BLACK MOUNTAIN TOWN COUNCIL MINUTES

April 9, 2026 | Special Meeting Agenda | Time: 5:00 PM

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

Black Mountain Town Council held their special meeting on Thursday, April 9, 2026, at 5:00 PM in the Council Chambers of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

1. CALL TO ORDER

Mayor C. Michael Sobol called the special meeting to order at 5:00 p.m. with the following members in attendance: Mayor C. Michael Sobol, Vice Mayor Archie Pertiller, Council Member Alice Berry, Council Member Pam King. *Council Members Doug Hay and Ryan Stone were absent. Note: Council Member Ryan Stone joined the meeting at 6:15 p.m.*

The following staff members were present: Craig Justus, Town Attorney; Richard Hicks, Interim Town Manager; Scott Buffkin, Interim Assistant Town Manager; Wesley Barker, Town Clerk; John Coffey, Fire Chief; Jamey Matthews, Public Works Director; Rick Burton, Building Inspector; Jennifer Tipton, Planning Senior Admin.; Matt Begley, Budget Analyst.

2. EVIDENTIARY HEARING

2.A. Appeal of Order to Take Corrective Action - 850 Blue Ridge Road

The property owner at 850 Blue Ridge Rd., PIN # 0609-72-3860.00000 received an Order to Take Corrective Action dated November 17, 2025 from the Town of Black Mountain's Senior Building Official. This structure was found to be a safety & fire hazard by the Senior Building Official. An administrative hearing was held on Friday, November 14, 2025 where the Town's Senior Building Official declared the following:

- The structure at 850 Blue Ridge Rd. was officially condemned.
- The structure at 850 Blue Ridge Road was a severe threat to health and safety.
- There has been ample opportunity to remedy the defects or to demolish the structure.
- No extensions past the time given in this notice will be granted.
- All assistance programs that were offered have since closed (please note that all of these were federal programs and the town did not offer any local assistance).
- The property owner would have forty-five (45) days from the date of the notice to demolish the structure and clear all debris from the site.
- Further, this letter indicated the property owner may exercise their right to appeal this decision, pursuant to N.C.G.S. §160D-1123.

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On November 26, 2025, the property owner submitted their appeal to the order to take corrective action to the Town's governing body as allowed via N.C.G.S. §160D-1123. This letter laid out the reasons for the appeal to take corrective action. The Town Council will now hear this appeal in this special-called meeting as an evidentiary hearing.

Mayor Sobol opened the hearing at 5:00 p.m. Planning and Building Inspection staff members presented the case to the Town Council. Mr. Kevin Wei on behalf of sister Hongqin Wei, appellant, then provided his testimony to the Council. A lengthy discussion then ensued among council members, the town attorney, the appellant and town staff. The following findings of fact and conclusions of law were as follows:

Based upon the information and evidence presented and after hearing all of the evidence, the Council does hereby make the following **FINDINGS OF FACT**:

1. Hongqin Wei ("Wei") appealed the Town of Black Mountain Building Inspector's order to take corrective action to demolish the Building and remove all debris ("Appeal").
2. All required notices were mailed and published, and signs were properly posted regarding this Appeal.
3. Jennifer Tipton, Senior Admin ("Senior Admin"), and Rick Burton, Building Inspector ("Building Inspector") appeared for the Town.
4. Kevin Wei, brother of Hongqin Wei, appeared as the representative for the Appellant ("Appellant").
5. The Town admitted the Record of the case into evidence without objection, and it was accepted by Mayor C. Michael Sobol, the presiding officer.
6. The Building at 850 Blue Ridge Road, a nonresidential building, was severely damaged after Tropical Storm Helene in September of 2024.
7. The Appellant was sent a Notice of Substantial Damage Determination for 850 Blue Ridge Road, dated December 17, 2024. The notice provided a substantial damage assessment, instructions for appealing the determination, and an offer to the property owner meet with the Floodplain Administrator to discuss the requirements and potential options for bringing the building into compliance with the Flood Damage Prevention Ordinance. This notice was not appealed.
8. The Town communicated with TetraTech about reaching out to the Appellant to potentially apply for the Private Property Debris Removal Program.
9. The Appellant was sent a letter detailing the unsafe conditions in accordance with NCGS §160D-1118 (Defects in buildings to be corrected), dated July 31, 2025.
10. The 31 July 31 2025, letter stated that the unsafe conditions needed to be permitted, repaired, completed and inspected, or the entire Building needed to be demolished within ninety days of receipt of the letter. Notice of the unsafe character of the Building was posted by the Town on the exterior wall of the structure.
11. The Appellant sent a response dated October 24, 2025, in response to the July 31, 2025, letter of unsafe conditions.
12. The Appellant noted that the property was in a unique situation as NCDOT planned to acquire the property due to the proposed I-40 interchange project.
13. Based on the unique situation noted by the Appellant, the Appellant asked for a delay in any permit application or processing as pursuing repairs for a building that

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is expected to be demolished would result in unnecessary financial and administrative burden.

