TOWN OF BLACK MOUNTAIN
PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, July 23, 2018 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

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

Lisa Milton
Jennifer Willet
Pam Norton
Peter Vazquez
Jesse Gardner
Mike Raines
Scott Reed

Staff:

Jennifer Tipton, Zoning Administrator
Jessica Trotman, Planning Director

The meeting was called to order at 5:58 p.m. and duly constituted and opened for business with a quorum of seven (7) members.

II. ADOPTION OF AGENDA

Ms. Tipton made one change to the agenda and that was to add a road closure request for Honeycutt Street as item number 1 under new business. Pam Norton made a motion to adopt the agenda as amended. The motion passed 7-0 by consensus.

III. ADOPTION OF MINUTES

Peter Vazquez made a motion to adopt the minutes of June 25, 2018 as written. The motion passed 7-0 by consensus.

IV. OLD BUSINESS

1. Right-of-Way Closure Request for First Street (off of Blue Ridge Assembly Drive)

Ms. Tipton gave a brief recap of the closure request and reported that the two additional property owners had been notified of the meeting and that the Fire Department had been contacted about fire access and the Fire Department did not see a problem with fire access. Mr. Bobilya submitted a letter to the board stating his intent for the closure request. Chair Lisa Milton voiced some questions and concerns and closing only the front of the right-of-way without the input of the owners at the back of the right-of-way because they have equal rights to the right-of-way and that the property is not the correct size for the district to build on. Ms. Tipton reported that because it was an already platted lot they do not have to meet the size requirements but will have to meet setback requirements. Chair Milton also spoke about an alleyway that should be included and should require another property owner's input.

Dana Bobilya, 75 Maney Lane, appeared for his brother and stated that his brother did confirm that he could build on the second lot and that the driveway will be shared between the Bobilya's and the Clegg's and not become a public road as well as sharing utility easements. The reason only a portion was requested was The intent was not to hinder anyone's access to utilities or access but the properties at the back of the right-of-way have access off of Laurel Lane.

Mark Penley, 11 Laurel Lane, asked if there were future plans for the small section that would left unopened. Mr. Bobilya stated that his brother does not have plans for that section as his property does not abut that portion but the Clegg's could petition to do something with the portion since their property does abut that portion.
Jesse Gardner asked about how the property would be split if the entire right-of-way is closed and it can be described how it will be split per general statutes.
Max Hutchings, 1227 Highland Avenue, is the executor of Karen Groves' estate and is concerned that the closure of the right-of-way will devalue the property.
Susan Robinson, 28 Blue Ridge Assembly Drive, would like to see trees saved and have just one driveway that would be shared.
Dana Bobilya, 75 Maney Lane, clarified that the intent is to put in a 12' wide shared driveway down the middle.
It was clarified that if the right-of-way is not closed, then Mr. Bobilya could put in any size driveway in the right-of-way. Staff confirmed that if the right-of-way does not serve more than 3 houses, then the driveway or road would not have to be brought up to town standards. Once the driveway starts to serve more than three houses then the driveway would have to become a public road and be brought up to town standards. Chair Milton voiced her concern that Carol and Michael Sobol had not been notified since they abut the alleyway that is off of the right-of-way. Mr. Gardner said he does not like closing portions of rights-of-way. Mr. Gardner questioned if the lots would be conforming in regards to lot frontage if the right-of-way is closed. The board said that if the applicant could get the additional property owners to sign off on the petition to close the entire right-of-way then they would have no problem recommending the closure.
Max Hutchins, 1227 Highland Avenue, said that it would be helpful for him if any action were to wait until the property were put into the trust and they would have proper right to sign off on the petition and he estimated that should take a couple of months but should have an appraisal of the property within a week.
Dana Bobilya, 75 Maney Lane, said that he felt pretty sure his brother would want to be able to amend the petition and have the chance to talk to the other property owners and then bring the petition back to the board.
Jesse Gardner made a motion to continue the request to allow Mr. Bobilya to address both the boards and the neighbors' concerns. The motion was seconded by Mike Raines and approved by a vote of 7-0.

