

Honorable Mayor Bartlett and Aldermen,

This communication is on behalf of myself and my wife, Suzanne Judy. We have owned lot 207 in The Settings of Black Mountain since 2005 and reside nearby in Asheville. I am also a very active in the group of homeowners in the Settings who have worked with the Developer and other interested parties to improve many of the issues recited in the moratorium resolution.

We would urge you to cancel the proposed hearing, or, failing that, to re-propose a hearing without a moratorium being an announced possible outcome of the hearing.

In support of these views I would briefly make the following points:

1. We can have no objection to the Board's holding a hearing under the appropriate circumstances to determine facts at the Settings that are relevant to the Town's responsibilities. The Board has the right and duty to know the facts with respect to any subject within its purview. However, for the reasons below, we believe that the hearing as proposed should be cancelled or appropriately re-proposed.
2. Certain of the circumstances cited in the moratorium resolution, particularly as to the roads, have been mitigated since the resolution was distributed, and active efforts are underway to address the other issues. The factual basis for the hearing has essentially been overtaken by events.
3. The Settings is facing certain challenges, almost entirely stemming from the adverse condition of the Developer, but the Settings nevertheless remains a strong and highly desirable community. I am certain you are receiving strong, first-hand communications to that effect.
4. As an outcome to such a hearing, nothing could be worse than a moratorium, even the brief one proposed, for the Settings community, for the individual homeowners and the Town.
5. A moratorium inescapably sends a highly negative message to the market.
6. The Settings needs more construction and more assessment paying homeowners – not fewer.
7. The individual home-owners and property-owners need upward pressure on their property values - not downward
8. The Town needs more tax-paying residents - not fewer.
9. The Town needs more construction and construction-related employment – not less.
10. The Town has all the power it needs to address issues concerning particular sites in The Settings through its ordinary existing permitting powers. As a matter of administrative process a moratorium is massive over-kill.
11. The Board can be of material assistance to the Settings community, which is a part of the Town, by helping the community in its efforts to obtain prompt and constructive actions by the Developer and in addressing bonding issues.

In sum, we would urge the Board to focus on the right process and the right remedies.

Thank you very much for your attention.

Sincerely

Henry L. Judy

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