



TOWN OF BLACK MOUNTAIN

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

Date: February 8, 2021 Time: 6:00 p.m.

Regular Session Agenda

The agenda and all related documentation may be accessed electronically via Wi-Fi in Town Hall. From your laptop or smartphone, access the Town's website at www.townofblackmountain.org. Click on **Town Government** and select **Mayor and Board of Alderman** to download materials for all Town board meetings.

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

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door.

Should you need other assistance or accommodation for this meeting, please contact

Town Clerk at 419-9310, or by email at townclerk@townofblackmountain.org

(828) 419-9300 / TDD (800) 735-2962

1. CALL TO ORDER

- Welcome
- Pledge of Allegiance
- Invocation – Fire Chief Scottie Harris
- Announcements

2. PROCLAMATIONS, AWARDS & RECOGNITION

A. Proclamation in honor of Coach Jim Levine – Mayor Harris

3. 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 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

A. Sunrise Owen - Isabella Hale and Elsa Quam

B. Fire Department Annual Report – Chief Scottie

5. CONSENT AGENDA

All items on the consent agenda are considered routine, to be enacted by one motion without discussion. If 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 January 7, 2021 Agenda Workshop, the January 11, 2021 Regular Session Meeting and the January 14, 2021 Special Call Meeting.

- B. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel to Fairway Drive and Tomahawk Avenue. #R-21-02**

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between Fairway Drive and Tomahawk Avenue to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

- C. Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between Hiawasse Avenue and S. Oconeechee Avenue #R-21-03**

Motion: *To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between Hiawasse Avenue and S. Oconeechee Avenue to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.*

- D. Call for Public Hearing for Text Amendments Chapter 1 – Definitions. # O-21-01**

Motion: *To call for a public hearing for text amendments to definitions to be held on Monday, March 8, 2021, 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-D as presented.*

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

8. NEW BUSINESS

- A. Riverwalk Greenway Alignment**

9. PUBLIC HEARING

- A. Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr.
ETAL #O-20-20 (Continued from January 11, 2021)

Motion:

To open the public hearing for the proposed voluntary annexation for Buncombe County PIN #0619-88-6353.00000.

To close the public hearing.

To adopt Ordinance #O-20-20 as presented.

- B. Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL
#Z-O-20-06 (Continued from January 11, 2021)

Motion:

To open the public hearing to rezone 99999 Laurel Drive from R-1 to UR-8.

To close the public hearing.

*To adopt **Zoning Ordinance #Z-O-20-06** (statement of consistency included) to rezone 99999 Laurel Drive from R-1 to UR-8.*

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
B. Town Manager – Josh Harrold

11. COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

12. CLOSED SESSION

- A. Closed session to discuss personnel matters as permitted by NC G.S.
143-318.11(a)(6)

13. ADJOURNMENT


Josh Harrold
Town Manager



PUBLIC NOTICE

In order to maintain the safety of Town residents, staff, and the Board of Aldermen, the Board of Aldermen **The Agenda Work Session scheduled for Thursday, February 4th at 5:00 p.m. will be conducted electronically using YouTube Live.**

The Board of Aldermen Regular Session scheduled for **Monday, February 8, 2021 at 6:00 p.m. will be conducted electronically using YouTube Live.** In order to comply with the State, County, and Town State of Emergency Declarations and social distancing requirements the only individuals that will be located at Town Hall will be the Mayor, Board of Aldermen, Town Manager, Town Clerk and one videographer. Other staff may participate remotely.

The meeting will be televised as normal on Charter Cable's Buncombe County Channel 192 at 8:00 p.m. on Sundays and posted on the website: <https://www.townofblackmountain.org>. To comply with NC § 143-318.13. Electronic meetings; written ballots; acting by reference, the meeting will also allow live audio and video feed via Zoom.

There are three ways the public can participate in the meeting:

1. **Join the meeting through YouTube Live on your computer or smart device. * Citizens will be able to comment at the appropriate time using the chat feature to enter their comments.**

https://www.youtube.com/channel/UCWJmKy_6LVe7VFXUrHwpESA

There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

Call toll free 877-853-5247 or 888-788-0099

Meeting ID: 820 175 2195

Passcode: 916686

3. **Email or call in your citizen comments or questions prior to the meeting.**

Call in comments prior to meeting: Town Clerk at 828-419-9310

Email comments to: Comments@townofblackmountain.org.

The Town is making every effort to ensure that the public is able to not only listen to the meeting, but also to participate in the public comment portion of the Board meeting, while still maintaining all of the Town's statutory requirements and keeping the public safe. **During the meeting, if at any time inappropriate content is detected the electronic meeting will be ended by the host.**

Savannah Parrish
Savannah M. Parrish
Town Clerk

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Please visit www.townofblackmountain.org to obtain agenda packets and other meeting information.

Posted to the Town Bulletin Board 1/21/21



Proclamation

Honoring James E. “Jim” LeVine

WHEREAS, James E. “Jim” LeVine, referred to hereinafter as Jim LeVine, was a native of the Buncombe County; and

WHEREAS, Jim LeVine taught and coached the students of Owen High School for many years; and

WHEREAS, Jim LeVine made a difference in countless students’ lives by serving as Athletic Director of Owen High School, along with coaching football, wrestling, track, swimming, golf and baseball, and;

WHEREAS, Jim LeVine provided invaluable service to the Black Mountain Community and served his country in the Army; and

WHEREAS, Jim LeVine, was a loving husband to his wife of 62 years, Anne Marie; father of Marc, Brad, and Lisa; and

WHEREAS, Jim LeVine was mentor, teacher, instructor, friend, and father figure for everyone that played under him as well as everyone that had the opportunity to meet him

NOW, THEREFORE, I, Larry B. Harris, Mayor of the Town of Black Mountain, on behalf of the Board of Aldermen and the Citizens of Black Mountain, wish to honor and do hereby proclaim February 8, 2021 as:

“Jim LeVine Day”

SIGNED this 8th day of February, 2021.

Larry B. Harris, Mayor

Attest:

Savannah M. Parrish, Town Clerk

Fire Department Council Presentation talking points February 8th 2021

- **Page 1 overview of department**
Class 3 ISO (insurance rating, the lower the number the better the rating) rated department protecting 54 sq miles nearly 7 sq miles town district along with 47 sq miles of the East Buncombe rural district
- **Page 2 Call Volume for 2020**
Town – 1404
East Buncombe -680
Total – 2084
- **Page 3 Exposures/ Loses on Building Fires**
This is obtained based of the tax value of the structure and the estimated property damage
Exposure - \$50,766,607
Loss - \$ 295,350
- **Page 4 Covid screened calls**
This is determined by the screening questions asked in the 911 center if the patient is a potential covid exposure call.
107 Covid suspected calls
- **Page 5 How much does the gear weigh we carry**
Picture 1 shows Firefighter Edwards in work uniform weighing 156lbs
Picture 2 shows Firefighter Edwards in gear carry equipment that he is subject to carry in on a fire alarm call weight 317lbs
- **Page 6 cost of structural Firefighting gear**
Turnout gear including coat, pants, helmet, gloves, hood, & boots, approx. \$4,300
SCBA Air Pak (Self Contained Breathing air) approx. \$3,000
- **Page 7 Engine company staffing**
NFPA 1710 (National Fire Protection Association) Standard recommends engine companies be assigned minimum of 4
We are funded for authorized staffing for 3 on engine 4 (station 1) and Engine 42 (station 2)
116 days this year we operated with 2 on engine 42
NFPA Recommendation is 14 Firefighters arriving on the initial alarm of a typical 2,000sqft structure fire (two-story, single family dwelling without a basement and with no exposures)
- **Page 8 NFPA 1901 Standard for Fire Apparatus and NFPA 1911 Testing, Inspecting and Maintenance of Fire Apparatus**
Recommends Apparatus be moved from front line to reserve status after 15 years due to ever evolving safety features

- **Page 9 Different types of apparatus pictured**

le Engine, Brush Truck, Rescue, Tanker, ATV, UTVeach apparatus has a different function on response which helps explain you see so many apparatus sent to what most would view as a simple fire call as the crew and apparatus each have different responsibility upon arrival for their task/job

- **Page 10 showing use of Swannanoa Ladder truck on calls in our district**

Dispatched as commercial building fire NC 9 and Residential Chimney Fire Craigmont Rd

- **Page 11 Showing the replacement schedule of the apparatus**

Oldest Engine (43) 1984 due replacement in 1999 using NFPA Recommendation with the newest being Engine (4) 2017 due replacement in 2032. The chart shows going into the yellow at the 15 year mark and red at the 20 year mark for replacement

2020 ANNUAL REPORT

Black Mountain Fire Department



Fire Department Information



- The Black Mountain Fire Department is a combination FD with Paid and Volunteer Firefighters.
- We protect some 54 square miles which includes the Town of Black Mountain and The East Buncombe Fire District (Montreat and Ridgecrest and some of Swannanoa)
- The ISO rating is a Class 3 (2019)

TOTAL CALLS 2020



City:

1404

Rural:

680

Total:

2084



Multiple Calls:
492

Building Fires



Exposures

\$50,766,607

Loss

\$295,350



Covid 19 Related Calls

- Covid Suspected
- 107 Calls



Equipment Weight



Station Duty



Ready to Fight Fire



Equipment Cost



- Turnout Gear \$4,000
 - Coat, Pants, Helmet, Gloves, Boots and Hood
- Air Pack \$3,000



Engine Company Staffing for 2020

- National Fire Protection Association (NFPA)
- NFPA 1710
- Standard for the Organization and Deployment of Fire Suppression Operations by Career Departments
- 5.2.3.1 Fire Companies whose primary functions are to pump and deliver water and perform basic firefighting at fires including search and rescue, shall be known as Engine companies.
- 5.2.3.1.1 These Companies shall be staffed with a minimum of four on-duty members.
- Days with a 2 person Engine Company in service for 2020
 - **116 Days**

