# BLACK MOUNTAIN TOWN COUNCIL MINUTES

**January 13, 2025 | Regular Meeting | Time: 6:00 P.M.**

Black Mountain Town Hall | 160 Midland Ave., Black Mountain, NC 28711

The Black Mountain Town Council held a regular monthly meeting on Monday, January 13, 2025, at 6:00 p.m. at Black Mountain Town Hall, 160 Midland Ave., Black Mountain, NC 28711.

## 1. CALL TO ORDER

Mayor C. Michael Sobol called the meeting to order at 6:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Doug Hay, Council Member Pam King, Council Member Ryan Stone.

The following staff members were present: Josh Harrold, Town Manager; Jessica Trotman, Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Steve Parker, Police Chief; Jamey Matthews, Public Works Director; Josh Henderson, Recreation & Parks Director; Angela Reece, Project & Facilities Manager.

Mayor Sobol led those in attendance in the pledge of allegiance and a moment of silence, then read the ethics statement. The Mayor then showed a portion of a video interview he did on NewsNation. The Mayor then read a personal statement on Hurricane Helene recovery.

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## 2. PROCLAMATIONS, AWARDS, RECOGNITIONS, SPECIAL RESOLUTIONS

Josh Harrold recognized the Deck the Trees Committee. Libba Farleigh spoke on behalf of the committee stating this was the 14th year of the event. 51 trees were decorated in the community, 26 in Monte Vista Hotel and 25 in community businesses. $128,000 were raised during the Deck the Trees event in 2024. The money raised goes to Swannanoa Christian Ministries Fuel Fund.

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## 3. CITIZEN COMMENTS

- Tyler Atkins, Owen Babe Ruth Board Member, spoke on behalf of the Veteran's Park Ball
  fields fencing item. He spoke on work of the Owen Babe Ruth Board's work with community in the aftermath of Hurricane Helene and spoke on importance of youth sports and asked Council to consider funding of the ball field fencing that is on the agenda tonight.
- Town Manager Josh Harrold read a citizen comment emailed in by Doug Brock, 296 Old Lakey Gap Rd., Black Mountain.

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## 4. COMMUNICATIONS FROM STAFF, COUNCILS, COMMISSIONS & AGENCIES

### A. Presentation by IEM International, Inc. on preliminary damage inventory and recovery process.

Mike Cheverie and Willie Washington with IEM (Integrated Emergency Management) gave an overview of the preliminary damage inventory & recovery process. They showed a graphic of the draft recovery dashboard to date, as well as a 30-, 60-, and 90-day work plan and approach. Current total estimated grant/project amounts total $13,050,000.00. Mr. Cheverie stated the reimbursement processes will take some time as FEMA just won't send money straight to the Town, the state is responsible for actually reimbursing the Town. Many review processes must take place. First, FEMA would review, then the State would have its own review process. Rebuilding can start before any reimbursements come in, as prior documentation has taken place.

IEM helps communities that have gone through disasters and want help working through the recovery process. IEM is comprised of specialists that are familiar with FEMA or have worked with FEMA or similar emergency management positions.

Attorney Craig Justus asked about private party organizations that help citizens. IEM does have an Individual Assistance program for the private sector, but the best solution is to go through FEMA's individual assistance portal.

### B. Black Mountain Library Update.

Council Member Pam King presented the following report:

Buncombe County Public Libraries are included in a hiring freeze in place for all county departments (excluding first responders) as the budgetary effects of disaster recovery challenges are addressed. With 13 vacancies as of 1/7/25 and anticipating any additional turnover before the then hiring freeze would end, they identified these goals:

- Distribute library services as equitably as possible across Buncombe County.
- Continue operation of 12 libraries on a partially modified schedule (including the reopening of Swannanoa Library).
- Provide youth and early literacy programming at all 12 locations.
- Maintain compliance with the State of North Carolina’s minimum service levels for the system and across all locations.

Factors included to make decisions:

- Current usage at each branch.
- Distance between library locations.
- Geographic location and proximity to other community services.
- Minimum FTE levels for each location to operate.

These changes are not permanent changes to library operations. They intend to get the library system through the hiring freeze with sustainable operations while serving the community in the best possible way. As vacant positions eventually get filled, the goal is to restore services as quickly as possible across the entire system.

