



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Historic Preservation Commission
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for September 15, 2021
Date: September 3, 2021

The **Town of Black Mountain Historic Preservation Commission** will meet on **Wednesday, September 15, 2021, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from August 18, 2021;
3. Review of Rules of Procedure;
4. Request from Beautification Commission to Paint Wellhouse on Sutton Avenue; and
5. Minor Works Committee Report.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9371.

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. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner
Ron Sneed, Town Attorney



PUBLIC NOTICE

BLACK MOUNTAIN HISTORIC PRESERVATION COMMISSION

In order to maintain the safety of Town residents, staff, and the Historic Preservation Commission, the Historic Preservation Commission regular meeting scheduled for **Wednesday, September 15, 2021, at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

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

1. **Join the meeting through Zoom on your computer or smart device.** **Citizen video feeds will not be enabled. There is no password.*

<https://us02web.zoom.us/j/82532538683>

Meeting ID: 825 3253 8683

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at [Zoom.us/download](https://zoom.us/download) and try it out prior to the meeting. 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).**

Simply call US Toll-free 1-877-853-5247 or US Toll-free 1-888-788-0099

Meeting ID: 825 3253 8683 followed by the Pound sign (#)

Jennifer Tipton
Senior Admin

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Posted to the Town Bulletin Board 09/01/2021
www.townofblackmountain.org



AVISO PÚBLICO

COMISIÓN DE PRESERVACIÓN HISTÓRICA DE BLACK MOUNTAIN

Con el fin de mantener la seguridad de los residentes de la Ciudad, el personal y la Comisión de Preservación Histórica, la reunión regular de la Comisión de Preservación Histórica programada para el **miércoles 15 de septiembre de 2021 a las 6:00 p.m. se llevará a cabo electrónicamente utilizando** el software Zoom en lugar de su reunión en persona. El Ayuntamiento de Black Mountain no estará abierto para esta reunión.

Hay dos formas en que el público puede participar en la reunión:

1. **Únase a la reunion a través de Zoom en su computadora o dispositivo inteligente.**
***Las transmisiones de video ciudadanas no estarán habilitadas.**

<https://us02web.zoom.us/j/82532538683>

ID de reunión: 825 3253 8683

Si no ha utilizado Zoom antes en una computadora o dispositivo inteligente, le recomienda descargar la aplicación desde su sitio web en [Zoom.us/download](https://zoom.us/download) y probarla antes de la reunión. No hay ningún costo asociado con el software o asistir a la reunión y ha opciones de número gratuito para marcar para escuchar solo en vivo.

2. **Únase a la reunion por teléfono (solo escuchar).**

Simplemente llame al **número gratuito 1-877-853-5247** o al **número gratuito 1-888-788-0099**.

ID de reunión: 825 3253 8683 seguido del signo de libra (#)

Jennifer Tipton
Administrador senior

La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@townofblackmountain.org.

Publicado en el Tablón de Anuncios municipal 09/01/2021
www.townofblackmountain.org



**Historic Preservation Commission Regular Meeting
September 15, 2021**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of August 18, 2021 as written [or as amended]

IV. OLD BUSINESS

- Review Rules of Procedure

V. NEW BUSINESS

- Request from Beautification Committee to Paint Wellhouse on Sutton Ave
- Minor Works Committee Report

VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

**TOWN OF BLACK MOUNTAIN
HISTORIC PRESERVATION COMMISSION**

The Black Mountain Historic Preservation Commission held its regular meeting on Wednesday, August 18, 2021, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Susan Leive, Chair
Ron Collins, Vice Chair
Jay Parmar
Matthew Turner

Staff:

Jennifer Tipton, Senior Admin

Others Present:

The meeting was called to order at 6:01 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

The agenda was adopted by consensus.

III. ADOPTION OF MINUTES

Susan Leive asked that the time be added under Item I – Call to Order. Ron Collins asked that the information that Ron Sneed provided about the Commission’s duties be added to the minutes. Ron Collins made a motion to adopt the minutes as amended. The motion was seconded by Matthew Turner and approved by a vote of 4-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Review Rules of Procedure

Jennifer Tipton said that the Rules of Procedure have not been updated in quite some time and with the recent amendments from the new 160D statute, it is time to review the rules. Ms. Tipton went through and noted some of the changes that included updating statute numbers, changing the meeting time from 5:00 to 6:00 p.m., correcting grammatical errors, and removing treasurer from the list of officers. Susan Leive asked that Chairman and Vice-Chairman be changed to Chair and Vice-Chair. Ron Collins asked that the duties of the Commission and reasons for the decisions made be added. Ms. Tipton said that she will incorporate these changes and bring back another draft for review at the next meeting.