NFPA 1901 Standard for Fire Apparatus

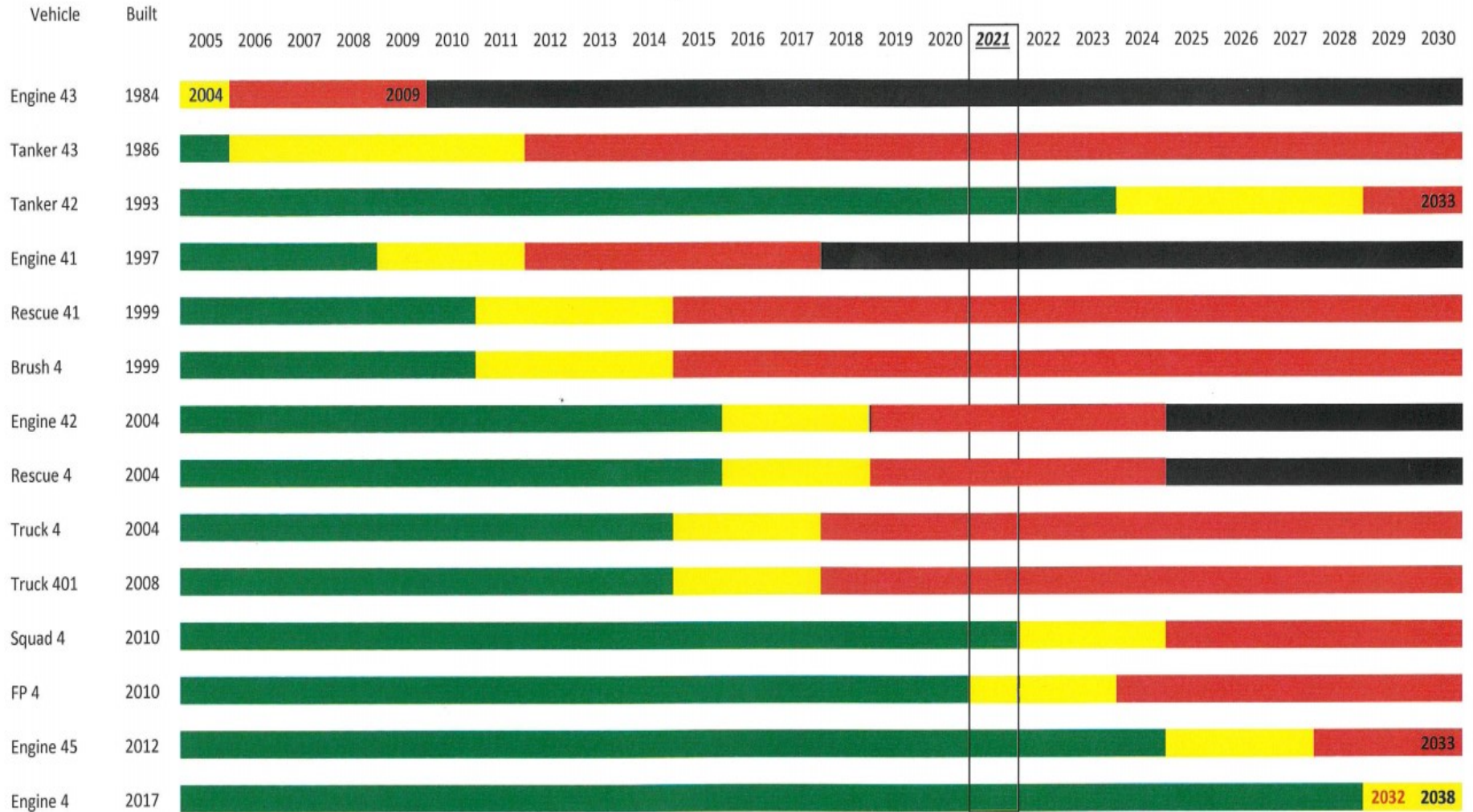
NFPA 1911 Testing, Inspection and Maintenance

- To maximize fire fighter capabilities and minimize risk of injuries, it is important that fire apparatus be equipped with the latest safety features and operating capabilities. In the last 10 to 15 years, much progress has been made in upgrading functional capabilities and improving the safety features of fire apparatus. Apparatus more than 15 years old might include only a few of the safety upgrades required by the recent editions of the NFPA fire department apparatus standards. Because the changes, upgrades, and fine tuning to NFPA 1901 have been truly significant, especially in the area of safety, fire departments should seriously consider the value (or risk) to fire fighters of keeping fire apparatus more than 15 years old in first-line service.





Fire Department Vehicle Replacement Schedule





THANK YOU

Any Questions?



TOWN OF BLACK MOUNTAIN

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

Date: **January 11, 2021** Time: **6:00 p.m.** **Regular Session Minutes**

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*Town Clerk Angela Reece 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 B. Harris
Vice Mayor Ryan Stone
Alderman Archie Pertiller
Alderman Ryan Stone
Alderman Tim Raines
Alderman Doug Hay
Alderman Pam King

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Town Clerk
Ron Sneed, Town Attorney
Fred McCormick, Reporter – The Valley Echo

Mayor Harris welcomed everyone and led the Pledge of Allegiance. Pastor Anthony Rodriguez of Valley Hope church led the invocation.

2. PROCLAMATION AND AWARD RECOGNITION

- A. Martin Luther King, Jr. Proclamation – Mayor Harris presented the proclamation and declared January 18th, 2021 “Martin Luther King, Jr. Day”.

- B. Deputy Chief John Wilson retirement – Mayor Harris presented the proclamation in honor of Deputy Chief Wilson and thanked him for his long service to the Town of Black Mountain
- C. Proclamation in honor of Noah Lewkowicz for Lake Tomahawk project – Mayor Harris read the proclamation in honor of Noah Lewkowicz. His Eagle Scout project made the playground at Lake Tomahawk handicapped accessible.

3. CITIZEN COMMENTS

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4. COMMUNICATIONS FROM STAFF, BOARDS, COMMISSIONS & AGENCIES

RAIL Committee Project Presentation – Vice Mayor Ryan Stone introduced Dr. Pierce to the Board and to the public. The railroad provided the first dependable access to and from much of Western North Carolina for the rest of the state as well as much of the nation. Many of the laborers were unjustly incarcerated. The purpose of the RAIL Committee Project is to tell story behind the construction of the railroad and to honor the memory of the laborers properly.

On a motion from Aldermen Archie Pertiller, the Board of Aldermen voted 5-0 to support the RAIL Committee Project.

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.

Manager Harrold presented the consent agenda to the Board.

A. Adoption of Minutes

Motion: *To adopt the minutes of December 14th, 2020 Regular Session Meeting and the December 29th, 2020 Special Call Meeting.*

B. Budget Amendment

Motion: *To approve Budget Amendment FY 2021 - #10 as submitted, increasing 10-10-5300-730 (Capital Outlay - Fire) by \$15,000 and increasing 10-00-3905-900 (Fund Balance Appropriated) by \$15,000.*

- C. Resolution to transfer to John Wilson the firefighting helmet and badge worn by him during his service with the Town of Black Mountain Fire Department. Motion: To adopt the resolution as presented.

Motion: *To adopt the resolution as presented.*

Manager Harrold presented the consent agenda to the Board.

Alderman Pam King moved to approve consent items A-C as presented. The motion passed with 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.*

Manager Josh Harrold read the following citizen comments:

- I'm Sue Stigleman, a resident of Black Mountain. I am writing to urge the Board of Aldermen to continue to follow the stricter COVID-19 guidelines. I work with COVID-19 information every day. The approval of vaccines is remarkable, but logistically, it will take months to get those distributed and into people's arms. Dr. Hathaway of Mission Hospital said at a recent Buncombe County Commissioners meeting "We are deep in the surge right now, and it's going to get worse." We are barely into the results of the cases, hospitalizations, and deaths that will be the results of the winter holiday gatherings and travel. Easing up on restrictions now will just increase that spread, increase the number of people who get sick, increase the pressure on our hospitals and health care workers, and increase the number of dead and the family and friends who will mourn them. Sue Stigleman [sstigleman@bellsouth.net](mailto:ssstigleman@bellsouth.net) 828-989-9373, 6 East Keesler Ave, Black Mountain
- Dear Board of Aldermen, I wish to express my support and appreciation for your recent decisions regarding the adoption of safety protocols for Black Mountain. Please continue to do whatever you can to maintain the health and safety of our residents and visitors during this current crisis! David A. Howarth
- Dear board members, I'm writing to weigh in on your vote on the county's covid restrictions. Thank-you for your recent vote to follow Buncombe county regulations. I understand that our business owners may wish for you to weaken these restrictions, but with our cases rising at a frighteningly exponential rate, and a more contagious strain spreading, I feel that it's of utmost importance maintain the restrictions. Thank-you for all you do. Be well, Martha Johnson
- To the Board of Aldermen and Mayor Harris, I watched the agenda meeting last night and heard there will be further discussion of the COVID plan for Black Mountain at the next regular meeting. I appreciate and fully support the Board of Aldermen adopting the county's more stringent guidelines and hope they will continue to do so. I also support promoting a plan to encourage residents to utilize takeout from our local restaurants to help them survive the hardship that has been thrust on them thru no fault of their own. Hopefully the town government and Chamber of Commerce can work together to quickly put together a plan to help our local restaurants. Thank you for your work to help us get thru this pandemic. Teresa Slaughter

- As the Executive Director of the Black Mountain Swannanoa Chamber of Commerce, I would urge the Board of Alderman to reconsider their stance on the COVID Restaurant Order reducing the capacity to 30% based on the following:

- 1) The CDC has guidelines to minimize exposure within a restaurant setting. The Buncombe County and NC state health departments encourage these guidelines and my interaction with Black Mountain eateries indicates these are strictly adhered to, or at a higher level.

