

**Town of Montreat  
Board of Commissioners  
Town Council Agenda Meeting  
January 4, 2018 – 7:00 p.m.  
Walkup Building**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Public Hearing: Proposed Rezoning of Well Site 4 from Conservation to Institutional Followed by Possible Action**

**IV. Mayor's Communications**

**V. Consent Agenda**

A. Meeting Minutes Adoption

- December 7, 2017, Town Council Agenda Meeting Minutes
- December 14, 2017, Town Council Public Forum Minutes
- December 14, 2017, Town Council Meeting Minutes

***All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.***

**VI. Town Administrator's Communications**

- Consent Agenda Review
- MSD Update
- Florida Terrace Recombination Survey Update
- Asbestos Removal Bid
- Other Items

**VII. Administrative Reports**

- Police
- Public Works and Water
- Sanitation
- Streets

**VIII. Public Comment – Agenda Items**

***Public comments will be heard during this period for only those items listed on the meeting agenda.***

**Montreat Board of Commissioners  
Town Council Agenda Meeting  
January 4, 2018**

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**IX. Old Business**

**X. New Business**

**I. Public Comment – Other Topics**

*Public comments will be heard during this period for other public business items or topics not listed on the meeting agenda.*

**II. Commissioner Communications**

**III. Meeting Dates**

January Town Council Meeting:

January 11, 2018, 7:00 p.m.  
Public Forum begins at 6:30 p.m.  
Walkup Building

Town Services Office Closure:

Town Services will be closed on January 15<sup>th</sup> for  
Martin Luther King Jr Holiday

Sanitation Schedule Change:

Trash will be collected on **Tuesday, January 16th**

Tree Board:

January 23, 2018, 9:30 a.m.  
Town Services Building

February Town Council Agenda Meeting:

February 1, 2018, 7:00 p.m.

Montreat Landcare:

February 7, 2018, 9:00 a.m.  
Allen Building  
Swannanoa Room

February Town Council Meeting:

February 8, 2018, 7:00 p.m.  
Public Forum begins at 6:30 p.m.  
Walkup Building

Tree Board:

Tuesday, February 20<sup>th</sup>, 9:30 a.m.  
Town Services Building

- IV. Closed Session (on 01/11/2018): To enter into Closed Session in accordance with North Carolina General Statute §143-318.11(6) to discuss a personnel matter as well as approving Closed Session Minutes for March and April.**
- V. Adjournment**



## Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

### **MEMORANDUM**

TO: MONTREAT PLANNING AND ZONING COMMISSION  
CC: TOWN OF MONTREAT BOARD OF COMMISSIONERS  
FROM: ALEX CARMICHAEL, TOWN ADMINISTRATOR  
SUBJECT: REZONING OF WELL SITE 4 FROM CONSERVATION DISTRICT (CD)  
TO INSTITUTIONAL ZONING DISTRICT (I)  
DATE: NOVEMBER 30, 2017

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**BRIEF SUMMARY:** The Town of Montreat has sought ways to address problems for equipment and employees stemming from its lack of an adequate Public Works building. Expensive equipment and materials are left out in the elements, accelerating depreciation, risking unnecessary loss, and degrading the aesthetic quality of the surrounding environment. Town staff must prepare and maintain equipment while exposed to variable weather. To address these issues staff proposed to the Montreat Board of Commissioners new construction of a metal “butler building” at the March 2017 regular Commission meeting. Staff investigated several parcels of public property and identified one that would have sufficient unrestricted space. The property is the site of the old Well Site Number 4, located behind the MRA Maintenance Building. Well 4 has been offline for approximately 20 years and has been removed from the State’s well inventory for Montreat. Staff proposed a building at the site that would be around 5,000 square feet and would include a stormwater mitigation system that could potentially irrigate the Native Plant Garden. The Commission unanimously voted to direct staff to investigate and prepare for such a Public Works building. During that investigation staff determined that the proposed site is located inside the Conservation District and that such a building is not eligible for conditional use, nor permitted by right in the existing zoning district.

Staff again looked at existing public property for potential locations of a Public Works building, but found no other adequate site. Staff requests that the property around Well 4, as presented in the enclosed maps, be rezoned from Conservation District to Institutional Zoning District.



**STAFF COMMENTS:** The current Conservation District zoning designation where Well 4 is located was established to protect tracts of land from residential, commercial, and institutional development and to preserve land for parks, open space, recreational areas, greenways, trails, waterways and flood plain areas; whereas the Institutional Zoning District designation was established to permit certain institutional uses. At first look these two designations are contradictory. These opposing districts however, were established squarely adjacent to each other, and the history, use, and circumstances of reality have never fitted so neatly as the district boundaries on the Zoning Map would reflect.

Still, action to rezone this site should not proceed without caution. The possibility of rezoning only one individual parcel (e.g. the subject parcel) as opposed to the entire Conservation District may incur judicial review as “spot zoning,” if the zoning action is challenged. The primary concern is that the decision to spot zone must be shown to be reasonable and in the public interest. Relevant factors to be considered are:

- The size and nature of the tract;
- Compatibility with existing plans;
- Impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community;
- Relationship between the newly allowed uses in the spot rezoning and the previously allowed uses.

North Carolina law, unlike some other states, does allow spot zoning in certain circumstances, but the Town Commission must be prepared to demonstrate that their decision is defensible under the criteria mentioned above. North Carolina does not mandate that spot zoning decisions must follow quasi-judicial process, nor is a local government council required to publish specific findings of fact as in typical evidentiary hearings. The cautionary note is that great care must be exercised to be certain that a decision is well grounded in the public’s best interest and supported by clear facts relevant to the case.