2. Training

Jennifer Tipton reminded those that signed up for the School of Government webinar that they would be receiving a link to the meeting.

Historic Preservation Commission Regular Meeting

Ms. Tipton also said that she would be sending out information to watch online training that is required for the CLG (Certified Local Government) requirements. Members need to watch at least two videos and write a brief summary of what they learned and send that to Kristi Brantley at the State Historic Preservation Office. Her contact information will be included in the email.

3. Election of Officers

Ron Collins nominated Susan Leive for Chair. The motion passed by consensus with a vote of 4-0.

Ron nominated Matthew Turner for Vice-Chair. The motion passed by consensus with a vote of 4-0.

4. Minor Works Committee Appointment

Ron Collins and Jay Parmar volunteered to serve on the Minor Works Committee.

VI. COMMUNICATION FROM HISTORIC PRESERVATION COMMISSION

Jay Parmar asked about the newspaper boxes downtown and if there is a limit to the number of them that are allowed and can they be removed. Jennifer Tipton said that there is a limit as to how many can be clustered together and she will have Jake Hair take a look to see what might be in violation. Ms. Tipton also added that there is a text amendment in the works that might allow for the removal of the boxes from the downtown area and she will keep everyone updated as that moves through the process.

VII. COMMUNICATION FROM STAFF

Jennifer Tipton said that the Commission still has one vacancy if anyone knows of anyone who might interested in serving. Ms. Tipton also said that there two vacancies for Board of Adjustment, one vacancy for Greenways Commission, and Ron Collins announced one vacancy for the Library Board.

VII. ADJOURNMENT

Ron Collins made a motion to adjourn at 6:41 p.m. The motion was seconded by Susan Leive and approved by a vote of 4-0.

Prepared by:

, Chair

Jennifer Tipton, Senior Admin

Historic Preservation Commission Regular Meeting



RULES OF PROCEDURE

Town of Black Mountain **Historic Preservation Commission**

I. PURPOSE

The purpose of these by-laws will be to set forth the general operating procedures for conducting the business of the Black Mountain Historic Preservation Commission.

II. GENERAL RULES

The Black Mountain Historic Preservation Commission shall be governed by the terms of the ordinance creating the Commission as contained in the Code of Ordinances for the Town of Black Mountain, North Carolina ~~at Section 31.70 in Division 7, Sections 2-209 through 2-211~~, and by the terms of **N.C.G.S. 160D-303** ~~160A-395 through 160A-399.13~~ **and N.C.G.S. 160D-940 through 160D-951** as they may be amended or revised.

III. JURISDICTIONS

The jurisdiction of the Commission shall be limited to those areas in Black Mountain as authorized by North Carolina General Statutes and local government ordinances.

IV. MEMBERS, OFFICERS AND DUTIES

A. General: The Commission shall consist of five members appointed by the **Town Council** ~~Board of Aldermen~~. All members shall reside within the ~~corporate limits~~ **territorial jurisdiction** of Black Mountain. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. ~~with appointments as follows:~~

~~At least two members being property owners in either the Historic District or Conservation District.~~

The Commission may appoint advisory bodies and committees as appropriate.

Members of the Commission shall serve terms of three years. Terms shall be staggered. A member may be appointed for a second term. After two consecutive terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of the termination of his/her appointment.

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RULES OF PROCEDURE

The Commission shall serve without compensation except that they may be reimbursed for actual expenses ~~incident~~ incidental to the performance of their duties within the limits of any funds available to the Commission.

B. Chair~~man~~: A chair~~man~~ shall be elected annually by the voting members of the Commission. The chair~~man~~ shall preside at meetings of the Commission, and shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chair~~man~~ shall appoint any committees found necessary to investigate any matters before the Commission.

C. Vice-Chair~~man~~: A vice-chair~~man~~ shall be elected annually by the voting members of the Commission in the same member as the chair~~man~~. The vice-chair~~man~~ shall serve as acting chair~~man~~ in the absence of the chair~~man~~, and at such times shall have the same powers and duties as the chair~~man~~.

D. Secretary/~~Treasurer~~: A secretary/~~treasurer~~ shall be elected annually by the voting members of the Commission in the same manner as the chair~~man~~. The secretary shall oversee the keeping of all records ~~and funds~~, and the conducting of all correspondence of the Commission.