The modified hours of operation of all 12 locations, including the reopened Swannanoa Library are effective 1/25/25. The hours of each location have been shared publicly.

This information was compiled by Council Member Pam King in an effort to help the public know more about how and why these changes were determined. Buncombe Library Director Jason Hyatt has accepted an invitation to attend a future Town Council Meeting to provide a more comprehensive report and to answer questions we may have. He has accepted that invitation, date to be determined.

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**An item was added to the agenda under New Business as item 9F: Duke Energy Easement Consideration. The Town Council agreed to add this item to the agenda.**

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**5. CONSENT AGENDA**

**A. Adoption of Meeting Minutes from September 9, October 7, 18, 30 and November 7, 12, 2024.**

***With no discussion, Council Member Ryan Stone made a motion to approve these meeting minutes as presented. A vote of 5-0 in favor.***

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**B. Resolution to Approve a Memorandum of Understanding Through the French Broad River Metropolitan Planning Organization (MPO) for Continuing, Cooperative, and Comprehensive Planning Services.**

***Council Member Ryan Stone made a motion to approve the following resolution as presented. A vote of 5-0 in favor.***

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING THROUGH THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR CONTINUING, COOPERATIVE, AND COMPREHENSIVE PLANNING**

***RESOLUTION #R-25-02***

**WHEREAS,** it is recognized that a proper transportation system to support movement within and through the French Broad River MPO planning area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

**WHEREAS,** there are a number of governmental jurisdictions within the French Broad River MPO planning area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes; and

**WHEREAS,** It is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the French Broad River MPO planning area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

**WHEREAS,** a Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process.

**NOW, THEREFORE, BE IT RESOLVED** by the Black Mountain Town Council:

That the Memorandum of Understanding between the City/Town/ Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation be approved and that the Town Manager is hereby directed to enter into and execute the Memorandum of Understanding.

READ, APPROVED AND ADOPTED, by a vote of **5 to 0** on this 13th day of January 2025.

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**C. Monthly Tax Collector Report.** ***Council Member Ryan Stone made a motion to approve the following tax collector report as presented. A vote of 5-0 in favor.***

According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount collected on each year's taxes with which is charged, the amount remaining uncollected, and the steps taken to encourage or enforce payment of uncollected taxes.
Below is the month end report for collections (current and prior years), provided by the Buncombe County Tax Collector. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments, and NC Debt Setoff.

| **CURRENT YEAR TAX -ALL TAXES, LIENS, LATE LIST PENALTIES, INTEREST AND FEES** | | |
|---|---|---|
| Billed | $ | 5,324,247.84 |
| Collected | $ | 2,418,039.05 |
| Adjustments and Releases | $ | 9,251.44 |
| **Outstanding real and personal property taxes** | **$** | **2,915,460.23** |
| ***TAX COLLECTION PERCENTAGE FOR CURRENT TAX YEAR*** | | 45.34% |

| **PRIOR YEAR TAXE(S) COLLECTED WITHIN THE MONTH** | | |
|---|---|---|
| Collected | $ | 325.37 |
| Adjustments and Releases | $ | 0.43 |

Per NCGS 105-381(b) the Tax Collector is reporting tax releases/refunds within the current period:

| | | |
|---|---|---|
| Ad Valorem | $ | 16.73 |
| Motor Vehicle | $ | 92.02 |

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**D. Appointment of Town Tax Collector.** ***Council Member Ryan Stone made a motion to approve the following resolution to appoint Laurel Mabery as Town Tax Collector. A vote of 5-0 in favor.***

**RESOLUTION TO APPOINT TOWN TAX COLLECTOR**

**Resolution: # R-25-03**

**WHEREAS,** North Carolina General Statute §105-349 requires the governing body of each municipality to appoint a Tax Collector to provide the legal basis to levy and collect taxes for the Town, and;

**WHEREAS**, the Town Council is of the opinion that it is in the best interest of the citizens and residents of the Town to appoint a Tax Collector, and;

**WHEREAS,** in case of a vacancy occurring during a Tax Collector term for any reason, a qualifying person must be appointed to the Tax Collector position by the Town Council; and