Staff believes that the criteria for lawful spot zoning is met in this case. Under its current use the site does not adhere to its intended conservation purpose, but instead serves as an open equipment yard. The rezoning of the site to allow the construction of a Public Works building would effectively clean up an otherwise messy site and could potentially elevate the environmental quality of the broader area. Further, the site borders the municipal boundary of Montreat, just across the line from a campus of buildings and uses serving the same institutional purpose. The Institutional designation would be in conformity with the neighboring property across the boundary, and would no more contradict the intent of the neighboring Conservation District than its current condition.

The construction of a Public Works building at Well Site 4 would provide relief for the staff and operations of the Town while cleaning up the existing use of the area.

**ATTACHMENTS:**

- Public Works Building Site
- Map of Current Zoning at Subject Site
- Map of Proposed Zoning at Subject Site
- Well Site 4 Survey
- Excerpts from the Town of Montreat Zoning Ordinance
- March 09, 2017 Board of Commissioners Meeting Minutes
- Photograph Presentation of Current Conditions at Site
- Process and Schedule for Rezoning Subject Site



# Proposed Rezoning of Public Works Building Site (After)





# Proposed Rezoning of Public Works Building Site (Existing)





N

# Public Works Building Site

Feb 20, 2017



## Legend

	Panels		Flood Hazard Areas
	Political Areas		AE
	Stream Centerline		Floodway (AE)
	Cross Sections		0.2 % Chance Annual Flood Hazard
	Levee		Future Conditions 1% Annual Chance Flood Hazard

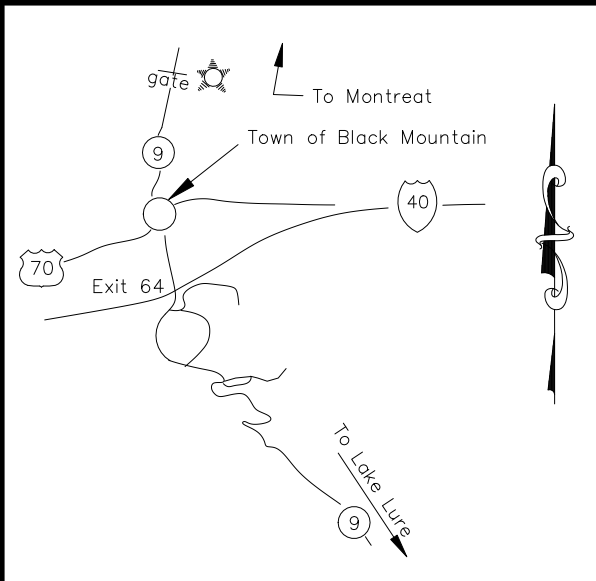
North Carolina Floodplain Mapping Program





## Public Works Building Site Rezoning Schedule

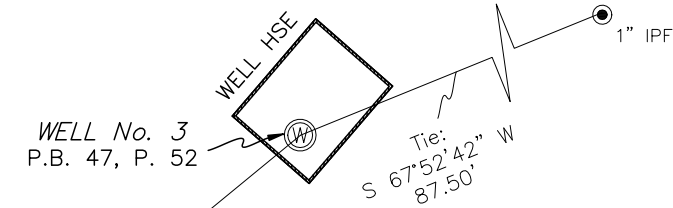
Steps in the Process	Normal Schedule for Action Taken
Staff prepares a revised delineation of the (CD) Conservation District boundaries to exclude parcel containing Well#4 and a portion of the surrounding area (see map) for review by the Planning and Zoning (P&Z) Commission at a special meeting called in November;	Fall, 2017
P&Z reviews the proposed rezoning for conformity with the adopted Comprehensive Plan and provides their recommendations to Town Council at their December 14, 2017 meeting;	November 30, 2017
Town Council calls for a public hearing of the proposed map amendment at the January 11, meeting;	December 14, 2017
Staff physically posts the property affected by the rezoning & mails notification of the pending hearing to abutting property owners (normally within 200' of the subject property);	December 21, 2017
Staff provides notice of the required hearing in the local newspaper for two (2) consecutive weeks at least 10 days, but not more than 25 days, prior to hearing date;	December 21 & December 28, 2017
Council holds a public hearing to receive input on the proposed rezoning. Council may then decide to vote on the matter or postpone action for further consideration after the public hearing;	January 11, 2018 (or later, if action postponed)
When the Council takes action, it must adopt a statement as part of the rezoning that describes how its action is either consistent or inconsistent with the Comprehensive Plan and why it considers the action reasonable and in the public interest;	January 11, 2018 (or later, if action postponed or does not pass by an affirmative vote of at least two-thirds of the actual membership of the Board, excluding vacant seats and not including the Mayor)
If the Council does not pass the rezoning request in January by an affirmative vote of at least two-thirds of the actual membership of the Board, excluding vacant seats and not including the Mayor, it may pass the request in February by a simple majority of the Board;	February 8, 2018 (or later, if action postponed)
Rezoning becomes official and staff physically amends the Zoning Map of Montreat to reflect the adopted change;	January 18, 2018 if rezoning request passes on January 11 (or seven days from the date of the passage of the rezoning request)



LOCATION MAP

Mountain Retreat Association  
D.B. 103, P. 131

Mountain Retreat Association  
D.B. 103, P. 131



THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY  
JOHN M. STOLLERY, L-2996, ON NOVEMBER 1, 2017. THIS  
MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

Mountain Retreat Association  
D.B. 103, P. 131

## NOTES

- THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, PREVIOUS CONVEYANCES, OR ANY OTHER FACTS THAT MAY BE DISCLOSED BY A TITLE EXAMINATION.
- THE DISTANCES SHOWN ON THIS PLAT ARE GRID DISTANCES. TO CONVERT TO GROUND DISTANCES, DIVIDE BY THE COMBINED FACTOR OF 0.99978088.
- BASIS OF BEARING: NC GRID NORTH - NAD 83 (NSRS 2011 EPOCH 2012) BASED UPON RTK GPS OBSERVATIONS.
- BASIS OF ELEVATION: NAVD 88 BASED UPON RTK GPS OBSERVATIONS.
- UNLESS STATED OTHERWISE HEREDON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THEREOF WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES, IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOC. WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
- THIS PROPERTY IS ZONED CD BY THE TOWN OF MONTREAT. SEE THE TOWN OF MONTREAT ZONING ORDINANCE FOR MORE INFORMATION.

INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC. MAKES NO CLAIM TO THE EXISTENCE OF ANY RESTRICTIONS OR COVENANTS.

- ANY UNDERGROUND SEWER LINE AS SHOWN IS BASED UPON GIS INFORMATION OBTAINED FROM THE MSD ONLINE DATABASE, AND FROM FIELD OBSERVATIONS.
- A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3700071000J DATED 01.06.2010, AND 3700071000J DATED 01.06.2010.
- THIS PROPERTY IS SUBJECT TO A 30' VEGETATIVE BUFFER AS MEASURED FROM THE TOP OF THE BANK OF THE EXISTING STREAM, AS OUTLINED BY THE NC DEPT. OF NATURAL RESOURCES - WATER QUALITY DIVISION. (STATE CODE SECTION 15A NCAC 2B.0200).

ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREDON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.

## LEGEND

●	RBF.	REBAR FOUND (SIZE AS NOTED)
○	IPF.	IRON PIN FOUND
●	MNF.	MAGNETIC NAIL FOUND
○	MNS.	MAGNETIC NAIL SET
×		CALCULATED POINT-NOT SET
+		FIRE HYDRANT
—		UTILITY POLE & LINES
—		UNDERGROUND GAS LINE
—		UNDERGROUND WATER LINE
—		BARBED WIRE FENCE
—		CHAIN LINK FENCE LINE
—		ELECTRIC METER
—		GAS METER
—		EXISTING MANHOLE
—		SEWER CLEANDUT
—		PHONE PEDESTAL
—		STORM DRAIN
—		WELL
—		ROCK WALL
—		WOODEN POST
—		SIGN AND SIGN POST
—		MAILBOX
—		GUY ANCHOR
—		STORM DRAIN

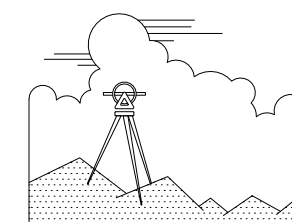
## TREE TABLE

BLO	BLACK OAK
CED	CEDAR
CHT	CHESTNUT
CHR	CHERRY
DGW	DOGWOOD
HTK	HICKORY
LCT	LOCUST
MAP	MAPLE
NRO	NORTHERN RED OAK
PDP	POPLAR
SYC	SYCAMORE
SWD	SOURWOOD
WHP	WHITE PINE
WLN	WALNUT

Boundary & Topographic Survey for:  
**TOWN OF MONTREAT**  
P.I.N. 0710-63-2549  
Town of Black Mountain, Buncombe County, NC



REFERENCES: DEED BOOK 1308, PAGE 364 PARCEL II  
PLAT BOOK 47, PAGE 52



**HIGH COUNTRY SURVEYORS, INC.**  
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091  
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854





















































































# EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

## Article VII - Zoning District Regulations

### 700 Permitted Uses Table.

700.1 The following table establishes what principal uses will be allowed in which Zoning Districts in the Town of Montreat. The uses in this table will be permitted as indicated and shall conform to all regulations of the applicable Zoning District. Uses which are not listed in the Table are not permitted in the Town of Montreat.

700.2 When shown with an asterisk (\*), the use is permitted only as a "Conditional Use" and will be approved in accordance with the provisions of Article VIII of this Ordinance. When shown with a double asterisk (\*\*), the use is permitted only as an "Accessory Use."

USE	DISTRICT								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
Accessory Buildings or Uses	X	X	X	X	X				X
Agriculture excluding logging and timber harvest						X	X	X*	
Amusements, Commercial: including, but not limited to miniature golf, bowling lanes, indoor theaters, dance halls, skating rinks, swimming pools, and tennis courts					X*				X*
Art Galleries				X*	X*				X*
Auditorium				X*	X*				X*
Bakeries				X*					X*
Banks				X*					X*
Barber and Beauty Shops				X*					X*
Bed and Breakfast, Home		X*		X*	X				X
Bed and Breakfast, Inn		X*		X*	X				X
Boarding Houses		X*		X*	X				X
Camps, Summer					X*	X*			
Campgrounds					X*	X*			
Conference Center				X*	X				X

# EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

USE	DISTRICT								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
Churches				X*	X				X
Columbarium			X*	X*	X*	X*		X*	X*
Copying and Duplicating Services				X*	X				X
Community Facility		X*		X*	X				X
Customary Home Occupations	X**	X**	X**	X**					X**
Dancing Instruction				X*					X*
Dormitory					X				X
Drug Stores and Pharmacies				X*	X				X
Dwellings:									
Single-family	X	X	X	X					X*
Two-Family	X	X	X	X					X*
Multi-Family		X*		X					X*
Group		X*		X*	X*				X*
Eating Establishments (Excluding Drive-ins)				X*	X				X
Educational Facility				X	X				X
Family Care Homes	X	X	X	X					X
General Merchandise Retail				X*	X				X
Grocery Stores – Convenience				X*	X				X
Group Care Facility		X*		X*					X*
Hospitals				X*	X*				X*
Inn				X*	X				X
Laundries, Dry Cleaning, Linen Supply Services				X*	X				X
Laundries, Self-Service		X*		X*	X				X
Libraries, Public				X*	X*				X*
Lodge				X*	X				X
Medical and Dental Clinics					X*				X*

# EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

USE	DISTRICT								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
Manufactured Homes (See Section 623)	X*								
Motel					X				X
Municipal Government Facilities	X*	X*	X*	X	X				X
Museums, Public				X	X				X
Nursing Homes, Rest Homes, Homes for the Aged and Similar Establishments (See Group Care Facility)									
Professional Offices, including but not limited to medical, dental, law, or real estate				X*	X*				X*
Parks or other Public Recreational Facilities	X*	X*	X*	X*	X*	X*		X*	X*
Printing, Publishing, Blue-Printing, Photostatting, Newspaper and Job Printing				X*	X*				X*
Public Streets and Utilities	X	X	X	X	X	X		X*	X
Public Works Maintenance Facility	X*	X*	X*	X	X				X
Riding Stables						X*			
Signs: Subject to Article X	X	X	X	X	X			X*	X
Studios	X**	X**	X**	X**	X				X
Swimming Pools, Private	X**	X**	X**	X**					
Swimming Pools, Public				X*	X*				X*
Theaters, Privately Operated					X*				X*
Theaters, Public Outdoor					X*				X*
Veterinarians				X*					X*

## 705 I – Institutional.

### 705.1 Purpose.

The Institutional Zoning District is established to permit certain institutional uses as defined in Article V, Definitions, Educational Facility.

## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

- 705.2 Permitted Uses. See Section 700 and Article V, Definitions, Educational Facility.
- 705.3 Conditional Uses. See Section 700 and Article VIII.
- 705.4 Minimum Lot Area. Seven thousand five hundred (7,500) square feet.
- 705.5 Minimum Lot Width. Seventy-five feet (75').
- 705.6 Minimum Lot Depth. One hundred feet (100').
- 705.7 Yard Requirements.
- 705.71 Adjacent lots within the Institutional District shall have no front, side, or rear yard requirements except that a twenty five foot (25') Building setback shall be required from the right-of-way lines of any adjacent streets.
- 705.72 Lots within the Institutional District and abutting a different Zoning District shall be required to provide a twenty five foot (25') side, rear, and/or front yard on the perimeter facing the different Zoning District.
- 705.8 Maximum Building Height. Sixty feet (60'). All proposed Buildings, other than single family, must be approved by the authority having jurisdiction for fire code enforcement. Structures over 35 feet will require special fire protection systems.
- 705.9 Off-Street Parking and Loading Regulations. See Article IX.
- 705.10 Screening Regulations. It shall be the responsibility of the property owner or lessee to provide the following screening measures:
- 705.101 Like or similar uses abutting each other in different Districts: None.
- 705.102 Unlike or dissimilar uses abutting each other in same or different Districts: Six feet (6') high closed fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence.
- 705.11 Signs. See Article X.
- 709 CD – Conservation District. That area along Flat Creek from the Montreat Gate to Lookout Road and delineated on the Official Zoning Map of the Town of Montreat as Conservation District.
- 709.1 Purpose. This Zoning District is established to protect tracts of land from residential, commercial, and institutional development and to preserve land for parks, open space, recreational areas, greenways, trails, waterways and flood plain areas.
- 709.2 Signs. See Article X, Section 1004.9.



## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

### *Article XI - Planning and Zoning Commission*

- 1100 Establishment of the Planning and Zoning Commission. The Planning and Zoning Commission shall be composed of seven members for matters within the Town of Montreat and for extraterritorial matters. The seven-member Planning Commission shall be composed of five members residing in the Town of Montreat, one member residing in Buncombe County, and one residing in McDowell County. Two alternate members shall reside in the Town of Montreat. Members shall serve a term of three years. No member shall serve more than two consecutive terms. When a vacancy occurs on the Board for the member representing Buncombe or McDowell County, the Town shall notify the respective Board of County Commissioners and request an appointment within 90 days. If no appointment is made during that period the Town Board of Commissioners shall fill the vacancy. All appointments to the Planning Commission shall comply with the requirements of N.C.G.S. § 160A-362.
- 1101 Proceedings of the Planning and Zoning Commission. The Planning and Zoning Commission shall elect from the members a chair and a vice-chair who shall serve for one (1) year or until reelected or until a successor is elected. The Planning Commission shall appoint a secretary who may be a municipal officer, an employee of the Town, or a member of the Planning and Zoning Commission. The Planning Commission shall adopt rules for transaction of its business and shall keep records of its resolutions and discussions, findings and recommendations. Such records shall be public records and filed in the Town office. Meetings of the Planning Commission shall be held quarterly, at the call of the chair, and at other times as the Planning Commission may determine. There shall be a quorum of four (4) members for the purpose of taking an official action required by this Ordinance. The alternate member may vote in the absence of a regular member but his/her presence shall not be counted when establishing a quorum. All meetings of the Planning Commission shall be open to the public.
- 1102 Powers and Duties of the Planning and Zoning Commission. In addition to its powers and duties under the Subdivision Ordinance, it shall be the duty of the Planning Commission:
- A. To acquire and maintain, in current form, such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in those conditions;
  - B. To prepare, and from time to time, amend and revise a comprehensive plan for the physical development of the Town;
  - C. To establish principles and policies for guiding action in the development of the area;

## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

- D. To prepare and recommend to the Town Board of Commissioners Ordinances promoting orderly development along the lines indicated in the comprehensive plan;
  - E. To receive, review and make recommendations upon those applications for permits for Conditional Use Permits as required by the provisions of this Ordinance;
  - F. To receive and review all applications for amendment to this Zoning Ordinance and to make recommendations thereon to the Town Board of Commissioners;
  - G. To keep the Town Board of Commissioners and the general public informed and advised as to these matters;
  - H. To serve as the Stormwater Advisory Committee and assist the Town Board of Commissioners in meeting the mission and achieving the identified goals and objectives of the Town's Stormwater Management Program; and
- (4) To perform any other duties to which it may be lawfully assigned