~~F. E.~~ Elections: ~~The chairman shall appoint a nominating committee on or before the regular March meeting. The committee shall prepare a slate of nominations for Commission officers and submit it in writing to the membership on or before the regular May meeting, at which time nomination may also be made from the floor. Terms of officers shall begin with the regular July meeting. In the event that an officer of the Commission resigns or is otherwise removed from the Commission, the vacated office shall be filled by special election. A nominating committee appointed by the chairman shall submit nominations in writing to the Commission members not less than 30 days prior to the special election. Elections shall be held at the regular July meeting. The presiding chair shall ask for nominations for Commission officers and a majority vote shall be required for each nomination. The presiding chair shall preside over the elections until a new chair has been nominated and voted on.~~

~~G. F.~~ Terms of Appointments: Terms of appointment for Commission members shall be three years from date of appointment, ending June 30, except in the initial organization of the Commission. All members shall be limited to two three year terms of office. Any term less three years shall not count towards any part of another three year term.

The Black Mountain Town Council ~~Board of Aldermen~~ shall be encouraged to make new appointments to the Commission prior to April 1 to become effective July 1.

~~F. G.~~ Attendance of Meetings: Should a member fail to attend three consecutive regular meetings of the Commission and should there be no adequate excuse for such absence, the chairman, with the concurrence of a majority of the entire Commission, shall

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recommend to the appropriate authority that a vacancy be declared and that the vacated position be filled.

- ~~I.~~ **H.** Conflict of Interest: No Commissioner shall take part in the hearing, consideration or determination of any case in which would violate the conflict of interest statute that Commissioner has personal financial interest as provided for in N.C.G.S. 160D-109 ~~14-234~~.

V. MEETINGS

- A. Regular Meetings: Regular meetings of the Commission shall be held on the third Wednesday at ~~7:00 p.m.~~ 6:00 p.m. in the Town Hall located at 160 Midland Avenue provided that meetings may be held at some other convenient time and place in Black Mountain if directed by the chair~~man~~ in advance of the meeting.
- B. Special Meetings: The chair~~man~~ may call special meetings of the Commission at any time. At least ~~twenty-four (24)~~ forty-eight (48) hours' notice of the time and place of special meetings shall be given by the ~~secretary, or by the chairman,~~ Town staff person to each member of the Commission; ~~provided that this requirement may be waived by action of a majority of all members.~~
- C. Cancellation of Meetings: Whenever there is no business for the Commission, the chair~~man~~ may dispense with a regular meeting by informing and having Town staff give ~~giving~~ notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.
- D. Quorum: A quorum shall consist of a simple majority of those members then appointed to the Commission. In the event that only a quorum exists for the meeting and a Commission member is excused from voting, then the quorum shall be destroyed and no Commission vote can be taken or completed. Three (3) of the five (5) members shall be required to be a quorum.
- E. Conduct of Meeting: All meetings shall be open to the public, subject to the provisions of the North Carolina Open Meetings Law, G.S. 143, Article 33C. The order of business at the regular meetings shall be as follows: a) roll call; b) adoption of agenda; c) adoption of minutes; d) business; e) historic commission/staff reports/comments; f) public comments; g) adjournment.

- VI. The Commission shall adopt procedure and review criteria for the application for disposition of certificates of appropriateness as provided for in N.C.G.S. 160D-947 ~~160A-397~~, as amended.

VII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) members of the commission provided that such

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RULES OF PROCEDURE

amendment shall have first been presented to the membership in writing prior (at least one week) to the meeting at which the vote is taken.

VIII. APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS

- A. An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Planning Department of the Town of Black Mountain. The Black Mountain Historic Preservation Commission shall prepare and adopt rules of procedure as well as principles and standards ~~guidelines~~ not inconsistent with Part ~~4~~ ~~3A~~ of Article ~~19~~ of Chapter 160DA of the North Carolina General Statutes for new construction, alterations, additions, moving and demolition.

The Historic District Design Standards ~~Guidelines~~ divides work which requires a Certificate of Appropriateness in to three categories; Minor Works Projects Approved by Staff, Minor Works Projects Approved by the Minor Works Committee and Major Works. These projects shall be reviewed by the procedures specified in Section ~~2-209~~ ~~4.7.3.9~~ thru Section ~~2-211~~ 4.7.3.14 of the ~~Zoning Ordinance~~ Land Use Code for the Town of Black Mountain.