**WHEREAS**, the Town Manager and Finance Director recommends to this Board that Laurel Mabery is a person of character and integrity whose experience in business and service as an Accountant within the Finance Department makes her well-suited for this appointment, and;

**WHEREAS,** the Town shall purchase a performance bond each year consistent with the requirements of state statute in the Tax Collector's name to secure honest and faithful service, and;

**WHEREAS,** the Town of Black Mountain has contracted with Buncombe County for the billing and collection of the Town's property taxes, and;

**WHEREAS**, the Town hereby authorizes the Town Tax Collector to delegate all of his/her authority and duties to the Tax Collector for Buncombe County, by and through this delegation, all duties of the Town Tax Collector for the collection of taxes, fees and assessments to be collected by the Town pursuant to N.C.G.S. § 105-349 through 378 are transferred to the County Tax Collector, specifically, including settlements as provided in N.C.G.S. § 105-373. The delegation of duties by the Town Tax Collector to the County Tax Collector shall apply to any and all subsequent Town Tax Collectors and County Tax Collectors.

**NOW, THEREFORE, BE IT RESOLVED,** by the Town Council of the Town of Black Mountain, North Carolina, that **Laurel Mabery** is hereby immediately appointed as Tax Collector for the Town of Black Mountain.

Duly adopted by the Town Council of Black Mountain on this the 13th day of January 2025.

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6. **PUBLIC HEARING- Public Hearing for Text Amendments to Chapter 1, Section 1.2.3, Definitions, Chapter 4, Section 4.7.11.4 (Uses) and Section 4.7.14 (Table of Uses by Zoning District), Chapter 5, Section 5.18, and Chapter 5, Section 5.7 to add definitions and standards for emergency temporary housing.** ***This item was moved after New Business, 9F by the consensus of Council Members.***

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7. **UNFINISHED BUSINESS** – None.

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8. **CITIZEN COMMENTS**- None.

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9. **NEW BUSINESS**

**9A. VETERAN'S PARK BALL FIELD FENCING (FIELDS 2, 3, 4).**
As a result of Hurricane Helene, fencing needs to be installed on the baseball fields at Veteran's Park for youth baseball/softball to be operated for the spring season. A donation was accepted by the council at the November 12, 2024, regular session meeting for materials and services to repair three of the four ball fields at Veteran's Park which did not include fencing. The attached quotes outline the costs for fencing installation, which is a necessary next step in returning these park amenities into a usable condition: Asheville Fence: $120,774, Greybeard Fence: $164,618, Grindstaff Fence: $125,625. Discussion ensued among Council Members. **Council Member Doug Hay made a motion to approve the quote from Asheville Fence as presented for fencing of fields 2, 3, and 4 at Veteran's Park. A vote of 5-0 in favor.**

**9B. GREEN TEE GRILLE LEASE RENEWAL.**
The Green Tee Grille Lease expires January 14, 2025. The tenant, Karen Davis, would like to renew the lease for the golf course snack shop (Green Tee Grille) for an additional year. The 2024 approved lease amount was $400 per month. At the November 12, 2024 Town Council meeting, upon a request from Ms. Davis, Town Council approved waiving the $400 per month lease payment fee while the Black Mountain Golf Course is closed because of Hurricane Helene damage, or until the end of the current lease term. Since the lease expires in January 2025, the Council discussed lease renewal, and the monthly lease payments, as the Black Mountain Golf Course remains closed. The lease, if renewed, would expire in January 2026. ***After some discussion, Council Member Pam King made a motion to renew the Green Tee Grille Lease for an additional year to expire January 14, 2026. A vote of 5-0 in favor. Vice Mayor Archie Pertiller then made a motion to waive the monthly lease payment of $400/month until the Golf Course officially reopens. A vote of 5-0 in favor.***

**9C. NC LEAGUE OF MUNICIPALITIES 2025-26 BIENNIUM LEGISLATIVE GOALS & SELECTION OF VOTING DELEGATE.**

The NC League of Municipalities (the League) member-driven legislative goals development process coincides with the start of each new legislative biennium. During even-numbered years, members come together to submit their legislative goals and priorities. The NCLM Legislative Policy Committee considers these ideas and presented its recommendations to the NCLM Board of Directors at their December 2024 meeting. The Board of Directors refined the positions further before sending sixteen (16) proposed advocacy goals to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels. The involvement of the diverse array of League members ensures that a focused policy agenda is representative of member needs and that state and federal policymakers understand that it represents the needs of their communities. Each municipality casts a single vote by selecting **ten (10) of the sixteen (16)** proposed advocacy goals in the form of resolution approval. Further, the Council will also need to designate a voting delegate to cast the municipality's vote by January 16, 2025. It is recommended the Council designate the Town Clerk as the voting delegate to cast the vote on behalf of the Town Council by the deadline.

***Vice Mayor Archie Pertiller made a motion to approve the following resolution that includes the ten chosen legislative goals that received a majority vote by Council Members, and to appoint the Town Clerk to serve as the voting delegate on behalf of the Council. A vote of 5-0 in favor.***

**RESOLUTION**

**2025-2026 NC League of Municipalities Biennium Legislative Goals and Core Municipal Principles**

***Resolution #R-25-01***

**WHEREAS,** The NC League of Municipalities (League) member-driven legislative goals development process coincides with the start of each new legislative biennium; and

**WHEREAS,** In early 2020, the League's Board of Directors revised the member-driven process that forms our organization's legislative policy positions. Their goal is to expand the process to receive as much input from all of our municipal officials that reflects the diversity of members' opinions and circumstances; and

**WHEREAS,** during even-numbered years, members come together to share their legislative goals and priorities. The basic process includes the following steps:

- Members submit their ideas for legislative goals. Ideas should fit into the League's overarching policy focus areas, be actionable and be applicable to cities and towns statewide.

- The NCLM Legislative Policy Committee considers all submitted ideas through the lens of the Core Municipal Principles and policy focus areas and submits its suggestions to the NCLM Board of Directors.
- After reviewing and refining the NCLM Legislative Policy Committee's suggestions, the NCLM Board of Directors presents the goals to the entire membership for a vote.
- Each municipality casts a single vote on the policy goals and the results are used by League staff, members, and legislative leaders to advance the agenda together; and

**WHEREAS,** the League Board of Directors, at their December 2024 meeting, chose sixteen (16) proposed advocacy goals and sent these to the full League membership for a final vote by January 17, 2025. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels; and

**WHEREAS,** municipalities are requested to choose ten (10) of the sixteen (16) proposed legislative goals and choose a voting delegate to cast the municipality's vote by the voting deadline of January 17, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Black Mountain hereby chooses the following proposed League Legislative Goals and Core Municipal Principles for the 2025-26 Biennium:

1. Expand funding opportunities for disaster resiliency and recovery efforts.
2. Establish long-term funding streams that adequately address water, sewer, stormwater, transportation, and other infrastructure needs.
3. Expand state transportation funding streams for construction and maintenance of municipal and state-owned secondary roads.
4. Increase funds to remediate contamination in local water supplies.
5. Expand incentives and funding for local economic development.
6. Create incentives to encourage the development of diverse housing options.
7. Create incentives that encourage and adequately fund regionalized water and sewer solutions.
8. Provide local revenue options beyond the property tax.
9. Support technical assistance programs to assist municipalities with securing or maintaining grants or other necessary municipal resources.
10. Address the needs of a changing municipal workforce through state assistance that supports employee retention, including training and recruitment.

**BE IT FURTHER RESOLVED,** that the Town Council designate the Town Clerk as the voting delegate on behalf of the Town Council who will cast the single vote of the municipality for the Legislative Goals and Core Municipal Principles by the voting deadline of January 17, 2025.

**ADOPTED** on this the 13th day of January 2025.

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**9D. DISCUSSION OF PARALLEL PARKING ON SUTTON AVE.** A short discussion ensued between the Town Manager and Town Council on this item. The Town Manager will be gathering more information and reporting back to the Council at a later date. No action taken.

**9E. DISCUSSION OF UNMUFFLED ENGINE BRAKING.** A short discussion ensued about prohibiting unmuffled engine braking, known as "jake braking." The Town Attorney was directed to research and report back to the Council.

**9F. DUKE ENERGY EASEMENT CONSIDERATION.** This easement would allow Duke Energy Progress, LLC to access electric and communication lines as well as the supporting structures and all other equipment on the property owned by the Town of Black Mountain, parcel number 070090116500000, as described in instrument recorded in Deed Book 1035, Page 347, Buncombe County Register of Deeds. ***With no discussion, Council Member Ryan Stone made a motion to approve the easement as presented. A vote of 5-0 in favor. *A copy of this easement is attached at the end of the minutes as Appendix A.****

**6. PUBLIC HEARING.**

**PUBLIC HEARING FOR TEXT AMENDMENTS TO CHAPTER 1, SECTION 1.2.3, DEFINITIONS, CHAPTER 4, SECTION 4.7.11.4 (USES) AND SECTION 4.7.14 (TABLE OF USES BY ZONING DISTRICT), CHAPTER 5, SECTION 5.18, AND CHAPTER 5, SECTION 5.7 TO ADD DEFINITIONS AND STANDARDS FOR EMERGENCY TEMPORARY HOUSING.**

***Vice Mayor Archie Pertiller made a motion to open the public hearing. A vote of 5-0 in favor. The time was 7:26 p.m. No public comment was provided. Council Member Doug Hay then made a motion to close the public hearing. A vote of 5-0 in favor.***

Assistant Town Manager Jessica Trotman gave a short explanation of the proposed text amendments stating this would expand the definition of emergency housing that currently exists in the Land Use Ordinance to include natural disasters. These amendments also extend the period of six months to one year, but it would allow property owners to volunteer to have temporary housing on their property by people other than the property owner themselves. These proposed amendments would allow up to one additional unit per site and align with the County's rules. Currently, the emergency housing would have to hook onto water and sewer but would have to pay connection fees. After some discussion, Council Member Alice Berry stated she would like staff to explore adding a schedule of fees amendment that would waive connection fees for emergency housing for water, permitting fees and regulation fees.

***Council Member Pam King made a motion to approve the proposed text amendments to Chapter 1, Section 1.2.3, Definitions, Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.14, Table of Permitted Uses, and Chapter 5, Section 5.18 and Chapter 5, Section 5.7, Manufactured Homes on Individual Lots to add definitions and standards for emergency temporary housing as presented and find that the proposed changes are consistent with state and county regulations and find that these recommendations promote and protect the public health, safety, and welfare and are in keeping with good zoning practice, and align with the Comprehensive Plan. A vote of 5-0 in favor.***

**AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS, CHAPTER 4, SECTION 4.7.11.4, USES, CHAPTER 4, SECTION 4.7.14, TABLE OF USES BY ZONING DISTRICT, CHAPTER 5, SECTION 5.7, AND CHAPTER 5, SECTION 5.18 OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO ADD DEFINITIONS AND STANDARDS FOR EMERGENCY TEMPORARY HOUSING**

***ORDINANCE #O-25-01***

**WHEREAS**, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

**WHEREAS**, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

**WHEREAS**, upon recommendation of the Planning Board, the following text amendments are consistent with the comprehensive plan and reasonable in the public interest because they are consistent with county and state regulations and promote the general safety, health, and welfare of the community, and;

**WHEREAS**, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

**WHEREAS**, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Consistent with county and state regulations
- Promote the general safety, health, and welfare of the community, and;

**WHEREAS**, after notice duly given, a public hearing was held on January 13, 2025, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

**NOW, THEREFORE, BE IT RESOLVED** that Chapter 1, Section 1.2.3, Definitions, Chapter 4, Section 4.7.11.4, Uses, Chapter 4, Section 4.7.11.14, Chapter 5, Section 5.7, and Chapter 5, Section 5.18 of the Town of Black Mountain Land Use Code, be amended with the following (**additions are underlined in bold** and deletions are shown as red struck text):

Chapter 1

Section 1.2.3 Definitions

**Emergency Housing: The use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use related to declared federal, state, or local disaster, for people:**

1. **Experiencing homelessness or inadequate shelter resulting from disaster-related damages; or**
2. **Assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.**

**Travel Trailer: A vehicle primarily designed as a temporary or seasonal dwelling for travel, recreation, or vacation use, including moveable park model homes, recreational vehicles (RVs), and other similar vehicles.**

Chapter 4

Section 4.7.11.4 Uses.