### *Article XIII – Amendments*

- 1300 Authority. This Ordinance, including the Official Zoning Map of Montreat, North Carolina, may be amended from time to time by the Board of Commissioners in accordance with the provisions of this Article.
- 1301 Requirement for Change. When the public necessity, convenience, general welfare, or good zoning practices justify such action, and after the review and report by the Planning and Zoning Commission if required, the Board of Commissioners may undertake the necessary steps to amend the Zoning Ordinance. However, the Board of Commissioners may, in its sole discretion, make changes to the Zoning Ordinance which are necessary (1) to correct typographical errors, (2) to bring the Zoning Ordinance in compliance with any applicable North Carolina or federal law or (3) for which N.C.G.S. § 160A-387 does not require planning agency review. The Board of Commissioners can schedule such amendments for a public hearing under Section 1303 without complying with Section 1302 below.
- 1302 Procedure for Amendments. Requests to amend the Zoning Ordinance or the Official Zoning Map shall proceed in accordance with the following requirements:
- A. Initiation of Amendments. A proposed change or amendment to the Zoning Ordinance or the Official Zoning Map may be initiated by the Board of Commissioners, the Planning and Zoning Commission, the Board of Adjustment, or one or more owners of property within the area affected by the proposed amendment. For purposes of this Article only, the term “property owner” shall



## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

include the holder of a sales contract or option to purchase property affected by the proposed change.

### B. Application Procedure.

- 1) Application forms for amendment requests shall be obtained from the Town Office. Completed application forms, plus any additional information that the Chair or applicant feels to be pertinent, shall be filed with the Zoning Official within at least ten (10) days prior to the Planning and Zoning Commission's meeting at which the application is to be considered. An application requesting a change in the Official Zoning Map shall include a description of the property in question. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the required form.
- 2) An application fee as set forth in the Town of Montreat Fee Schedule shall accompany each application and this fee shall be nonrefundable except in any case where the application is withdrawn prior to its consideration by the Planning and Zoning Commission. Provided, that no application fee shall be required for an application submitted by the Board of Commissioners, the Board of Adjustment or any other Town board or commission.
- 3) Once the Zoning Official has received the complete application and all other pertinent materials necessary for the consideration of the application, he/she shall forward the application and other materials to the Chair of the Planning and Zoning Commission who shall call for a meeting of the Planning and Zoning Commission to review said application within thirty (30) days of the date the completed application is received by the Chair. The regular meeting of the Planning and Zoning Commission may serve in the place of a called meeting if it falls within the time period set forth in this Subsection below.

### C. Hearing by the Planning and Zoning Commission. The Chair of the Planning and Zoning Commission shall transmit copies of all papers and other data submitted by the applicant on behalf of the amendment request to the members of the Planning and Zoning Commission.

- 1) The Planning and Zoning Commission shall review and prepare a report, including its official recommendation to accept or reject the proposed amendment. The Planning and Zoning Commission shall deliver its written report containing its official recommendation to the Board of Commissioners within ninety (90) days of the date of the meeting at which it considered an application. Failure of the Planning and Zoning Commission to submit recommendations within the ninety (90) day period shall constitute a favorable recommendation.



## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

- 2) All meetings of the Planning and Zoning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.
- 3) No member shall be excused from voting except upon matters involving the consideration of his/her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of compensation and allowances of members of the Planning and Zoning Commission is not a matter of involving a member's own financial interest or official conduct.

### 1303 Public Hearing by the Board of Commissioners.

- A. Amendment to the Zoning Ordinance. Before enacting an amendment to the Ordinance, the Board of Commissioners shall hold a public hearing. Public hearings shall be held during the regularly scheduled meeting of the Board of Commissioners.
  - 1) At least ten (10) days notice of time and place of the hearing shall be published in a newspaper of general circulation in Montreat for two (2) consecutive weeks.
  - 2) At the public hearing, the Board of Commissioners may adopt the proposed amendment, reject the proposed amendment, refer the proposed amendment back to the Planning and Zoning Commission for further consideration or hearing, or modify the proposed amendment and adopt it as modified.
  - 3) In the case of a protest against a proposed amendment, signed by the owners of at least twenty percent (20%) either (1) of the area of lots affected by such proposed amendment, or (2) of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred feet (100') therefrom, or (3) of those directly opposite thereto, extending one hundred feet (100') from the street frontage of such opposite lots, then such amendment shall not become effective except by favorable vote of three-fourths of all members of the Board of Commissioners.
- B. Changes in the Official Zoning Map. Before enacting a change to the Official Zoning Map, the Board of Commissioners shall hold a public hearing. Public hearings shall be held during the regularly scheduled meeting of the Board of Commissioners.



## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

- 1) If the proposed change to the Official Zoning Map affects fewer than fifty (50) different properties, the owners (as shown on county tax listing) of the parcel(s) of land affected by the proposed change in the zoning map and the owners (as shown on the county tax listings) of all parcels of land abutting that parcel of land shall be mailed a notice of a public hearing on the proposed change by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person(s) mailing such notices shall certify to the Board of Commissioners that the notices were mailed in accordance with this section, and such certificate shall be deemed conclusive in the absence of fraud.
- 2) If the proposed change to the Official Zoning Map affects at least fifty (50) different properties, then the Town may elect to mail notices as provided above or may, as an alternative, elect to publish once a week for four successive weeks in a newspaper having general circulation in Montreat an advertisement of the public hearing that shows the boundaries of the area affected by the proposed change to the Official Zoning Map and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of N.C.G.S. §160A-364. The advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this ordinance. The person(s) mailing such notices shall certify to the Board of Commissioners that the notices were mailed in accordance with this section, and such certificate shall be deemed conclusive in the absence of fraud. In addition to the published notice, the Town shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed change in the Official Zoning Map.
- 3) At the public hearing, the Board of Commissioners may adopt the proposed change, reject the proposed change, refer the proposed change back to the Planning and Zoning Commission for further consideration or hearing, or modify the proposed change and adopt it as modified.
- 4) In the case of a protest against a proposed change signed by the owners of at least twenty percent (20%) either (1) of the area of lots affected by such proposed change, or (2) of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred feet (100') therefrom, or (3) of those directly opposite thereto, extending one hundred feet (100') from the street frontage of such opposite lots, then



## EXCERPTS FROM TOWN OF MONTREAT ZONING ORDINANCE

such amendment shall not become effective except by favorable vote of three-fourths of all members of the Board of Commissioners.

