BLACK MOUNTAIN TOWN COUNCIL MINUTES

February 24, 2025 | Special Called Meeting | Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

Black Mountain Town Council held a joint meeting with the Black Mountain Planning Board on Monday, February 24, 2025, at 6:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

CALL TO ORDER

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

Chris Collins, Chair
Pam Norton, Vice Chair
Kathy Phillips
Chas Fitzgerald

Planning Board Members Absent:

Joe Laudenslayer
Rick Earley
Lauronda Teeple

Town Council members present:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Pam King
Council Member Doug Hay
Council Member Ryan Stone
Council Member Alice Berry was absent.

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Assistant Town Manager/Planning Director
Russell Cate, Planner I/Zoning Administrator
Josh Harrold, Town Manager
Wesley Barker, Town Clerk
Craig Justus, Town Attorney
Taylor Osborne, Town Attorney

The meeting was called to order at 6:02 p.m. by Planning Board Chair Chris Collins and Mayor Sobol, respectively.

Attorney Craig Justus began the workshop by recommending setting up a process to get through the UDO and get it ready for a public hearing. There are eleven chapters in total and a

methodical and realistic timeline would be to do at least two workshops per month, but maybe three. Mr. Justus will present comments, edits, and ideas and seek consensus from the Planning Board. Taylor Osborne will incorporate the proposed changes and then the draft chapters will be presented at the next workshop. Ideally, this process should take about two and a half or three months. Mr. Justus noted that there are legal complications to work through including downzoning and a moratorium on tree regulations.

Mr. Justus suggested that the Planning Board look at chapters one, seven, and eight, as chapters seven and eight are out of order in terms of flow. It makes more sense to have the operational items in the front. Duplications and redundancies will be eliminated.

The purpose of the workshop is not for staff to direct where the changes go, but for the Planning Board to guide that discussion while having this be an educational experience for Town Council and to make the public hearing process smoother.

This will be a collaborative effort and there will be a PowerPoint presentation to draw attention to the major changes and the process.

Mr. Justus will provide one page before each workshop to address the theme to be thinking about and examples of what might be addressed at each workshop.

Jessica Trotman spoke briefly about having to have a regulatory debrief after Hurricane Helene and that there may be changes that come from that. Ms. Trotman also floodplain regulations and that they are currently a moving target and Mr. Justus said that there might be clarity by the time that chapter is addressed.

Mr. Justus explained the four C's: clarity, consistency, context, and conformance. These will be the things to look for as the review process begins.

Chapter 1

- Section 1.01 (A) is repeated in Chapter 7 and is only needed once.
- Section 1.01 (A) – the name of the zoning map needs to be the same and the paper map kept in the office needs to be labeled. GS 160A-77 states that a municipality must maintain an ordinance book and the zoning map should be attached and that is the official zoning map for the town. The consensus was to label the map as "Official Zoning Map of Black Mountain, North Carolina".
- Section 1.01 (C) – GS 160D pertains to development regulations and is a broad umbrella of regulations.
    1. Purpose…provide development regulations for…subdivision or use.
    2. Use the name of the comp plan, Elevate Black Mountain.
    3. Cross reference the code of ordinances and ordinances with police power. Mr. Justus will draft some language for this.
    4. Remove "individual" as regulations are for the common good. Mr. Justus will draft some language.
    5. Items three and four will be combined into one and current item four will be come a shorter section on character.

- Section 1.03
    A. Remove NCGS – don't need and example – just needs to state 160D
    B. Building should be changed to structure and will need to revisit this in the definitions section – also remove last sentence.
    C. Use language similar to City of Asheville
    D. This makes no sense. Chapter 160D does not direct but enables.

Consensus to make Chapter 7 the new Chapter 2 and make Chapter 8 the new Chapter 3.

Chapter 7

- Section 7.01.01 – remove
- Section 7.01.02 – remove
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- and legislative
- Section 7.01.04 – keep the effective date only and this will apply to the UDO and the zoning map, which will be adopted at one time.
- Section 7.02.01
    A. The comprehensive plan is a planning document and might not always be consistent. Chapter 160D requires a statement of consistency and the issue might not be consistent but rather in the best interest of the public.
    B. Reform this section along with "A".
- Section 7.02.02 – this states direction that is obvious and there can be administrative waivers that can be baked in – remove this section.
- Section 7.02.03
    A. This section is okay.
    B. 1. (a) rewrite to make sense.
    (b) this section is okay.
    2. clean up this section.
- Section 7.02.04
    A. Clean up this section.
    B. Item #2 is construed in favor of the town and violates the law – clean up this section.
- Section 7.02.05 – move to Chapter 1 – also, superior court should be changed to any court of law.
- Section 7.02.06 – what are transitional provisions?
    A. 1. Should be legally issued permit, not mistakenly issued.
    2. This section is not workable – 160D-108 speaks to vesting rules and has evolved since 2015 and is not consistent.
    3. Staff will draft language for this section.
    B. Mr. Justus to redraft this section to make clearer and easier to read.
- Section 7.02.07 – this section is okay.
- Section 7.02.08 – again, 160D-108 speaks about vested rights and there are multiple types of vested rights and this section mushes them all together and none are right. The section can just refer to 160D and the specific section and to even further simplify the section, it can include links to the statute and sections. This will remove liability from staff. This also needs to be moved to Chapter 1.

Jennifer Tipton will send out a poll to the Planning Board for potential workshop dates and will get those to Mr. Justus when decided upon.

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ADJOURNMENT. ***Planning Board Chair Chris Collins and Mayor Sobol adjourned the meeting at 7:59 p.m., respectively.***

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C. Michael Sobol, Mayor

Attest:

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Wesley M. Barker, Town Clerk