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>

- 2) Black Mountain retail and dining diminish dramatically in January even in normal years. Frustrating and adding additional restrictions to the challenges of restaurant survival is adding fuel to their stresses by this order. It's like closing the barn door after the horse has gotten out. Many of restaurants and retail close for a couple of weeks in January to recover from the holiday season. Ordering reduced capacity may not impact their revenue, but it does add stress to their decision making.
- 3) The fact that Black Mountain has no Health Department in making this decision is confusing. Buncombe County Health Department oversees the entire county and is not limited in jurisdiction to Asheville. I'm unsure as to how this was a factor in the decision process.
- 4) Black Mountain businesses cannot survive solely on local business. The town needs transient customers to meet financial obligations.
- 5) The majority of COVID 28711 infections are in congregate living communities: Givens Highland Farms, NC Veterans Home and Black Mountain Center. 100 of 533 infections in the 28711 zip were in these three facilities of 9,890 countywide cases. Black Mountain has reported 533 cases, 5% of total county reported infections when Black Mountain has 3% of the county population, yet the majority of these cases are in congregate living facilities.

<https://www.google.com/search?q=buncombe+county+nc+covid+cases&oq=Buncombe+County+NC+Covid&aqs=chrome.4.69i57j69i59l2j0l3j69i60l2.8969j0j>

11 of 24 deaths in the 28711 zip code were in these facilities - 46% of local deaths..

<https://covid19.ncdhhs.gov/dashboard/cases>

<https://covid19.ncdhhs.gov/dashboard>

<https://files.nc.gov/covid/documents/dashboard/Weekly-COVID19-Ongoing-Outbreaks.pdf>

Our restaurants are not the problem in Black Mountain community spread.

6. I would strongly urge getting feedback from the restaurant segment, or any other businesses being impacted by the pandemic, and using them as the gauge to making decisions that are more stringent than state mandates. The business owners would appreciate being part of the decision process that impacts their livelihood. The Chamber will be happy work closely with the Board of Alderman and Town Manager to collect business feedback.
7. The Chamber is working with two Alderman, Pam King and Doug Hay, in developing a promotion to support our restaurants. We hope to have a draft proposal soon.

Respectfully,

Sharon Tabor

Executive Director

Black Mountain Swannanoa Chamber of Commerce

- dear town of black mountain board members, I don't think I've ever sent you a comment but I've been wanting to do this since the last alderman meeting which I watched on YouTube. I just wanted to give you my two cents as a black mountain resident, that I was very relieved to hear you all vote on following the county's regulations on covid. As an older person, I have been isolating since March and I look forward to the day when I can get the vaccine and resume some sort of normalcy. In the meantime, as I watch the covid numbers rising exponentially in our state, as a new more contagious strain invades the U.S. and as there is a slow roll out to the vaccine I totally support Black Mountain following the county's regulations. I realize that this is extremely difficult for local businesses, especially for our wonderful restaurants, so I fully support the ideas of doing as much take out as possible from all of our great places. I'm wondering if there is any money available in the town budget to help support these businesses as well. I understand the objections to these limitations and appreciate the great fear that businesses and their employees have as they are pushed to their limits, but if their clientele is killed or even lose their sense of taste as a result of the virus, they will not do well in the future either. thank you for working to protect all of us, Erica Burns
- With all due respect, we are concerned about the decision process to follow recent Buncombe County Guidelines. First: We are making a request to justify, with validated statistical data, the decisions made at the Special Call Meeting 29 Dec 20 to change the "capacity" % for dining in and the size of "groups". Prove the validity by comparing, in Black Mountain, statistically valid data proving an upward trend of hospitalizations and deaths in Black Mountain, caused only by COVID-19 and explain how changing current guidelines for distancing and gathering size only has a very probable result of eliminating further hospitalizations and deaths.

Second: Clearly explain how each dining inside area in Black Mountain has it's normal maximum capacity defined, such that 50% or 30% can be calculated and was fairly applied to all establishments. And third, how will this regulation be enforced by inspection for conformance since it is not a legally enacted law?"

Disclaimer and Disclosure: My wife and I and the small circle of friends we associate with follow masking, distancing, and gathering guidelines currently in effect in Black Mountain. Here are our background ideas: I share all the concerns about infection spread.....our points of contention are:

A. Not 100% sure the data has been properly vetted, reports surface about % false positives, negatives, miscounting. Those are not taken into account relative to positive tests vs. symptoms. Hospitalizations are a major concern regarding human suffering and hospital capacity for proper care.

And most importantly, mortality rates as % of population. This determines risk. For the sake of argument, I will agree they are reasonably accurate and subject to validation and interpretation but not parsed for Black Mountain.

B. Of the 5 people I know in BM, three in the service industry, who tested positive: 2 had no symptoms, 3 had mild symptoms, no medication or hospitalization, just quarantine.

C. Spread rate by aerosol from infected individuals or direct contact, including surfaces, is still based on assumptions. The data is improving over time. Spread rate has not been evaluated by calculating the impact of noncompliance with masking, improper ineffective mask use or materials and lack of distancing, proper quarantine and disinfecting. Constant partial inconsistent surface bleaching produces resistant strains of bacteria and viruses which grow and spread.

D. Capacity of dining areas is arbitrarily defined by number of toilets and not always square footage / emergency exits meeting fire code. A restaurant owner conveyed this info to me. A 6-foot distance measure is a guess and a compromise.

E. Contact tracing not working well so we do not know how many mask less individuals cause spread, lack of distancing at many ranges, wearing ineffective "masking" materials contributes or, if constant disinfection does anything other than encourage resistance to develop in virus

strains as they reproduce. It appears the guidelines have not been followed 100% of the time by our population.

F: Both short term and long term economic damage must be considered and weighed against risk. Generally the most vulnerable segments of society (service industry, small business owners, minorities, school aged children, elderly, those with pre-existing conditions) are affected the most. Debt financed stimulus is not a long term viable solution.

My conclusion is, we do not have sufficient statistically valid data to rank the effectiveness of the draconian measures taken and justification for BM to follow Buncombe County. And the lack of contrasting the data which is published vs. measures taken vs. results is a matter of concern.

The media and politicians continue to act as social media influencers, injecting opinions and bias into what should be fact based news. They use their learned skills of sotto voce and assumed gravitas. David Muir, ABC Anchor, is a classic example, including his orchestrated body language and hand motions....watch and listen closely.

Of course, I expect the governance of BM to adhere to all Federal, State, and County laws. When it pertains to guidelines, recommendations, proclamations, executive orders et cetera, I expect the Mayor and Board of Alderman to evaluate these (not enacted into law) and act on facts in the best overall interests, short and long term, of the BM electorate.

Courtney C. Halcomb & James A. Full, 6 Gold Leaf Walk Way, Black Mountain, NC

- The new edict against restaurants that is more restrictive than even the governors orders is not based on any science. It's just a feel like you did something order. Yeah, you did something: you put restaurant owners and their employees out of business for no good reason. Lockdowns don't work, just look at California vs Florida. Shame on you all. Carl Mims
- I am writing in regards to the recent decision by the board to go above and beyond the North Carolina Covid restrictions for restaurant capacity. I do not understand the logic for making this decision. As we have seen throughout the US (California as case in point), these restrictions do not appear to be slowing the spread of Coronavirus. I feel like it was something you did to make the townspeople think you were actually doing something to help the problem. However, one of the beauties of Black Mountain is its wonderful restaurants. Unfortunately, after speaking with some staff at these restaurants, they do not think they will be able to survive with 30% capacity. I believe everyone these days knows the inherent risks of being around other people and we must all take it upon ourselves to act responsibly and not spread the virus. By closing restaurants, you are hurting Black Mountain. Please reconsider your decision. Best regards, Pam Mims
- I am reaching out to the Town of Black Mountain, its Mayor and other elected officials to express my shock and concern for the new restrictions on our local retail businesses in particular restaurants!!!! We are residents of this great town and my husband and I are visiting our local restaurants in Black Mountain and some in Asheville as well on a regular basis and have been all year in 2019 to the present. They all seem to be following cdc guidelines and local mandates/orders as far as social distancing, face masks etc. and we feel perfectly safe and of course have not contracted the virus from any of them. They are operating safely and at 50% capacity in the past and there is no data showing or proving that a large or extreme number of COVID cases are contracted at restaurants. I see now they are reduced to 30% capacity and some are stating they will have to close due to this! This is ridiculous and insane that they are targeted as high risk when there is no data supporting that but we can still go to Lowe's, grocery stores, Walmart's etc that often have way more people in them at a time and less social distancing. This is America and we are a free country and we are forcing many of these businesses to close when there is no proven link to extreme spread and restaurants. They were following guidelines and operating safely so why are we the people and our leaders pushing this and or allowing this? We are taking away from these business owners and their employees the right to make a living. Many will go under being restricted to this level and this is unacceptable! I would like our mayor and other elected officials to consider pushing back on this and help these local businesses, their owners and employees. We have to find a balance between protecting people and reducing spread while

still allowing our retail, restaurants and other businesses to survive. Our economy and people's ability to make a living and support themselves and their families do matter also.... Bailouts are not enough! Susan Kemmet

7. UNFINISHED BUSINESS

A. Asheville Regional Housing Consortium:

There is one Board appointment and one Alternate to be filled for the Asheville Regional Housing Consortium.