Applications for minor works approved by the Staff or Minor Works Committee shall be reviewed and recorded in the Commission minutes. Minor works disapproved by the Staff or Minor Works Committee shall be reviewed and upheld, reversed or continued by the Commission at its next regular meeting.

- B. Nothing shall prevent the applicant from filing with the application additional relevant information (photographs, drawings, models, etc.) bearing on the application. Applications for Certificates of Appropriateness for new construction (including building additions) shall be accompanied by drawings, sketches or other substantiating materials which demonstrate the compatibility of the new construction to adjacent buildings.
- C. Applications for major works shall be filed, and completed in form and context, not more than 25 days or less than 10 calendar days prior to the meeting at which the application is to be considered. ~~Town Commission staff~~ shall notify by mail property owners within one hundred (100) feet of the subject property.
- D. The applicant and affected property owners shall be given an opportunity to be heard at the meeting at which the application is considered. Any party may appear in person or be represented by an authorized agent or attorney at the meeting.

The hearing shall be conducted pursuant to the rules of procedure established by the Commission pursuant to North Carolina General Statute 160D-406 ~~160A-397~~. In consideration of the application, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

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- E. Prior to final action on an application, the Commission, using the design review standards ~~guidelines~~ adopted by the Commission, shall make findings of fact indicating the extent to which the application is or is not in conformity with the historic aspects of the district.
- F. The vote of a majority of those voting members present shall be sufficient to decide matters before the Commission, providing a quorum is present. The Commission's action on the application shall be approval, approval with modification, or disapproval.
- G. The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions.
- H. In cases where the Commission deems it necessary, it may hold an evidentiary ~~a public~~ hearing concerning the application.
- I. The Commission may only consider the design, color, size, and scale. The Commission may not consider interior modifications or location.
- J. ~~I.~~ In taking action on the application the Commission shall apply the standards contained in the appropriate Design Review Standards ~~Guidelines~~ or in the absence thereof, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."
- K. ~~J.~~ Each member of the Commission should at its discretion, view the premises and obtain additional facts concerning any application, and may seek the advice of the Department of Cultural Resources or other expert advice as it may deem necessary.
- L. ~~K.~~ The Commission must issue or deny a Certificate of Appropriateness within sixty (60) days ~~ninety (90) days~~ after the filing of the application, except when the time limit has been extended by mutual agreement between the applicant and the Commission or when the application is for the demolition of an historic structure.
- M. ~~L.~~ If the application is approved, the staff secretary of the Commission shall transmit in writing a Certificate of Appropriateness, clearly describing the nature of the work which has been approved. The secretary shall attach a copy of the minutes of the meeting at which approval was granted and a placard form of a Certificate of Appropriateness is to be displayed on the project. A copy of this information shall be transmitted to the Inspection Department which is responsible for its enforcement.
- N. ~~M.~~ If an application is denied, a letter stating the reason for the denial shall be mailed to the applicant.
- O. ~~N.~~ If an application is denied, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

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- P. ~~Q.~~** An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying any certificate, which appeals (1) may be taken by any aggrieved party, (2) shall be filed with the Board of Adjustment within 30 days following the Commission's action, and (3) shall be in the nature of certiorari. Any appeal from the Board of Adjustment's decision in any case shall be made in accordance with the provisions of Section ~~2-209 thru Section 2-211~~ **4.7.3.14** of the ~~Zoning Ordinance~~ **Land Use Code** for the Town of Black Mountain.
- Q. ~~P.~~** A Certificate of Appropriateness shall be valid for six (6) months following the approval. If no work has begun within six (6) months from the date of approval, the applicant may be required to resubmit the project to the Commission for review.
- R. ~~Q.~~** No application for the demolition of a historic property or of a key or contributing structure within a historic district shall be granted until the Historic Preservation Commission has both inspected the structure noting significant architectural details and investigated its historical significance. The Historic Preservation Commission shall also be given a reasonable opportunity to salvage significant interior and exterior details which the owner otherwise intends to demolish. The Commission may impose a 30-day delay on the issuing of such certificates to allow time for these investigations and salvage. The property owner may avoid the delay for these investigations by providing historical background material to the Commission's standards and by providing a reasonable opportunity for salvage. These provisions do not alter the Commission's authority to impose a maximum 365-day delay on demolition where warranted by either the significance of the property or by the possibility of finding a preservation solution.

Historic Preservation Commission Chair

Historic Preservation Commission Secretary

REVISED:



