to live on a residential street. We did the urban thing (it's over rated) and we would really hate to see that change.

Concerned Property Owners on Sunset Drive: We are adjacent property owners to the properties that are under consideration for rezoning on Sunset Drive. We

would like to voice our concerns that this proposed rezoning would negatively affect property values in the neighborhood. It would drastically alter the character of the neighborhood, which is composed of mostly wooded, private single family lots. At October's aldermen meeting, the town manager misspoke and said that the planning board had a tie vote as to whether to recommend for or against this proposal. As there were many residents in attendance at the planning board meeting, we all heard the planning board vote 3-2 to recommend *against* this rezoning. The reasons summarized were that it would negatively affect the existing neighborhood, and the existing road infrastructure would not support a development of the size that would be allowed under the proposed zoning. Sunset Drive itself is in poor condition to handle the increased traffic this would bring. It is a narrow road that has drop-offs with no guardrails on either side. Traffic sometimes has to stop to allow a vehicle from the other direction to pass. Also, the road is sinking in several places that are adjacent to a stream that flows beside it for a good portion of its length along the properties in question. Mention has been made about providing affordable housing that is walkable to downtown. The statements made by the land owner's son in the planning meeting were that the property would be sold to a developer. To date, there has been no concrete mention of affordable housing from an actual developer. Previous attempts to provide for affordable housing in the town in new developments have not been successful. We are concerned that allowing for greater density in the hope for affordable housing will just result in more units being developed that do not fall into the classification of affordable housing while ruining the quiet tree-filled charm of our neighborhood. It was also stated that the new development would be walkable to downtown Black Mountain. There is currently not an easy, safe walkable route to downtown Black Mountain from Sunset Drive which is completely severed from downtown by I-40. Sunset Drive itself is dangerous to walk on given vehicle speeds and curves. It has no sidewalk. The sidewalks that pass by the businesses at exit 64 and cross the I-40 exit interchanges are also dangerous. It was discussed at the planning board that because the property was near I-40, higher density made sense because "nicer homes" would not be built in this area. This is insulting to the existing neighborhood. We feel that our homes are "nice", along with the existing tree canopy that adds value to any neighborhood, and would invite Alderman to visit the neighborhood for themselves to see. Any of us would be happy to show you around. Please vote to deny this request.

The Newton and Myers household: I am writing to you today regarding the discussion tonight about the zoning of the properties off of Sunset. We live on Disosway, about two houses up from Sunset. Thus, we walk and drive on Sunset almost every day. We're very concerned about this zoning proposal in our residential neighborhood. Sunset is very narrow, and that much more traffic would be alarming. We have many neighbors and families with children, who walk and walk their dogs, and they already have to try to get off of the road when a car comes by. There are already blind curves and no shoulder for any buffer. If you are walking properly on Sunset, opposite of the traffic, and a car is passing

you, it is necessary for the car to pull into the lane of traffic that is going the "wrong way" and with the blind curves, this is dangerous for everyone. Increased infrastructure would help, but there is not much shoulder/space to expand and the road is already crumbling at the edges where cars have tried to move over and have run off the side. This zoning change could mean anywhere between 60-150 extra car trips down Sunset every day, and this is unthinkable. This is a quiet neighborhood of single family dwelling homes, and we moved here because of this, as well as the nice tree cover that buffers the interstate noise. Changing this for all of the people who already bought homes in this neighborhood because of this fact undercuts our quality of life and potentially our home values. There was also misinformation shared by the property owners who want to change the zoning, at the last zoning meeting. This information made it sound like a trail was available that makes this area is more walkable than it is. We wish that there was such a trail that made it safer to get to town without walking on Sunset, but a federal, chainlink fence that leads up to Interstate 40 stretches along the properties along Highway 9 and prevents such a trail. Much more discussion around the implications of such a massive change and decision on 10-11 acres in the middle of our neighborhood needs to be had before any changes are made. I would urge you to listen to the citizens' voices on this matter, to see if there is general support, beyond that of the property owners. We would like to invite the Board of Aldermen to come out and visit this area and meet, at a safe distance, with local residents who are concerned about this zoning change, before making such an impactful decision. Please let us know how we can help host such a visit

Danny Pressley – opposed to the proposed rezoning on Sunset Drive. He feels it has the potential to add too many houses and too much traffic.

Terry Pressley – 65 Sunset Drive: opposed to the proposed rezoning on Sunset Drive.

Sandy Pressley – Dalton St.: opposed to the proposed rezoning on Sunset Drive.

Ricky Mundy – 141 Sunset Drive: opposed to the proposed rezoning on Sunset Drive.

Concerned Citizens of Sunset Drive and Black Mountain: We are writing to express concerns and opposition to the rezoning of 134 Sunset Drive and 6 and 999999 Vance Avenue, a topic that will be addressed in your September 28th meeting. We, the members of the community that live near the site, in addition to many other residents of Black mountain, are extremely distressed at this proposal. There are already drainage issues and water pooling in this area so we feel the environmental effect of the removal of such a large quantity of trees for high density development will be profound, as well as disheartening. Additionally, the entirety of Sunset Drive is not very wide and there are homes