14. Because Appellant failed to take corrective action as requested for the Building, the Appellant was sent a letter dated November 4, 2025, regarding a condemnation hearing that would be held on November 14, 2025, in accordance with NCGS §160D-1121.
15. The Appellant sent a response dated November 12, 2025, requesting an extension of time to comply.
16. The condemnation hearing was held on November 14, 2025, in accordance with NCGS §160D-1121, addressing the concerns of the Building at 850 Blue Ridge Road. The hearing was held at 304 Black Mountain Avenue with the Senior Administrative and Building Official in attendance.
17. The Building Inspector found that no actions have been taken to repair the property and that due to the condition of the Building, the Building is a blight, is attracting illicit activity, rodent and animal infestation, homeless activity, and is a severe safety and fire hazard. Further delay could not be granted.
18. The Building Inspector officially condemned the Building and ordered the Building to be demolished within forty-five days of receipt of the Order to Take Corrective Action.
19. The Order to Take Corrective Action, in accordance with NCGS §160D-1122, dated November 17, 2025, was sent to the Appellant.
20. The Appellant filed an appeal dated November 26, 2025 to the Town Council.
21. At the hearing, Appellant did not present any experts or witnesses who could testify in any way to rebut the findings of the Building Inspector. Appellant's only contention was to dispute the remedy required to address the condition of the Building.
22. The Building is a fire or safety hazard.
23. The Building is dangerous to life, health, or other property.

Based on the foregoing **FINDINGS OF FACT**, the Council then made the following **CONCLUSIONS OF LAW**:

1. This Council has jurisdiction under NCGS §160D-1123 to decide appeals of any order received under NCGS §160D-1122.
2. Because the Building located at 850 Blue Ridge Road is a fire or safety hazard and otherwise dangerous to life, health, or other property, it must be promptly remedied by Appellant as prescribed below.
3. Appellant must within sixty (60) days of the date of this Order fully install at her expense a fence that is attached to the Building in its entirety and covers all openings and otherwise ensures that the Building is vacant and not accessible to any member of the public. The fence must allow air flow and visibility to the interior of the Building. If the Appellant fails to timely install the fencing, then the Building without further notice to the Appellant may be immediately demolished at the expense of Appellant.
4. The Town Council retains the right to revisit this matter if any conditions change or to exercise all remedies available by law, including NCGS 160D-1125.

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Upon a motion by Vice Mayor Archie Pertiller, the Council members present voted 3-0 in favor, that the building at 850 Blue Ridge Road is a fire and safety hazard and is dangerous to life, health, or other property. The Appellant shall timely complete the corrective action set forth in the conclusions of law, based on the foregoing Findings of Fact.

Council Members Doug Hay and Ryan Stone were absent.

The hearing was adjourned at 6:15 p.m.

A copy of the document entitled "Order To Take Corrective Action at 850 Blue Ridge Road", and supplemental materials, are attached at the end of these minutes as Appendix A.

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3. AGENDA REVIEW AND APPROVAL

Council Member Ryan Stone joined the meeting at 6:15 p.m.

3.A. Review & Approval of April 13, 2026 Town Council Meeting Agenda.
At 6:15 p.m., the Council moved to the next item on this special meeting agenda was a review of the April 13, 2025 Town Council meeting agenda. A suggestion was offered to move the item Acceptance of Grant Funds with NCDEQ from New Business to Consent Agenda. Also, it was mentioned to include the letter from the Executive Director for Black Mountain Center for the Arts requesting the lease extension, be added into the agenda packet under that item.

Town Council Member Alice Berry made a motion to approve the April 13, 2026, agenda as presented, with the suggested amendment. A vote of 4-0 in favor. Council Member Doug Hay was absent.

With no further business to be discussed, Mayor C. Michael Sobol adjourned the meeting at 6:30 p.m.

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C. Michael Sobol, Mayor

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Wesley M. Barker, Town Clerk

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