A. Permitted uses shall be based on the general category of use that has been established for a lot or group of lots in the **TND** master plan. The general land use categories are listed below with particular uses allowed and suggested amounts for each, expressed as a percentage of the total gross area of the neighborhood.

| Use | Amount | Allowable Use |
|---|---|---|
| Public | At least 5% | Parks, squares, greenbelts, sidewalks/walkways, streets, alleys, ~~and~~ civic uses**, and emergency housing**. |
| Civic | At least 2% | Community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing arts buildings, ~~and~~ municipal buildings**, and emergency housing**. |
| Shop front | 2% to 20% | Residential and commercial uses; approximately 50% of the building area shall be designated for residential use. ***Also, emergency housing.** |
| Attached Homes (Multi-Family) | 15% to 30% | Buildings for residential use and limited commercial use, such as a coffee house, home occupation, ~~or~~ bed and breakfast inn**, and emergency housing**. |

| | | |
|---|---|---|
| Detached Homes | 30% | Buildings for residential uses, customary home occupational uses, ~~and~~ bed and breakfast inns**, and emergency housing**. |
| Business | 5% to 15% | Office, bar/brewery, restaurant, brew pub/tavern, retail, including eating establishments, mobile retail vendors***, and other commercial uses provided they produce little or no noise, odor, dust or vibration**. **Also, emergency housing.** |

*Residential uses are not permitted on the ground floors of shop front buildings.
** Business uses shall be grouped together as follows: office and retail may be grouped with shop front buildings to form town centers. All other business uses shall be grouped together outside town and neighborhood center.
*** Mobile retail vendors shall allow up to six (6) vendors per parcel and there is a limit of ten (10) mobile retail vendors allowed in the district.

Section 4.7.14 Table of Uses by Zoning District

| Category | Use | CR-1 | SR-2 | TR-4 | UR-8 | NMU-8 | OI-6 | CBD | HB-8 | LI-8 | HI-0 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Residential | **Emergency Housing** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | |

Chapter 5 Additional Use Standards for Specified Uses

Section 5.7 Manufactured Homes on Individual Lots **and Emergency Housing**

5.7.1 Purpose
Because manufactured homes are built in the controlled environment of a manufacturing plant, are transported in one or more sections on a permanent chassis, and are built to the "HUD Code" which is a different standard that a module or stick-built home, these guidelines are established locally to ensure that manufactured homes will meter certain specifications that protect the health, safety and welfare of residents and to protect land values of adjacent properties.

5.7.2 General Provisions
A. The zoning administrator shall permit the temporary use of ~~manufactured homes, park model homes, or recreational vehicles~~ **travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters** on individual lots under the following circumstances:

1. When fire, flood, ~~or~~ other natural catastrophe, **or a declared federal, state, or local disaster**, makes an existing ~~single-family~~ dwelling uninhabitable, as ~~an alternative and temporary residence used on the same lot~~ **emergency housing** for a period not to exceed ~~six months~~ **one (1) year**.
    a. **Upon submission of documentation from an aid agency, a unit of government, or a North Carolina-licensed contractor, that the repair or reconstruction of the dwelling will take more than one (1) year, the Zoning Administrator may extend the time period for up to two (2) additional**

**years, with extension approval required at each one-year interval and with approval contingent on the submission of documentation from an aid agency, a unit of government, or a North Carolina-licensed contractor that the repair or reconstruction of the dwelling is ongoing and not complete.**

2. During the active construction period of any single-family dwelling, as a temporary residence on the same lot by the owner of the lot for a period not to exceed 24 months or the active construction period, whichever is less.
3. During the active period of construction/installation of a manufactured home, as a temporary residence on the same lot for a period not to exceed six months or the active construction period, whichever is less.
4. During the active promotion of any residential subdivision or planned unit development, the zoning administrator may permit a manufactured home within the development to be used solely for the purpose of a temporary sales office for a period of up to 12 months. The manufactured home may not serve as a residence.
5. As part of a manufactured housing or "park home" sales or manufacturing business.
6. **Building Permit. Electrical, plumbing, driveway and/or utility permits may be required for emergency housing.**

## Section 5.18 Emergency Housing

### 5.18.1 Purpose

**To permit the use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use related to a declared federal, state, or local disaster.**