that are extremely close to the road as is. If ninety homes were built and each had three cars, our neighborhood would have to support traffic from 270 more vehicles coming in and out during the day. Sunset Drive dead ends at the top of the hill. We cannot imagine any size development built off a dead-end road. We would rely on and propose to the town that a traffic study be performed before any such major rezoning be allowed. Sunset Drive currently terminates at Highway 9 with only a simple stop sign. We are already finding ourselves waiting longer and longer, not only at busy times of the day, to merge into traffic onto the Number 9 roadway. We are aware of the growth rate in Black Mountain in recent years and traffic has become tight and frustrating. It would not be hard to imagine a terrible bottlenecking if a high-density community and mass influx of traffic were added to Sunset Drive. Please give thought to a traffic study in this area before consideration of approval. The placement of the proposed high-density community is of concern. It would be highly visible for any potential tourists traveling I 40 Westbound through Black Mountain and from town. The break in a now continuous mountain landscape that many of us have always called home would be troubling. We, as a community, pride ourselves in living under this beautiful canopy of trees. Leaf season, as you already know, is a major reason for tourism to our quaint town. Much wildlife calls this area their home and the people that live here honor them and do our best not to disturb the ecosystem. The statement in the motion to rezone of "it will bring more residential homes within walking distance to downtown" is a stretch, as it's well over a mile trek to downtown, unless you choose to cross the interstate. It is also questionable why being adjacent to I 40 would "afford more affordable housing." We humbly request that you visit this site and consider preserving this area from rezoning for a high-density neighborhood. We also suggest standing in the middle of Black Mountain Town Square and imagine the view of the mountains with the inclusion of a major development littering the mountainscape. We trust that protecting our natural resources, preventing major environmental changes, conserving our wildlife and infrastructure and preserving the natural look of our town will be considered. Due to the zoning amendment being rejected by our town's zoning board as well as our concerns mentioned above, please deny the proposal to change 134 Sunset Dr, 6 Vance Dr. and 99999 Vance Drive from TR-4 to UR-8. We are appreciative of your hard work and service to our community. Please feel free to read this at the meeting if that is allowed. Our community would like to be heard but remain anonymous.

Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Archie Pertiller moved to deny the rezoning request, following the recommendation from the Planning Board. The motion was approved by a vote of 5-0.

C. Public Hearing for Text Amendments to Road Standards (Land Use Code) # O-20-15

Alderman Maggie Tuttle moved to open the public hearing for Ordinance #O-20-15 for amendments to road standards in the Land Use Code. The motion was approved by a vote of 5-0.

Planning Director presented the information concerning the document. The collection of amendments reflect edits for consistent language and references for the Standards & Details Manual. This manual includes the construction methods from the NCDOT Subdivision Manual, NC Fire Code, and NC Fire Code Appendix D. There are no new standards proposed. The edits in the Land Use Code are limited to word choice, clarity, and consistency. The Planning Board voted 5-0 to recommend the text amendments as presented.

There were no public comments.

Alderman Archie Pertiller moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Ryan Stone moved to adopt Ordinance #O-20-15 as presented. The motion was approved by a vote of 5-0.

D. Public Hearing for Text Amendments to Water Improvements #O-20-16

Alderman Jennifer Willet moved to open the public hearing for Ordinance #O-20-16 for amendments to water improvements. The motion was approved by a vote of 5-0.

Planning Director presented the information. The Town of Black Mountain does not have extra territorial jurisdiction (ETJ) and therefore cannot apply any zoning regulations to parcels outside of the city limits and cannot require that compliance be met before granting access to water. Any water improvements will be addressed in the Code of Ordinances under utilities. The Planning Board voted 5-0 to recommend the text amendment as presented.

Alderman Maggie Tuttle moved to close the public hearing. The motion was approved by a vote of 5-0.

Alderman Jennifer Willet moved adopt Ordinance #O-20-16 as presented. The motion was approved by a vote of 5-0.

The chair will recognize individuals requesting to address the Board regarding the specific topic of the public hearing. Public hearing comments by any on speaker shall be limited to ten (10) minutes. The Mayor reserves the right to alter time limits and other rules of procedure at the beginning of each Public Hearing.

10. COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed: On October 12, 2020 the Mayor, Board of Aldermen, and Town Manager received a letter from Midland First Street Neighborhood concerning the Don S. Collins Early Learning Center. The letter outlined concerns regarding the zoning, stormwater, and the lack of traffic and noise studies. Attorney Sneed addressed these concerns as they relate to Town of Black Mountain ordinances. The placement of a sign was questioned, staff approached the Early Learning Center and that issue has been resolved. Copies of the Midland First Street Neighborhood's letter and Attorney Sneed's response are made part of these minutes.
- B. Town Manager – Josh Harrold - None

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Maggie Tuttle addressed the Board, stating that her time in service of the Town is coming to a close. She thanked the Board and staff for everything they do, and the many volunteers that work for the town. She congratulated Archie Pertiller, Doug Hay, and Pam King and expressed her confidence that things will be well run. Mayor Harris thanked her for her service.

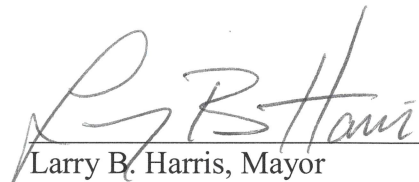
Alderman Ryan Stone thanked all the candidates for running respectful campaigns. He thanked the polling place volunteers for their hard work. He thanked Aldermen Tuttle and Willet for their service, and wished the public a happy Thanksgiving.

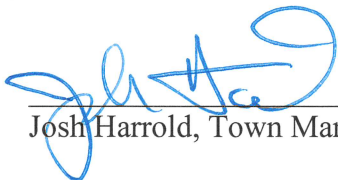
12. ADJOURNMENT

There being no further business Mayor Larry Harris adjourned the meeting at 7:32 p.m.

ATTEST:


Savannah Parrish, Town Clerk


Larry B. Harris, Mayor


Josh Harrold, Town Manager