Nomination for Member: Archie Petiller

By: Pam King

***Motion**: To appoint Archie Petiller to serve as member of the Asheville Regional Housing Consortium and to appoint Jessica Trotman as the alternate member. The motion passed with a vote of 5-0.*

B. Metropolitan Sewer District (MSD) Board of Directors:

There is one Board appointment to be filled for the Metropolitan Sewer District (MSD) Board of Directors.

Nomination for Member: Bob Watts

By: Tim Raines

***Motion**: To appoint Bob Watts to serve as **member** of the Metropolitan Sewer District (MSD). The motion passed with a vote of 5-0.*

8. NEW BUSINESS

A. Town of Black Mountain COLA Increase.

Due to COVID-19 and uncertain revenue projections, the fiscal year 20-21 budget allocated 1% COLA to begin in January. The Town budgeted a 15% decrease in revenues for fiscal 20-21 and the revenues thus far came in significantly better than -15%. The total amount for the increase in Cost of Living Adjustment from 1% to 3% is \$55,691.33

Vice Mayor Ryan Stone moved to increase the cost of living raise for town staff from 1% to 3%. The motion passed with a vote of 5-0.

B. Budget Amendment for COLA Increase.

In order to complete the cost of living adjustment, the budget will need an amendment.

Alderman Archie Pertiller moved to approve Budget Amendment FY 2021 - #11 as presented. The motion passed with a vote of 5-0.

C. Buncombe County Dispatch Consolidation

This intergovernmental agreement will allow Black Mountain to join Buncombe County's dispatch services. The Town of Black Mountain spends approximately \$240,000 per year in salaries and benefits. Buncombe County's cost to perform dispatch services for Black Mountain will be approximately \$161,000 per year. Vice Mayor Ryan Stone commended the Town Manager for the project, which he feels will increase interagency communication and quality of service, but also for ensuring all involved Black Mountain employees will have jobs either with the Town or with Buncombe County.

Alderman Pam King moved to approve the intergovernmental agreement to combine dispatch services as presented. The motion passed with a vote of 5-0.

D. Buncombe County Emergency Order

On Tuesday, December 29th, 2020 the Black Mountain Board of Aldermen voted to follow Buncombe County's order to adopt additional measures to reduce transmission of COVID-19. The new local order signed on Dec. 23, 2020, reduces the capacity for indoor dining in restaurants from 50% of stated fire capacity to 30% and lowers the number for an indoor mass gathering for social gatherings with individuals from outside your household from 10 persons to 2 persons.

There was discussion among the Board to determine if they should continue to follow the County's more restrictive guidance or revert to following the guidance from the State of North Carolina.

Vice Mayor Ryan Stone moved to continue to follow Buncombe County's order to adopt additional measures to reduce transmission of COVID-19. The motion failed with a vote of 3-2.

The Town of Black Mountain will not follow Buncombe County's order, but will continue to follow guidance from the State of North Carolina.

6) PUBLIC HEARING

A. Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr.
ETAL #O-20-20

Alderman Archie Pertiller moved to open the public hearing for the proposed voluntary annexation for Buncombe County PIN #0619-88-6353.00000. The motion passed with a vote of 5-0.

Planning Director Jessica Trotman presented the information. There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking the use of Town water and as such, is asking for a voluntary annexation into the Town. The Planning Board heard this request at their November 23, 2020, meeting and felt that the property would be a good addition and is a developable lot near UR-8 and would allow stream buffer protection.

Jesse Gardner of Civil Design Concepts, who represents the developer, presented the project to the Board of Aldermen and expressed the desire to only annex if the Board was willing to zone the property to UR-8.

Jessica Trotman reminded the Board that the development would be subject to the Town's stricter storm water ordinance and that density would be less than if the developer did not annex and built in Buncombe County.

Mayor Harris stated that the Board has the option of tabling or continuing the public hearing until such a time that the board members have the opportunity to deliberate further before making a decision.

Manager Harrold read the public comments related to the rezoning which are attached and made part of these minutes.

Alderman Pam King moved to close the public hearing. The motion passed with a vote of 5-0.

Vice Mayor Ryan Stone moved to continue the public hearing until the February 8, 2021 Regular Session meeting. The motion passed with a vote of 5-0.

- B. Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL #Z-O-20-06**

Alderman Archie Pertiller moved to continue the public hearing until the February 8, 2021 Regular Session meeting. The motion passed with a vote of 5-0.

Motion:

To open the public hearing to rezone 99999 Laurel Drive from R-1 to UR-8.

To close the public hearing.

*To adopt **Zoning Ordinance #Z-O-20-06** (statement of consistency included) to*

rezone 99999 Laurel Drive from R-1 to UR-8.

C. Public Hearing to Close Portion of Unopened, Platted Right-of-Way Parallel and Between W. College Street and Goldmont Street **#R-20-10**

A petition has been filed to close a portion of a right-of-way between W. College Street and Goldmont Street. The properties that abut the right-of-way are 218 W. College Street and 74 Goldmont Street. The requested closure is approximately 50 feet in the length and 15 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board did not recommended the closure with a vote of 5-0 at the October 26, 2020 meeting.

Jessica Trotman informed the Board that the Planning Board will hear from Public Works at their next meeting, and will consider closing the entire right-of-way rather than a portion.

Manager Harrold read the public comments which are attached and made past of these minutes.

Alderman Pam King moved not to approve Resolution #R-20-10 for the street closure. The motion passed with a vote of 5-0.

D. Public Hearing for Text Amendments to Village of Cheshire Master Plan **#O-20-19**

Vice Mayor Ryan Stone moved to open the public hearing for Ordinance #O-20-19 for amendments to the Village of Cheshire Master Plan. The motion passed with a vote of 5-0.

Planning Director Jessica Trotman presented the information. Jacobs Cottages was added to the Cheshire Master Plan in 2015. Six additional lots were added in 2016. During all of this, the actual design requirements were not adopted. The amendment proposed is to add the design requirements for the Cottage Court design and incorporate that into the Village of Cheshire Master Plan.

The Planning Board considered this amendment at their November 23, 2020, meeting and made the following motion: To recommend the amendment as presented applicable only to the Jacobs Cottages development and that the amendment is consistent with the comprehensive plan and reasonable because it allows adequate density development on existing infrastructure and is keeping with the compatibility of the existing Jacobs Cottage neighborhood. The motion was approved by a vote of 5-0 with Jesse Gardner recusing himself from voting as he represents the client proposing the text amendment.

Alderman Archie Pertiller moved to close the public hearing. The motion passed with a vote of 5-0

Vice Mayor Ryan Stone moved to adopt Ordinance #O-20-19 as presented [or as amended]. The motion passed with 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.

7) COMMUNICATION FROM STAFF

- A. Town Attorney – Ron Sneed, The Town is acquiring a small easement on the edge of Montreat for water meter infrastructure. Attorney Sneed will have the information regarding the easement at the next meeting.
- B. Town Manager – Josh Harrold, the Town Manager was contacted about the possibility of using Lakeview Center as a COVID-19 vaccine location and will work towards that. He reminded the Board the Town offices would be closed on January 18, 2021 for Dr. Martin Luther King, Jr. Day. Manager Harrold has been working with local restaurants to identify good locations for curbside pickup parking due to COVID-19 restrictions. There is a building that will be burned as a training exercise for the Fire Department. Friends of Fonta Flora State Trail has approached Manager Harrold about a cost share for hiring a staff person for the project. Black Mountain's portion would be \$5000. Manager Harrold stated that the Town does have the money in the budget. The Board expressed their support and approval for the \$5000 cost share.

8) COMMUNICATION FROM MAYOR AND BOARD OF ALDERMEN

Alderman Tim Raines asked the public that in light of unrest in the Nation's capital that we all remain peaceful and pray for the peace of the nation.

Alderman Doug Hay acknowledged that many are feeling pandemic fatigue but encouraged the continued practice of the 3 Ws and patience as the vaccine beings distribution.

Vice Mayor Ryan Stone reminded the public that there is a special call meeting on January 14, 2021 at 8:30 AM.

9) ADJOURNMENT

There being no further business Mayor Larry B. Harris adjourned the meeting at 8:42 PM.



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
AGENDA WORKSHOP MEETING MINUTES
January 7, 2021

THE BLACK MOUNTAIN BOARD OF ALDERMEN held an agenda workshop on Thursday, January 7, 2021 at 5:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain, NC. The purpose of the meeting was to review the agenda for the regular monthly meeting scheduled for Monday, January 11, 2021 at 6:00 p.m.

1. CALL TO ORDER

Mayor Larry B. Harris called the meeting to order at 5:00 p.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Alderman Archie Pertiller
Alderman Doug Hay
Alderman Pam King
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney

The Board reviewed the items that were proposed for the January 11, 2021 regular session meeting.

Mayor Larry Harris opened the meeting. Town Manager, Josh Harrold presented the proposed agenda to the Board of Aldermen.

Manager Harrold discussed **Item 5B**, a budget amendment to replace a generator at the Fire Substation. The current generator no longer functions.

Manager Harrold proposed adding Resolution #R-21-01 to award Deputy Chief John Wilson his badge and fire helmet.

*Alderman Archie Pertiller moved to add **Item 5C**, Resolution to transfer to John Wilson the firefighting helmet and badge worn by him during his service with the Town of Black Mountain Fire Department. **The motion passed with a vote of 5-0.***

Manager Harrold discussed **Item 7A** Asheville Regional Housing Consortium. Alderman Pertiller previously had expressed interest in being the member of that board. This would allow him to become the member and make Jessica Trotman the alternate member.

Black Mountain Board of Aldermen
Agenda Workshop Minutes January 7, 2021

Item 7B Metropolitan Sewer District (MSD) Board of Directors, staff was asked at the December 2020 to ask Bob Watts before making a decision on who to appoint.