- 5) Following final action by the Board of Commissioners, the Zoning Official shall make any necessary changes in the Zoning Map and shall maintain a written record of the type and date of such changes. Action by the Board of Commissioners shall be considered official seven (7) days after the date the change was accepted by the Board of Commissioners, even if the Zoning Official has failed to make the appropriate changes.
- 6) The Board of Commissioners shall not reconsider a proposed change to the Official Zoning Map if such change is for the same property or portion thereof, for a period of one (1) year from the date of final determination of the prior request. This waiting period may be waived by a three-fourths vote of the Board of Commissioners if it determines that there may have been substantial changes in conditions or circumstances which may relate to the request.



The property on Florida Terrace currently has the following lot dimensions:

183.20 feet- Frontage facing Florida Terrace  
185.59 feet – Frontage facing Arkansas Terrace  
171.28 – North Side Yard  
192.10 – South Side Yard

The area of the lot is 0.776 acres which equates to approximately 33,803 square feet.

If you divide property so that one lot faces Arkansas Terrace and one lot faces Florida Terrace, the lot dimensions would be as follows:

Parcel #1: Lot width = 183.20 feet North Side Yard = 86 feet (approx.) South Side Yard = 97 feet (approx.) Rear Yard = 184.4 feet (approx.) Total Square Footage = 16,763 (Approx.) Lot Depth = Approx. 90.8 feet	Parcel #2: Lot Width = 185.59 North Side Yard = 86 feet (approx.) South Side Yard = 97 feet (approx.) Rear Yard = 184.4 feet (approx.) Total Square Footage = 16,982 (approx.) Lot Depth = Approx. 90.8 feet
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Lot Depth does NOT meet zoning ordinance requirements of 100 feet or more

If you divide the property for dual road frontage on Florida Terrace and Arkansas Terrace:

Parcel #1: Lot Width = 91.26 feet (approx.) North Side Yard = 171.28 feet South Side Yard = 181 feet (approx.) Rear Yard = 92.8 (approx.) Total Square Footage = 16,225 (approx.) Lot Depth = 171.28	Parcel #2: Lot Width = 91.26 feet (approx.) North Side Yard = 181 feet (approx.) South Side Yard = 192.10 feet Rear Yard = 92.8 (approx.) Total Square Footage = 17,168 (approx.) Lot Depth = 192.10
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*Note:* Does not meet lot width only if developed as multi-family





## TOWN OF MONTREAT

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Montreat, NC 28757  
Tel: (828)669-8002 Fax: (828)669-3810  
[www.townofmontreat.org](http://www.townofmontreat.org)

### ADMINISTRATIVE REPORTS: POLICE

Police report for the period beginning on December 1, 2017 and ending December 30, 2017.

#### Monthly Statistics

December	2017	2016	2015	2014	2013
Mileage	2504	3304	3424	2840	2794
Dispatched Calls	48	89	63	64	91
Officer-Initiated Calls	380	266	238	164	253
Fire/EMS Assistance Calls	2F/1EMS	6F/4E	5F/2E	5F/2E	5F/1E
Motorist/Other Assistance Calls	61	46	49	39	67
Traffic Stops	8	32	21/69CP	33/50CP	29/21CP
Parking Issues	2	3	5	3	7
Burglar/Fire Alarm Responses	2B	3B/3F	4B/3F	2B/1F	2B/3F
Residential/Building Checks	233	314	277	291	137
Ordinance violations	5	6	8	15	5
LE Agency Assistance Calls	9	12	20	17	23
Animal Calls	3D/1BA T	4	9	0	4D
Larcenies	0	0	0	3	0
B&E Calls	0	0	0	0	0
Suspicious Person/Vehicle Investigations	9V	3P/24V	6P/23V	3P/15V	3P/9V
Disturbance Calls	3	6	6	9	1
Accident Responses	3	0	1	1	2
Auxiliary Hours Worked	32R/27T	24R/36T	32R/24T	40R/48T	40R/36T
Truck turns at gate	4	3	0	1	2

#### Comments

- Town service: 491
- MRA service: 141
- College service: 12



- 12/8-12/9 delivered a pretty significant snowfall. No major incidents occurred during event
- 12/31 saw an ice event that caused difficulties in travel

#### **Staff Communications**

- MPD would like to wish the Town of Montreat a Happy New Year and to thank all residents and Board for the cards, food, and well wishes that were received. We are pleased to note that 2017 showed an increase in notifications to the PD by the community of any suspicious activities. Your extra eyes and ears are appreciated! We truly are blessed to have such a great community!
- The Police Department would like to remind all residents and visitors to please pay attention to parking: always park in the direction of traffic flow and be aware that fire and rescue may require access.





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### **ADMINISTRATIVE REPORTS: Water and Public Works**

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Water and Public Works report for the period beginning on December 1, 2017 and ending December 31, 2017.

#### **Comments**

- Flushing continues when weather permits. We will be going around town replacing multiple water meters that have been warranted.

#### **Staff Communications**

- I would like to welcome Jarod Macintosh to the town and to the crew.
- I hope everyone had a blessed Christmas and a Happy New Year and a blessed year ahead.





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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation report for the period beginning on November 1, 2017 and ending November 30.