V. NEW BUSINESS

1. Road Closure Request for Honeycutt Street

Ms. Tipton reported to the board that this request is coming from the Police and Fire Department due to safety concerns from both speeding cars and children running out into the road while exiting cars to go to the splash pad. Honeycutt Street is the primary ingress and egress for all emergency vehicles. Honeycutt Street is not identified on any of the adopted plans, the road is currently used for thru traffic, it does pose a hazard to public health, safety and welfare, it is not part of a drainage system, and it is not identified as a current or future corridor for a greenway. Fire Chief Steve Jones provided a letter highlighting several instances of children running into the road or sitting in the middle of the road and buses parking in front of the entrance to the bays.

Steve Jones, Fire Chief, said that they will begin with Do Not Enter signs and if that does not work then they will look at putting in some type of gate. The parking will be removed; however, the Share/Trade parking spaces will remain.
Jessica Trotman said that the design has not been completed and they are working with DOT about the possibility of getting an emergency light at Montreat Road.
Shawn Freeman, Police Chief, said that both the Police and Fire Department will remain open for business and allow the public into the business. Chief Freeman spoke about the speed of the cars that are using the road as a cut-thru and eliminating the thru traffic. Mr. Gardner suggested closing the road in front of the Police Department down to West Street and then leaving the top portion open and leave the parking spaces for Town Square.
Elaine Loutzenheiser, 410 Avena Road, said that the handicap spots at the bathrooms needed to stay because sometimes it is hard for people to get to the bathrooms from the bottom parking lot.
Pam Norton suggested the use of new traffic pattern signs to make sure that people are aware that there has been a change.
Jesse Gardner made a motion to recommend the road closure. The motion was seconded by Scott Reed and approved by a vote of 7-0.

2. <u>Election of Officers</u>

Ms. Tipton informed the board that they did not have to elect a secretary as staff keeps minutes for the board; however, if the board felt compelled to elect a secretary they may do so.
Mike Raines nominated Peter Vazquez for Chair. With no other nominations, Lisa Milton seconded the nomination and the nomination was approved by a vote of 7-0.
Lisa Milton nominated Pam Norton for Vice Chair. With no other nominations, the nomination was approved 7-0 by consensus.

3. <u>Review of Boards and Commissions Manual and Code of Ethics</u>

Ms. Tipton reviewed the manual with the board touching on the duties of the board and the chair, term limits, resignations, open meetings, public records and membership requirements and absences. Ms. Tipton talked about Facebook and the need for board members to refrain from commenting on controversial topics or items that may come before them to prohibit conflicts of interest. Ms. Tipton then went over the code of ethics and behaviors and conduct becoming of being a board member and sanction procedures if someone violates the code of ethics.

4. <u>Calendar of Scheduled Meetings</u>

Ms. Tipton made the board aware that their meetings in December and May would fall on holidays. The board decided to cancel the December meeting and move the May meeting to May 20th. Jesse Gardner made a motion to adopt the calendar of scheduled meetings as amended. The motion passed 7-0 by consensus.

VI. COMMUNICATION FROM PARTNERING AGENCY

VII. COMMUNICATION FROM PLANNING BOARD

Chair Milton asked about the status of a joint meeting with the Board of Aldermen. Ms. Trotman said that she has been told of a date at this time.

Chair Milton asked about the status of the stormwater ordinance. Ms. Trotman said that she has an intern doing a gaps analysis and will then work with an engineer with a draft before submitting to the Board of Aldermen for approval.

Chair Milton asked about parking and traffic on Black Mountain Avenue because people drive in the middle of the road because it is narrow and people park on both sides of the road. Ms. Trotman said that some of the issues will be addressed by the greenway spur and Chair Milton clarified she was talking about the North side and Ms. Trotman said that is something that could be communicated to the consultant for the parking study.

Chair Milton spoke about talking to the moderators of the Black Mountain Exchange in regards to people talking about board members and implying that board members have been paid or compensated for making decisions because this can be detrimental to having people serve on the boards and commissions.

Peter Vazquez spoke about stormwater and asked if some of the erosion control measures could be tightened up on some of the new residential projects and Ms. Trotman said that the town has been brining things to the attention of the county, who enforces erosion control, and will also be addressing some of these issues in the stormwater ordinance.

VIII. COMMUNICATION FROM STAFF

IX. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:46 p.m. The motion was approved 7-0 by consensus.

Prepared by: ______________________________

Peter Vazquez, Chair

____

Jennifer Tipton, Zoning Administrator