Manager Harrold explained **Items 8A and 8B** and there was no discussion from the Board.

Item 8C Buncombe County Dispatch Consolidation would consolidate Black Mountain's dispatch with Buncombe County's dispatch. The Town of Black Mountain spends approximately \$240,000 per year in salaries and benefits. Buncombe County's cost to perform dispatch services for Black Mountain will be approximately \$161,000 per year.

Manager Harrold reminded the Board that **Item 8D** Buncombe County Emergency Order expired on January 8th, 2020 and they would need to discuss their intentions at the regular schedule meeting. Mayor Harris advised business owners not to make any decisions about their business until the Board votes concerning capacity limits on Monday, January 11, 2021.

Manager Harrold presented the details of the public hearings, **Items 9A and 9B**. Mayor Harris encouraged the Board to consider the Town's obligations before voting on **Item 9A**, Public Hearing on the annexation of a 16-acre property off Brooks Cove Rd. Town Attorney Ron Sneed clarified that the rezoning of the same property is contingent upon the annexation.

Planning Director Jessica Trotman joined the meeting and explained that the property was likely to be developed whether or not it was annexed. She reminded the Board that the Town's stormwater ordinance is much more restrictive than the county's. She also informed them that the density would be greater should the property remain in the county.

Manager Harrold presented items **9C and 9D** and there was no discussion from the Board.

There was no further discussion on the agenda.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 5:30 p.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager



TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
SPECIAL CALL MEETING MINUTES
January 14, 2021

THE BLACK MOUNTAIN BOARD OF ALDERMEN, held a special called meeting on Thursday, January 14th at 8:30 a.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting is for the Board of Aldermen is to discuss the Town Charter, and the process by which citizens are appointed to boards.

1. CALL TO ORDER

Mayor Larry B. Harris called the special meeting to order at 8:30 a.m. with the following members present:

Mayor Larry B. Harris
Vice Mayor Ryan Stone
Alderman Archie Pertiller
Alderman Doug Hay
Alderman Pam King
Alderman Tim Raines

The following staff members were present:

Josh Harrold, Town Manager
Savannah Parrish, Assistant to Manager/Town Clerk
Ron Sneed, Town Attorney

Mayor Harris explained that the purpose of the meeting was for the Board of Aldermen to The purpose of this meeting is for the Board of Aldermen is to discuss the Town Charter, and the process by which citizens are appointed to boards. Mayor Harris also added in opening that many of the current board members are a product of the appointment process.

Attorney Ron Sneed addressed the Board informed the Board that there are several archaic items in the Charter that should eventually be changed, including the election being called for in May. He suggested the board refer to the statute when considering any future changes to the town charter in reference to term length for appointments. Attorney Sneed proposed two options for the board to consider prior to the vote. The board had the option to amend the charter to override the statute altogether or to conform with modifications.

Alderman Pam King motioned to amend the charter to conform to the statute with a modification of 135 days. The motion passed with a vote of 5-0.

Alderman Pam King moved to change the name of the governing body from Board of Aldermen to Town Council. Vice Mayor Ryan Stone expressed support for the motion, but suggested

withdrawing the motion until the February 8, 2021 regular schedule meeting to allow public comment. Alderman King agreed and withdrew the motion.

Alderman Doug Hay suggested a two-week application process with a subsequent public interview process by the board in order to add more structure to the process by collecting applications and conducting interviews, and to allow for public comment.

Alderman Archie Pertiller suggested that rather than accepting applications from the entire community, the Board of Aldermen could accept applications from residents who filed to run for the Board in the previous election. After some discussion over concerns about this process limiting the number of people able to be appointed, the Board agreed that candidates from the prior election will receive direct notice of openings on the Board of Aldermen.

There being no further discussion Mayor Larry B. Harris adjourned the meeting at 8:38 a.m.

ATTEST:

Savannah Parrish, Assistant to Manger/Town Clerk

Larry B. Harris, Mayor

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 8, 2021

SUBJECT: Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way
Parallel to Fairway Drive and Tomahawk Avenue

#R-21-02

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5B
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Jerry Jackson has filed a petition to close a portion of a right-of-way between Fairway Drive and Tomahawk Avenue. The properties that abut the right-of-way are 99999 Hiawasse Avenue, 99999 Hiawasse Avenue, 99999 Tomahawk Avenue, and 603 Tomahawk Avenue. The requested closure is approximately 75 feet in the length and 8 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION: To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between Fairway Drive and Tomahawk Avenue to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution of Intent **#R-21-02**, Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, April 12, 2021 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, April 12, 2021 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for a right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection.

The meeting is open to the public.

Savannah Parrish
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9310 or by email at savannah.parrish@townofblackmountain.org.

Posted to the Town Bulletin Board 03/04/2021
Published in the Black Mountain News 03/04/2021, 03/11/2021, 03/18/2021, and 03/25/2021
www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
February 8, 2021
Agenda Item

RESOLUTION OF INTENT # R-21-02

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN OF
THE TOWN OF BLACK MOUNTAIN TO CONSIDER THE CLOSING OF AN
UNOPENED, PLATTED PORTION OF RIGHT-OF-WAY TERMINATING AT
FAIRWAY DRIVE AND TOMAHAWK AVENUE INTERSECTION AND TO HOLD A
PUBLIC HEARING ON THIS ISSUE APRIL 12, 2021**

WHEREAS, G.S. 160A-299 authorizes the Board of Aldermen of the Town of Black Mountain to permanently close public streets or alleys; and

WHEREAS, The Town of Black Mountain has received a request from two property owners to close that unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request, did recommend that the unopened, platted portion of right-way terminating at Fairway Drive and Tomahawk Avenue intersection be closed; and

WHEREAS, the Board of Aldermen of the Town of Black Mountain must set a public hearing to consider any comments concerning the above referenced request before taking any action; and

WHEREAS, in accordance therewith, the Board of Aldermen of the Town of Black Mountain desires to take the following actions:

DESCRIPTION:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

BEING all that portion of the alley running through center of Block 35, Plat Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins at a point located North 1° 30' East 15 feet from the southeast corner of Lot 18, Block 35, as shown on that plat recorded in Plat Book 154 at Page 193, Buncombe County Registry; and runs thence along the eastern boundaries of Lots 18, 17 and 16, Block 35, Plat Book 154 at Page 193, North 1° 30' East to the southern edge of the right of way of Fairway Drive and the southeast edge of the right of way of Tomahawk Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

TOWN OF BLACK MOUNTAIN

160 Midland Avenue

Black Mountain, NC 28711

Section 1. Pursuant to G.S. 160A-299, the Board of Aldermen declares its intent to close the unopened, platted portion of right-of-way terminating at Fairway Drive and Tomahawk Avenue intersection.

Section 2. A public hearing on the question of closing said street is hereby called at Town Hall, 160 Midland Avenue, Black Mountain, N.C. 28711 on Monday, April 12, 2021 at 6:00 p.m.

Section 3. Following the public hearing called hereby, the Board of Aldermen shall consider the passage of an order closing the street identified above.

Section 4. The Town of Black Mountain Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in the area.

Section 5. The Town of Black Mountain Zoning Administrator is hereby directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution.

Section 6. The Town of Black Mountain Zoning Administrator is further directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this the 8th day of February, 2021.

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 8, 2021

SUBJECT: Call for Public Hearing to Close Portion of Unopened, Platted Portion of Right-of-Way Parallel and Between Hiawassee Avenue and S. Oconeechee Avenue

#R-21-03

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5C
Department:	Planning
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: Becki Janes, Brandon and Abigail Moffitt, Toby and Sarah Broughton-Ives, Darla Sublette, Eric and Erica Christopher, Phillip Abernathy, Caitlin Hettich and Casey Sharpe, and Don and Dorinda Blankenship have filed a petition to close a portion of a right-of-way between Hiawassee Avenue and S. Oconeechee Avenue. The properties that abut the right-of-way are 402 Hiawassee Avenue, 400 Hiawassee Avenue, 312 Hiawassee Avenue, 312B Hiawassee Avenue, 99999 Hiawassee Avenue, 304 Hiawassee Avenue, 300 Hiawassee Avenue, 216 Hiawassee Avenue, 206 Hiawassee Avenue, 104 Hiawassee Avenue, 207 S. Oconeechee Avenue, 209 S. Oconeechee Avenue, 301 S. Oconeechee Avenue, 305 S. Oconeechee Avenue, 309 S. Oconeechee Avenue, 313 S. Oconeechee Avenue, 401 S. Oconeechee Avenue, and 403 S. Oconeechee Avenue. The requested closure is approximately 759 feet in the length and 8-10 feet wide. The right-of-way is not identified in any adopted plans nor is part of a proposed greenway or roadway system. The right-of-way is not part of a stormwater system nor is it in any drainage area. The Planning Board recommend the closure with a vote of 7-0 at the January 25, 2021 meeting.

The Town has the authority to close dedicated but unopened streets within its jurisdiction on its own motion.

MOTION FOR CONSIDERATION: To call for the public hearing to close an unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue to be held on Monday, April 12, 2021 at 6:00 p.m. or as soon thereafter as possible, in the Board Room of Town Hall at 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution of Intent **#R-21-03**, Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, April 12, 2021 at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, April 12, 2021 at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for a right-of-way closure parallel and between Hiawasse Avenue and S. Oconeechee Avenue.

The meeting is open to the public.

Savannah Parrish
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9310 or by email at savannah.parrish@townofblackmountain.org.