#### Monthly Statistics

Curbside/ Pay-As-You-Throw Trash Collected	23.08 tons
Curbside/ Pay-As-You-Throw Recycling Collected	5.18 tons
Curbside/ Pay-As-You-Throw Cardboard Collected	.48 tons
Bagged Leaf Pickup	820 bags
Brush Pickup	82.96 cubic yards
Hauling Fees	\$1,639.20
Tipping Fees	\$1,200.99
Dumpster Rental Fees	\$200.72
Fuel	\$152.17
FTE Staff Hours	142
Contracted Employee Staff Hours	74

#### Events and Schedule Changes

- Curbside pickup is postponed due to Martin Luther King holiday to January 16<sup>th</sup>.
- The next bulky Item Pickup will be July 10, 2018.

#### Comments

- N/A

#### Staff Communications

- Staff wishes to apologize for any of confusion when curbside pickup was postponed for the Christmas holiday.





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### ADMINISTRATIVE REPORTS: STREETS

Streets report for the period beginning on December 1, 2017 and ending December 31, 2017.

#### Monthly Statistics

Roads Maintained	15.12
New Roads Added	0
Sand Applied	20 Tons
Ice Melt Applied	1,500 lbs.
Bagged Leaf Pickup	820 bags
FTE Staff Hours	323.5
Contracted Employee Staff Hours	23

#### Comments

- On December 8-9 a winter storm left us with 8 to 10 inches of snow. We put down 300 lbs. of ice melt and 6 tons of sand. We had a few setbacks with plow issues but they were quickly repaired and put back in service.
- On December 14 a wind storm come through which took a few small trees down and multiple small limbs had to be cleared from the roadway.
- On December 31 an ice storm came through. Public Works scraped roads and spread nearly 14 tons of sand and 1,200 pounds of ice melt.

#### Staff Communications

- I would like to thank Bill and Darrick for handling the December 14<sup>th</sup> storm while Mike and I were out of town for school.
- Leaf removal is almost complete. I would like to remind everyone to please not blow your leaves from your yards into the roadway. It can cause very dangerous storm water issues in culverts and catch basins.



- We have also purchased the bucket truck. Please feel free to come by and take a look at it.
- I hope everyone had a blessed Christmas and a Happy New Year and a blessed year ahead.



**Town of Montreat  
Board of Commissioners  
Town Council Agenda Meeting  
December 7, 2017  
Walkup Building**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Kent Otto  
Commissioner Mary Standaert  
Commissioner Ann Vinson

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Dave Arrant, Police Chief

Approximately 6 members of the public were also present. Mayor Helms called the meeting to order at 7:04 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

**Agenda Approval**

Commissioner Vinson moved to adopt the agenda as presented. Commissioner Gilliland seconded and the motion carried 5/0.

**Presentations and Reports**

Mr. Carmichael stated that there would be informational reports only in the agenda packet for the Powell Bill and the Board of Elections. Mr. Carmichael advised that the State requires municipalities in North Carolina to report how much they are spending on roads. They input this figure into a rather complicated formula that decides how much money the Town gets from gas taxes for use on our roads. The Board of Elections document is the certification from the most recent municipal election.

**Mayor's Communications**

Mayor Helms stated that he had no communications this evening.

**Consent Agenda Review**

The proposed Consent Agenda will include the following items:

- November 2, 2017, Town Council Agenda Meeting Minutes
- November 9, 2017, Town Council Public Forum Minutes
- November 9, 2017, Town Council Meeting Minutes



**Town Administrator's Communications**

- Mr. Carmichael noted that Public Works are prepared for the upcoming anticipated snowfall.
- Mr. Carmichael also stated that New Year's Day needed to be added to the list of office closures under the meeting dates.

Commissioner Standaert recommended adding a discussion on the proposed changes to the Metropolitan Sewerage District (MSD). This would need to be voted on by the new Board but MSD needs an answer by December 20<sup>th</sup>. Mr. Carmichael further explained that the Metropolitan Sewerage District is considering expanding to take in a much smaller agency that serves northern Henderson County. This is logistically very feasible but if MSD were to expand into Henderson County that county would get 3 seats on the Board which would be 20% of the vote. Mr. Carmichael stated that Montreat's representative, Matt Ashley, could be present at next week's meeting to give some further information to the Board and answer any questions that may arise. Commissioner Standaert moved to add this item under New Business and Commissioner Vinson seconded the motion. The motion carried 5/0.

Commissioner Standaert also advised that she wanted an update on the house being constructed behind the ball field. She would like to know if the permits are still active. Mr. Carmichael stated that he would definitely do the research but that to his knowledge there has been no activity at this site since he's tenure began in February. Commissioner Standaert stated that this was the last permit pulled before the Steep Slopes Ordinance went into effect.

**Administrative Reports**

The Board will hear administrative reports as written with the ability to ask questions from the Police Chief, Public Works Director, Finance Officer during next week's Town Council Meeting.

**Public Comments**

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

There were no comments at this time.

**Old Business**

- A. Discussion of Montreat Physical Addressing As It Pertains to Services: Commissioner Standaert asked for this item to be placed on the Agenda because she feels that it is the most important item to be discussed. She is using it as a placeholder for more discussion from the Community. Commissioner Standaert feels that this all boils down to the question of "what is my legal address?". Commissioner Otto stated he was leaning towards removing this item



from the Agenda next week due to the heaviness of the Agenda and the fact that this matter was discussed in November.

- B. Outgoing Commissioner Reports: Commissioner Vinson and Commissioner Standaert will be given an opportunity to provide a final report.

### **Organizational Meeting**

- A. Recognition of Boards and Committee Members: Mayor Helms will recognize those who served Montreat in the past year.
- B. Recognition of Off-going Commission Members: Mayor Helms will recognize Commissioner Vinson and Commissioner Standaert.
- C. Swearing in of New Members: Mayor Helms will administer the Oath of Office for Commissioner Otto, Commissioner Lentz and Commissioner Widmer.
- D. Election of Mayor Pro Tem: The Council will vote on a Mayor Pro Tem.
- E. Swearing in of Mayor Pro Tem: Mayor Helms will administer the Oath of Office for the Mayor Pro Tem.