### 5.18.2 General Provisions

**A. Eligibility. Applicant must provide proof they:**

1. **Own, occupy or occupied, as their primary residence, a structure damaged or made inaccessible by the declared disaster; or,**
2. **Are assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.**

**B. Siting**

1. **Emergency housing may only be on a site other than a damaged or inaccessible home if said housing is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.**
2. **Debris Removal. Emergency housing shall not obstruct or prevent recovery and debris removal operations.**
3. **Floodways and Floodplains. Emergency housing shall be prohibited within regulated floodways and floodplains.**
4. **Landslide and Heavily Damaged Flood Areas: Emergency housing applicants located within landslide or heavily damaged flood areas is strongly recommended to confer with a geotechnical engineer to evaluate site stability prior to placement of the emergency housing on a site, and during reconstruction and redevelopment of a site.**

**C. Temporary Use. Emergency housing shall be permitted for up to two (2) years from the date of the declared disaster and may be extended by the Zoning Administrator for up to one (1) additional year.**

**D. Number of Units. No more than one (1) emergency housing unit may be placed on an individual lot, except where the site is operated by FEMA or other federal agency, by a unit of state government, or a unit of local government.**

**E. Utilities. Emergency housing shall be immediately connected to an approved public or private wastewater system, potable water source, and public electrical service, except where the unit is a travel trailer in which case it shall be connected within the following time limits:**

1. **Electrical Service and Potable Water: Within three (3) months from the date of placement.**
2. **Wastewater: Within six (6) months from the date of placement, with the option of the Zoning Administrator extending for an additional six (6) months with proof of contract to remove waste.**

**F. Addressing. Emergency housing shall meet the E-911 addressing requirements which may differ dependent upon emergency housing unit type.**

**G. Setbacks. Setbacks shall apply to emergency housing regardless of type.**

**H. Spacing. Emergency housing units shall be separated from each other by a distance of at least ten (10) feet.**

**I. Access. Where three (3) or more emergency housing units are placed on a single lot, those units shall be accessed by a vehicular drive aisle on at least one side of the trailer, which is a minimum of 20 feet in widths for two-direction traffic, or a minimum of 12 feet in width for single-direction traffic, or a minimum of 30 feet for two-direction traffic that contains on-street parking. No parking shall be allowed within the vehicular drive aisle. A site plan that shows uniformity with this access requirement must be submitted.**

**J. Parking. The minimum required parking for emergency housing shall be one (1) space per emergency housing temporary dwelling unit. The Zoning Administrator may reduce the required parking if the applicant can demonstrate that less than one space per temporary dwelling unit is sufficient. Parking spaces will be of an all-weather surface.**

**K. Waste Management. The property owner or operator of group sites shall provide capacity for a weekly accumulation of solid waste and recycling on site through the provision of dumpsters or acceptable containers. Waste containers must be serviced at least once a week unless the group site has been vacant for the entirety of the week. Dumpsters shall not be located within any required setbacks.**

**L. Steep Slope. The provisions of the Erosion Prevention and Slope Protection Ordinance apply to emergency housing.**

**M. Building Permit. Electrical, plumbing, driveway, and/or utility permits may be required for emergency housing.**

**READ, APPROVED AND ADOPTED**, by a vote of 5 to 0 on this the 13th day of January 2025.

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**10. COMMUNICATION FROM TOWN ATTORNEY & TOWN MANAGER.** The Town Attorney provided some additional comment about unmuffled engine braking. The Town Manager thanked the Public Works staff who worked during the past weekend for snow removal. A floodplain regulations workshop would be held on Tuesday, January 21st at 6pm at Town Hall. The Martin Luther King Jr. Prayer Breakfast would be held on Saturday, February 8th at St. James Episcopal Church at 9 a.m. Finally, the mini-packer sanitation truck has arrived and would soon begin servicing the scout routes once again since the Hurricane.

**11. COMMUNICATION FROM MAYOR & TOWN COUNCIL.** No comments.

**12. CLOSED SESSION.** None.

**13. ADJOURNMENT.** ***With nothing further, Mayor Sobol adjourned the meeting at 8:00 p.m.***

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C. Michael Sobol, Mayor

ATTEST:

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Wesley M. Barker, Town Clerk

**Attachments: Appendix A**