*Posted to the Town Bulletin Board 03/04/2021
Published in the Black Mountain News 03/04/2021, 03/11/2021, 03/18/2021, and 03/25/2021*

www.townofblackmountain.org



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

BoA Regular Session
February 8, 2021
Agenda Item

RESOLUTION OF INTENT # R-21-03

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN OF
THE TOWN OF BLACK MOUNTAIN TO CONSIDER THE CLOSING OF AN
UNOPENED, PLATTED PORTION OF RIGHT-OF-WAY PARALLEL AND BETWEEN
HIAWASSEE AVENUE AND S. OONEECHEE AVENUE AND TO HOLD A PUBLIC
HEARING ON THIS ISSUE APRIL 12, 2021**

WHEREAS, G.S. 160A-299 authorizes the Board of Aldermen of the Town of Black Mountain to permanently close public streets or alleys; and

WHEREAS, The Town of Black Mountain has received a request from eight property owners to close that unopened, platted portion of right-of-way parallel and between Hiawassee and S. Oconeechee Avenue; and

WHEREAS, the Planning Board for the Town of Black Mountain, after reviewing petitioners' request, did recommend that the unopened, platted portion of right-of-way parallel and between Hiawassee Avenue and S. Oconeechee Avenue be closed; and

WHEREAS, the Board of Aldermen of the Town of Black Mountain must set a public hearing to consider any comments concerning the above referenced request before taking any action; and

WHEREAS, in accordance therewith, the Board of Aldermen of the Town of Black Mountain desires to take the following actions:

DESCRIPTION:

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

Segment 1

BEING all that portion of the alley running through center of Block 18, Plat Book 154 at Page 193, Buncombe County Registry, which is bounded on its western edge by the eastern boundaries of Lots 17 and 18, Block 18, Plat Book 154 at Page 193, Buncombe County Registry, with its southern end being the norther edge of the right of way of Hickory Street, formerly known as Sixth Street.

Segment 2

BEING all that alley running through center of Block 13, Plat Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins in the southern edge of the right of way of Hickory Street, formerly known as Sixth Street, at the northeastern corner of Lot 8, Block 13, Plat Book 154 at Page 193, Buncombe County Registry, and runs South 1° 30' West 420 feet to a point in the northern edge of Poplar Street, formerly

TOWN OF BLACK MOUNTAIN

160 Midland Avenue

Black Mountain, NC 28711

known as Fifth Street, at the southwest corner of Lot 14, Block 13, Plat 154 at Page 193, Buncombe County Registry.

Segment 3

BEING all that portion of the alley running through center of Block 10, Plat Book 154 at Page 193, Buncombe County Registry, which has as its western boundary that line which begins at a point in the southern edge of the easement of Poplar Street, formerly known as Fifth Street, said point being the northwest corner of Lot 8, Block 10, Plat Book 154, Page 193, Buncombe County Registry, and South 1° 30' West 180 feet to the southeast corner of Lot 10, Plat Book 154 at Page 193, Buncombe County Registry.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

Section 1. Pursuant to G.S. 160A-299, the Board of Aldermen declares its intent to close the unopened, platted portion of right-of-way parallel and between Hiawasse Avenue and S. Oconeechee Avenue.

Section 2. A public hearing on the question of closing said street is hereby called at Town Hall, 160 Midland Avenue, Black Mountain, N.C. 28711 on Monday, April 12, 2021 at 6:00 p.m.

Section 3. Following the public hearing called hereby, the Board of Aldermen shall consider the passage of an order closing the street identified above.

Section 4. The Town of Black Mountain Town Clerk is hereby directed to publish this Resolution once a week for four successive weeks in the Black Mountain News, or other newspaper of general circulation in the area.

Section 5. The Town of Black Mountain Zoning Administrator is hereby directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution.

Section 6. The Town of Black Mountain Zoning Administrator is further directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299.

I move the adoption of the foregoing resolution:

Alderman

READ, APPROVED AND ADOPTED, by a vote of ____ to ____ this the 8th day of February, 2021

TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

ATTEST:

Larry B. Harris, Mayor

Savannah Parrish, Town Clerk

Josh Harrold, Town Manager

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 8, 2021

SUBJECT: Call for Public Hearing for Text Amendments Chapter 1 - Definitions
O-21-01

AGENDA INFORMATION

Agenda Location:	CONSENT AGENDA
Item Number:	5D
Department:	Planning and Development Department
Contact:	Jessica Trotman, Planning Director
Presenter:	Jessica Trotman, Planning Director

BRIEF SUMMARY: The proposed definitions will help clear up confusion regarding residential uses. The proposed definitions will allow staff and applicants to clearly differentiate between residential and non-residential uses. The proposed definitions are consistent with NC General Statutes and were acquired from the American Planning Association's Planner's Dictionary.

MOTION FOR CONSIDERATION: To call for a public hearing for text amendments to definitions to be held on Monday, March 8, 2021, at 6:00 p.m., or as soon thereafter as possible, in the Board Room of Town Hall, 160 Midland Avenue.

FUNDING SOURCE: N/A

ATTACHMENTS: Ordinance # O-21-01

MANAGER'S COMMENTS AND RECOMMENDATIONS: To call for the public hearing to be held at the next regularly scheduled meeting on Monday, March 8, 2021, or as soon thereafter as possible.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ALDERMEN

PUBLIC HEARING

Monday, March 8, 2021, at 6:00 p.m.

The Black Mountain Board of Aldermen will meet on **Monday, March 8, 2021, at 6:00 p.m.** in the Board Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hold a public hearing for text amendments to definitions.

The meeting is open to the public.

Savannah Parrish
Town Clerk

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Savannah Parrish, Town Clerk at 419-9310 or by email at townclerk@townofblackmountain.org.

Posted to the Town Bulletin Board 02/11/2021
Published in the Black Mountain News 02/18/2021 and 02/25/2021

www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 8, 2021

SUBJECT: Public Hearing for Voluntary Annexation of property owned by Wm C Honeycutt, Jr.
ETAL

#O-20-20

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9A
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking the use of Town water and as such, is asking for a voluntary annexation into the Town. The Planning Board heard this request at their November 23, 2020, meeting and felt that the property would be a good addition and is a developable lot near UR-8 and would allow stream buffer protection.

MOTION FOR CONSIDERATION:

1. To open the public hearing for the proposed voluntary annexation for Buncombe County PIN #0619-88-6353.00000.
2. To close the public hearing.
3. To adopt ***Ordinance #O-20-20*** as presented.

FUNDING SOURCE: N/A

ATTACHMENTS: ***Ordinance #O-20-20***, Voluntary Annexation Packet

MANAGER'S COMMENTS AND RECOMMENDATIONS: To approved ***Ordinance #O-20-20*** as presented.

ORDINANCE #0-20-20

AN ORDINANCE ANNEXING THAT PROPERTY OF WM C HONEYCUTT JR ETAL, JUDY WOOD, AND NANCY CHAPIN SHOWN ON THAT PLAT RECORDED IN PLAT BOOK 0012 AT PAGE 0027 INTO THE TOWN OF BLACK MOUNTAIN

WHEREAS, Wm C Honeycutt, Jr ETAL, Judy Wood, and Nancy Chapin have requested that the Town of Black Mountain annex that property owned by Wm C Honeycutt Jr., ETAL, Judy Wood, and Nancy Chapin and described as that 16.46 acre tract of land shown on that plat recorded in Plat Book 0012 at Page 0027, Buncombe County Registry; and

WHEREAS, Wm C Honeycutt, Jr ETAL, Judy Wood, and Nancy Chapin own all of the property proposed to be annexed and submitted an application in their name and signed by them, so that such application and petition is signed by or on behalf of all the property owners as required by N.C.G.S. 160A-31 et seq.; and

WHEREAS, The Town Clerk has investigated the annexation petition and has certified that she found as a fact that the petition was signed by all owners of the property lying within the area to be annexed; and

WHEREAS, Wm C Honeycutt, Jr. ETAL, Judy Wood, and Nancy Chapin have asserted that no vested rights that they wish to retain after annexation; and

WHEREAS, a public hearing was held by the Board of Aldermen of the Town of Black Mountain after proper notice was given to the public and the parties; and

WHEREAS, the Town of Black Mountain will benefit from annexation of the proposed area to be annexed in that its annexation will allow the Town to regulate development and insure a use of such property that is beneficial to the area where it is located and not detrimental to the properties surrounding it.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen for the Town of Black Mountain, North Carolina, that the property described as being all of that 16.46 acre parcel of land shown on that plat record in Plat Book 0012 at Page 0027, Buncombe County Registry, is hereby annexed and made a part of the corporate limits of the Town of Black Mountain, North Carolina.

This ordinance shall become effective on the 11th day of January, if confirmed by the Board of Aldermen at its regular meeting in January, 2021. In the absence of a majority vote of the Board to confirm this ordinance at that meeting, it shall become void and have no force or effect.

I move the adoption of the foregoing ordinance.

Alderman

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 8th day of February, 2021.

Larry B. Harris, Mayor

ATTEST:

Savannah Parrish, Town Clerk

Approved as to form:

Ronald Sneed, Town Attorney

LEGAL DESCRIPTION FOR VOLUNTARY ANNEXATION

BEING LOCATED WITHIN THE BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY NORTH CAROLINA AND BEING THE PROPERTY RECORDED AND DESCRIBED IN THE DEED RECORDED IN BOOK 1249 PAGE 459 (TRACT 6), SEE ALSO BOOK 765 PAGE 475, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET ON THE EASTERN MARGIN OF THE THIRTY FOOT PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD (FKA LAUREL DRIVE); SAID REBAR BEARING STATE PLANE COORDINATES (NAD83-2011) OF: NORTHING= 697,770.79 FEET AND EASTING= 1,018,295.26 FEET; THENCE FROM SAID POINT OF BEGINNING AND RUNNING WITH THE SAID EASTERN MARGIN OF THE PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD NORTH 03°27'50" EAST A DISTANCE OF 668.62 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE EASTERN BOUNDARIES OF THE PROPERTIES OF ROBERT & JAUNITA PADGETT (RECORDED IN DEED BOOK 1521 PAGE 343 & DEED BOOK 992 PAGE 319) THE FOLLOWING FIVE COURSES AND DISTANCES: 1) NORTH 74°19'08" EAST A DISTANCE OF 11.52 FEET TO A CALCULATED POINT, 2) NORTH 10°35'59" EAST A DISTANCE OF 132.83 FEET TO A #4 REBAR STANDING 0.7' ABOVE ADJACENT GRADE, 3) NORTH 24°18'52" EAST A DISTANCE OF 268.10 FEET TO A #4 REBAR STANDING FLUSH WITH ADJACENT GRADE, 4) SOUTH 86°11'04" EAST A DISTANCE OF 18.44 FEET TO A 1" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE, AND 5) NORTH 02°08'31" EAST A DISTANCE OF 99.99 FEET TO A 3/4" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE SOUTHERN BOUNDARY OF THE ROBERT PADGETT PROPERTY (RECORDED IN DEED BOOK 1511 PAGE 439) NORTH 82°19'32" EAST A DISTANCE OF 190.27 FEET TO A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET OVER A 48" DIAMETER CORRUGATED METAL CULVERT; THENCE RUNNING WITH THE SCOTT DOUGLAS HANEY PROPERTY (RECORDED IN DEED BOOK 5670 PAGE 1210) NORTH 83°41'05" EAST A DISTANCE OF 310.03 FEET TO A 3/4" DIAMETER IRON PIPE STANDING 0.1' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE ROGER & ADA COLE PROPERTY (RECORDED IN DEED BOOK 5583 PAGE 968) SOUTH 05°16'36" WEST A DISTANCE OF 322.17 FEET TO A 3/4" IRON PIPE STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE WILLIAM KEARNS & EVE BROSKOWSKY PROPERTY (RECORDED IN DEED BOOK 4746 PAGE 238) AND ALSO WITH A PORTION OF THE JACK & FAYE JOHNSTON PROPERTY (RECORDED IN DEED BOOK 1703 PAGE 789) SOUTH 01°08'19" WEST A DISTANCE OF 421.49 FEET TO 1" AND 1-1/4" DIAMETER IRON PIPES DRIVEN NEXT TO ONE ANOTHER; THENCE CONTINUING WITH THE SAID JOHNSTON PROPERTY SOUTH 00°07'11" WEST A DISTANCE OF 141.80 FEET TO A 2" DIAMETER IRON PIN STANDING 0.3' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE KEVIN & RAMONA ROBINSON PROPERTY (RECORDED IN DEED BOOK 2012 PAGE 717) SOUTH 00°18'48" WEST A DISTANCE OF 162.11 FEET TO A 1/2" DIAMETER IRON PIPE STANDING 0.2' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE ALBERT & JESSICA ADKINS PROPERTY (RECORDED IN DEED BOOK 1820 PAGE 229) SOUTH 00°22'01" EAST A DISTANCE OF 229.51 FEET TO A 1" DIAMETER IRON PIPE STANDING 0.4' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE MICHAEL & LOUISE REED PROPERTY (RECORDED IN DEED BOOK 1475 PAGE 264) NORTH 82°58'29" WEST A DISTANCE OF 385.26 FEET TO A #5 REBAR STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE PROPERTY OF HEATH O. TWEED (RECORDED IN DEED BOOK 5590 PAGE 556) NORTH 82°59'45" WEST A DISTANCE OF 129.88 FEET TO A FLAGGED T-POST STANDING 1.0' ABOVE ADJACENT GRADE; THENCE NORTH 86°40'44" WEST A DISTANCE OF 156.42 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 16.816 ACRES.

VOLUNTARY ANNEXATION PETITION FORM**To: The Town of Black Mountain Board of Aldermen****Date:** 10/13/20

We, the undersigned, being all of the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☒ **contiguous** ☐ **non-contiguous** to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): 0619 88 6353 00000

Current County Zoning District: R-1

Town Zoning District designation requested: UR8

Buncombe County property tax valuation: \$224,600

Do you declare vested rights*? ☐ yes ☒ no

*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

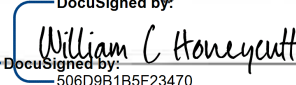
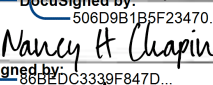
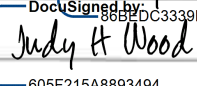
Are you requesting water service from the Town of Black Mountain? ☒ yes ☐ no

Number of existing residential dwelling units: 0 Number of commercial units: 0

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Board of Aldermen in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

Property Owner(s): Address: Signature: Date:

All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

william C Honeycutt :	DocuSigned by: 	11/6/2020
Nancy H Chapin :	DocuSigned by: 	11/6/2020
Judy H wood :	DocuSigned by: 	11/7/2020

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: February 8, 2021

SUBJECT: Public Hearing for Rezoning of property owned by Wm C Honeycutt, Jr. ETAL

#Z-O-20-06

AGENDA INFORMATION

Agenda Location:	PUBLIC HEARING
Item Number:	9B
Department:	Administration
Contact:	Josh Harrold, Town Manager
Presenter:	Josh Harrold, Town Manager

BRIEF SUMMARY: There is a sixteen and a half acre parcel located off of Brooks Cove Road (identified as Buncombe County PIN #0619-88-6353.00000) that is located outside of city limits. The developer is seeking annexation and if annexed would like the zoning designation of UR-8 (urban residential). The Planning Board heard this request at a special call meeting on December 15, 2020, and felt that since the property is contiguous with other UR-8 parcels, the UR-8 zoning designation is a good fit. The Planning Board voted 5-0 to recommend the UR-8 zoning designation.

MOTION FOR CONSIDERATION:

1. To open the public hearing to rezone 99999 Laurel Drive from R-1 to UR-8.
2. To close the public hearing.
3. To adopt ***Zoning Ordinance #Z-O-20-06*** (statement of consistency included) to rezone 99999 Laurel Drive from R-1 to UR-8.
- 4.

FUNDING SOURCE: N/A

ATTACHMENTS: ***Zoning Ordinance #Z-O-20-06***, Rezoning Application, Rezoning Map, Aerial Map

MANAGER'S COMMENTS AND RECOMMENDATIONS: To adopt Zoning Ordinance #Z-O-20-06 to rezone the property as presented.

ORDINANCE NO. #Z-O-20-06

**AN ORDINANCE AMENDING THE ZONING MAP FOR PROPERTY LOCATED AT
99999 Laurel Drive**

WHEREAS, the Town of Black Mountain has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the Town's zoning regulations was adopted on January 11, 2010, (Ordinance No. #O-10-01) and is codified in Appendix A of the Town of Black Mountain Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the Town's zoning jurisdiction were adopted on January 11, 2010, Ordinance No. #O-10-01) and are on file and maintained in the Offices of the Town of Black Mountain Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the Town of Black Mountain Comprehensive Plan and other official plans of the Town and is determined to be reasonable and in the public interest for the following reasons:

- a. The overall size of the tract of land proposed for the rezoning is reasonable compared to the size of the zoning district in which the subject property is located.
- b. The proposed rezoning is consistent with the comprehensive plan or elements thereof.
- c. The impact to the adjacent property owners and surrounding community is reasonable and the benefits of the zoning shall outweigh any potential inconveniences or harm to the community.
- d. The allowed uses within the proposed zoning district are similar or comparable to the permitted uses as currently zoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BLACK MOUNTAIN
BOARD OF ALDERMEN THAT:**

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on the Buncombe County tax maps as PIN 0619-88-6353.00000, recorded in Deed Book 1249, Page 0459 and currently owned by WM C Honeycutt Jr ETAL, from R-1 to Urban Residential (UR-8). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part thereof.

This ordinance shall be in full force and effective on the date of adoption.

READ, APPROVED AND ADOPTED, this the 8th day of February, 2021.

Savannah Parrish, Town Clerk

Larry B. Harris Mayor

Approved as to form

Town of Black Mountain, NC

Annexation Petition

- SR-2
- UR-8
- Town Boundary

0619-88-6353



0 50 100 Yards





Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Planning Board Meeting Date: December 15, 2020

GENERAL INFORMATION

APPLICANT:	William C Honeycutt
HEARING TYPE:	Rezoning Request
REQUEST:	R-1 Residential District (Buncombe County) to UR-8 (Urban Residential District)
CONDITIONS:	This rezoning is for a parcel that is in the process of being annexed into the town.
LOCATION:	Parcel is off Brooks Cove Road
PARCEL ID NUMBER(S):	0619-88-6356-00000
PUBLIC NOTIFICATION:	The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). 102 notices were mailed to those property owners in the mailing area.
TRACT SIZE:	16.45 acres
TOPOGRAPHY:	14.85% slope
VEGETATION:	Wooded field

SITE DATA

EXISTING USE

Undeveloped Tract

SUMMARY OF DISTRICT PURPOSES

R-1 (Residential District)- Buncombe County	Purpose: The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-1	UR-8
Max. Density:	10 units/acre	8 units/acre
Front Setback:	10'	20'
Side Setback:	10'	10'
Rear Setback:	20'	15'
Min. Lot Size:	8,000 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None

Permitted Uses:

- Single-family residential dwelling, including modular
- Two residential dwelling units (attached or detached)
- Community oriented developments
- Subdivisions
- Community Living Facilities
- Government facilities
- Places of worship
- Public utilities
- Single-Family Residences
- Two-Family Residences (duplex)

- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Places of worship
- Family care home
- Home occupations
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals

Additional Requirements:

- | | |
|---|--|
| • HUD-labeled manufactured homes Residential | • Accessory structures |
| • Day nursery and private kindergarten (up to 8 students) | • Agriculture |
| | • Bed & Breakfast Homes |
| | • Boarding House |
| | • Camps, summer |
| | • Conference Centers |
| | • Family Care Homes |
| | • Home Occupations |
| | • Manufactured Home (on individual lots) |
| | • Market Gardens |
| | • Multi-family Residential |
| | • Secondary Dwellings |

Conditional Uses:

- | | |
|---|----------------------------------|
| • Planned unit developments, level I | • Bed & Breakfast Homes & Inns |
| • Private utility stations and substations, pumping stations, water and sewer plants, water | • Cultural, Community Facilities |
| | • Educational facilities |

storage tanks (2 acres or greater in total footprint)

- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)

Special Uses:

- Residential Special Use Developments:
- Conservation Subdivisions
- Cottage Housing (CHD)
- Residential Planned Unit Development (PUD)
- Manufactured Home Parks

Exclusions:

- All uses not specifically enumerated
- Correctional institutions
- All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellness Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A

Stream

A stream runs through the middle of the property.

