

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held a special call meeting on Friday, September 21, 2018, at 5:30 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:

Peter Vazquez, Chair
Pam Norton, Vice Chair
Jennifer Willett
Lisa Milton

Absent:

Jesse Gardner
Michael Raines
Scott Reed

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 5:41 p.m. and duly constituted and opened for business with a quorum of four (4) members.

II. ADOPTION OF AGENDA

No agenda to adopt.

III. ADOPTION OF MINUTES

No minutes to adopt.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Training Session with Town Attorney

Town Attorney Ron Sneed spoke to the board about the enabling statutes that give a Planning Board their powers. Mr. Sneed said that powers are given to the board by one of three ways: by statute, by ordinance or by the governing board. Mr. Sneed spoke about the powers granted to the board and those that are listed in the rules of procedure for the board.

Mr. Sneed spoke to the board about making interpretations to the public and to be cognizant of the fact that if a board member gives an interpretation, that decision is not defensible and not appealable and is essentially depriving a citizen of their rights. Mr. Sneed advised that if any board member gets asked a question that needs an interpretation that they recommend that the person contact town staff.

Mr. Sneed spoke briefly about noticing requirements for regular meetings and for special call meetings and that for special call meetings, the meeting has to be advertised at least forty-eight

Planning Board Regular Meeting
September 21, 2018

hours in advance and the only items that can be discussed are what is on the agenda. No items can be added to an agenda for special call meetings.

Mr. Sneed spoke about the changes in consistency statements and provided the board with a worksheet to work from. The consistency statement has to say whether or not the proposed amendment is consistent with a plan and why it is reasonable.

Mr. Sneed spoke briefly about public hearings and public comments and that by having public hearings you are limiting the people who can speak but by allowing public comment you can allow everyone to talk and give input.

Mr. Sneed spoke about road closure requests and that the board has the ability to amend the scope of the closure but cannot ask the applicant to amend more than what they have asked for. The board can also ask staff to contact additional property owners. Mr. Sneed did say that a person whose property abuts an unopened, platted right-of-way does have the authority to place a driveway on the right-of-way for access just as any other property whose property abuts the right-of-way would have the right.

VI. COMMUNICATION FROM PLANNING BOARD

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Prepared by:

Peter Vazquez, Chair

Jennifer Tipton, Zoning Administrator