Utilities

Water

N/A

Sewer

Sewer Line runs Along Brooks Cove Rd

Landscaping

There are no landscaping requirements for residential property.

Transportation

Street Classification

Town of Black Mountain Road – Brooks Cove Road

Site Access

Access is available from Brooks Cove Rd

Traffic Counts

N/A

Sidewalks

There are no sidewalks on Brooks Cove Rd

Transit in Vicinity

None

Traffic Impact Analysis (TIA)

Not required by Land Use Code

Street Connectivity

N/A

Other

N/A

IMPACT/POLICY ANALYSIS

The UR-8 district is the most similar town zoning district with the counties. UR-8 conforms to current zoning nearby.



REZONING WORKSHEET

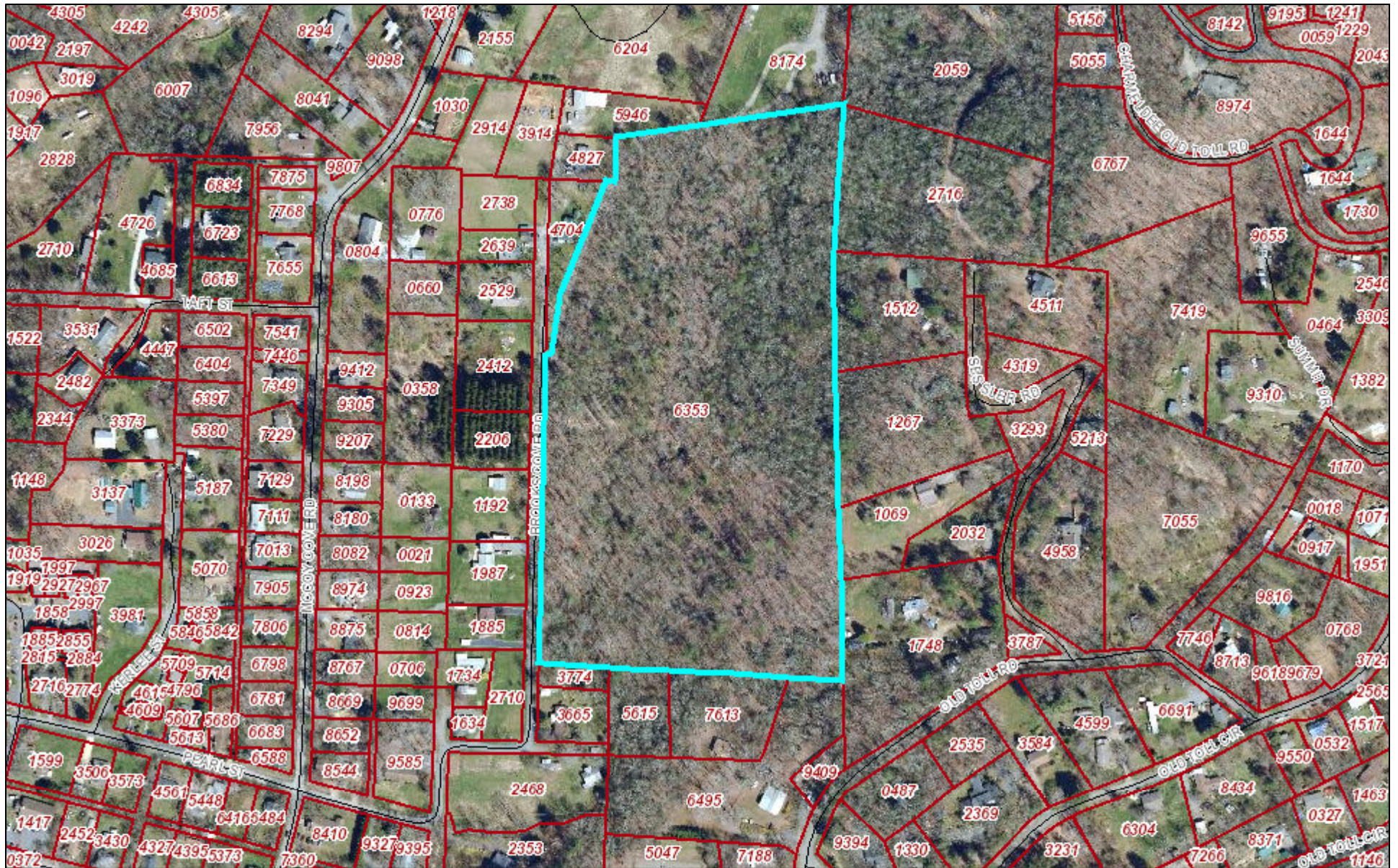
PIN #: 0619-88-6353-00000

Current Zoning District: R-1 Requested Zoning District: UR-8

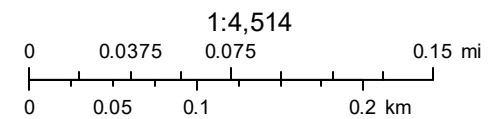
The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning () is / () is not reasonable compared to the size of the zoning district in which the subject property is located.
2. The proposed rezoning () is / () is not consistent with the comprehensive plan or elements thereof.
3. The impact to the adjacent property owners and the surrounding community () is / () is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.
4. The allowed uses with the proposed zoning district () are / () are not similar or comparable to the permitted uses as currently zoned.

Buncombe County



December 21, 2020



Brooks Cove Rd Rezoning Information

Parcel ID

061988635300000- 99999 Laurel Dr

SITE DATA

EXISTING USE

Undeveloped Tract

ADJACENT PROPERTY

ADJACENT ZONING

ADJACENT LAND USE

LOT SIZE

121 Brooks Cove Rd	R-1	Empty Lot	.18 Acres
209 Old Toll Rd	R-1	Single-Family Residential	.59 Acres
207 Old Toll Rd	R-1	Single-Family Residential	1 Acre
201 Old Toll Rd	R-1	Single-Family Residential	2.41 Acres
225 Old Toll Rd	R-1	Multiple Residences	2.72 Acres
30 Sessler Rd	R-1	Single-Family Residential	1.02 Acres
40 Sessler Rd	R-1	Single-Family Residential	1.98 Acres
44 Sessler Rd	R-1	Single-Family Residential	1.55 Acres
27 Thicket Ln	R-1	Single-Family Residential	3 Acres
99999 Brooks Cove Rd	R-1	Empty Lot	4 Acres
203 Brooks Cove Rd	R-1	Multiple Residences	2.45 Acres
99999 Laurel Dr	UR-8	Non-Residential Unit	.6 Acres
154 Brooks Cove Rd	UR-8	Single-Family Residential	.31 Acres
152 Brooks Cove Rd	UR-8	Single-Family Residential	.52 Acres
99999 Laurel Dr	UR-8	Empty Lot	.77 Acres
99999 Laurel Dr	UR-8	Empty Lot	.5 Acres
99999 Brooks Cove Rd	UR-8	Non-Residential Unit	.62 Acres
130 Brooks Cove Rd	UR-8	Single-Family Residential	.55 Acres
126 Brooks Cove Rd	UR-8	Single-Family Residential	.4 Acres
99999 Brooks Cove Rd	UR-8	Empty Lot	.36 Acres
99999 Laurel Dr	UR-8	Empty Lot	.44 Acres
150 Brooks Cove Rd	UR-8	Single-Family Residential	.27 Acres
140 Brooks Cove Rd	UR-8	Single-Family Residential	.48 Acres
28 Brooks Cove Rd	UR-8	Multiple Residences	.31 Acres
24 Brooks Cove Rd	UR-8	Single-Family Residential	.11 Acres
107 Brooks Cove Rd	UR-8	Single-Family Residential	1.28 Acres
99999 Pearl St	UR-8	Empty Lot	.3 Acres
99999 Pearl St	UR-8	Empty Lot	.3 Acres
99999 Pearl St	UR-8	Empty Lot	.25 Acres
99999 Pearl St	UR-8	Empty Lot	.58 Acres
22 Brooks Cove Rd	UR-8	Single-Family Residential	.22 Acres
99999 Brooks Cove Rd	UR-8	Empty Lot	.22 Acres

394 McCoy Cove Rd	SR-2	Single-Family Residential	.79 Acres
99999 McCoy Cove Rd	SR-2	Empty Lot	.48 Acres
392 McCoy Cove Rd	SR-2	Single-Family Residential	.33 Acres
410 McCoy Cove Rd	SR-2	Single-Family Residential	.43 Acres
99999 McCoy Cove Rd	SR-2	Empty Lot	.33 Acres
18 Rosario Way	SR-2	Empty Lot	4.64 Acres

SUMMARY OF DISTRICT PURPOSES

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ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-1	UR-8
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Rear Setback:	20'	15'
Min. Lot Size:	8,000 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None