### **New Business**

- A. Appointment of Eleanor James to Board of Adjustment: Council will vote on appointing Eleanor James as an alternate member to the Board of Adjustment with an expiration date of January 31, 2020.
- B. Appointment of Rusty Frank to Tree Board: Council will vote on appointing Rusty Frank to the Tree Board to fulfill an unexpired term that ends on January 31, 2019.
- C. Appointment of Ann Vinson to Tree Board: Council will vote on appointing Ann Vinson to the Tree Board to fulfill an unexpired term that ends on January 31, 2019.
- D. Oath of Office for Zoning Official – Adrienne Isenhower: Town Clerk Angie Murphy will administer the Oath of Office for Adrienne Isenhower. Commissioner Standaert questioned why we were administering the Oath of Office for a contract employee. Mr. Carmichael stated that our Zoning Ordinance requires the Zoning Official to take the Oath of Office. Commissioner Standaert asked if the cost of living increase would apply to the Zoning Official. Mr. Carmichael stated that since Ms. Isenhower is an employee of Land of Sky rather than the Town of Montreat she would not be eligible for the cost of living increase or longevity bonus.



**Montreat Board of Commissioners  
Town Council Agenda Meeting Minutes  
December 7, 2017**

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- E. Oath of Office for Finance Officer – Erin Marie Wheeler: Town Clerk Angie Murphy will administer the Oath of Office for Erin Marie Wheeler. Commissioner Standaert asked if the longevity bonus would apply to Ms. Wheeler and Mr. Carmichael stated that he would review the personnel policy and advise at next week's meeting.
- F. Public Hearing to Rezone Well Site 4: Council will move to call for a Public Hearing on January 11, 2018 to consider rezoning the area around Well Site 4 from Conservation Zoning District to Institutional Zoning District.
- G. Annual Calendar and Budget Calendar: Council will move to adopt the 2018 Town of Montreat Board of Commissioners Meeting Calendar and Town of Montreat FY 2018-2019 Budget Adoption Calendar as presented.
- H. De-annexation Request to Black Mountain: Mr. Carmichael stated that there was a letter included in the packet for the Mayor to sign on behalf of the Council to be sent to the Mayor of Black Mountain and the Board of Alderman of Black Mountain to request a joint resolution calling for the North Carolina General Assembly to de-annex and annex some property. In North Carolina municipalities are able to annex property they own locally. Adversely no municipality can de-annex property on their own. Mr. Carmichael stated that there are four parcels which represent 2.22 acres which the Town of Montreat wants to annex into the municipal boundaries of Montreat. The General Assembly will both annex and de-annex the property at the same time. Mr. Carmichael has been in contact with the Town Manager of Black Mountain, Matt Settlemyer, and they both feel it will be approved by the Board of Alderman. Commissioner Otto asked how quickly this matter would get before the General Assembly and how quickly they would act on the matter. Mr. Carmichael stated that if the Commission approves this letter he and Mayor Helms will attend Black Mountain's meeting on January 8<sup>th</sup> and present it to the Aldermen. The North Carolina General Assembly goes back into special session on January 11<sup>th</sup>. There have been some preliminary discussions with our State Representatives who have responded positively to the conversations. Mr. Carmichael advised that as long as there is no controversy the de-annexation should pass rather smoothly. Mr. Carmichael stated that it was anybody's guess to how long the process will take in the Assembly because it is all based on prioritization. Commissioner Vinson asked if, as Commissioners or even Citizens, they should write to our delegates in support of this pending legislation. Mr. Carmichael stated that the letter which will be presented to the NC General Assembly will include both the Commissioner's and Aldermen's names but as citizens writing in it could be very helpful.
- I. Establishment of a Capital Projects Fund and Budget Amendments: There will be two suggested motions associated with this item. A motion to authorize the establishment of a Capital Projects Fund and two Budget Amendments to authorize appropriation of money.



**Montreat Board of Commissioners  
Town Council Agenda Meeting Minutes  
December 7, 2017**

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- J. Metropolitan Sewerage District Discussion: Representative Matt Ashley will be available to answer any questions the Council has on proposed changes to MSD.

**Public Comments-Other Topics**

Mayor Helms reiterated that the Public Comment period were for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

There were no public comments at this time.

**Commissioner Communications**

Commissioner Vinson stated that at yesterday's Landcare Meeting the subject of bear boxes arose. Commissioner Vinson emphasized the importance of making sure the bear boxes are indeed "bear proof" and keeping the boxes repaired. The bear boxes in front of Anderson Auditorium are not serviced by the Town of Montreat so the refuse just sits in the box until Housekeeping has a chance to empty the box. Commissioner Vinson reminded those in attendance that the Town operates a "pay as you throw" service out of the Town Services Building as well as the weekly pickup.

Commissioner Standaert feels that Montreat is more than a holding place for Highland Farms.

**Upcoming Meeting Dates**

Mayor Helms reviewed the following list of upcoming meeting dates and deadlines:

December Town Council Meeting:

December 14, 2017, 7:00 p.m.

Public Forum begins at 6:30 p.m.

**Appreciation reception for all boards and  
committee members at 5:30 p.m.**

Walkup Building

Town Services Office Closure:

Closed December 25<sup>th</sup> & December 26<sup>th</sup> for  
Christmas Holiday

Sanitation Schedule Change:

Trash will be collected on **Wednesday,  
December 27<sup>th</sup> and Tuesday, January 2<sup>nd</sup>.**

Town Services Office Closure:

Closed January 1<sup>st</sup> for New Year's Day

Montreat Landcare:

January 3, 2018, 9:00 a.m.



**Montreat Board of Commissioners  
Town Council Agenda Meeting Minutes  
December 7, 2017**

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Allen Building  
Swannanoa Room

January Town Council Agenda Meeting:

January 4, 2018, 7:00 p.m.  
Walkup Building

January Town Council Meeting:

January 11, 2018, 7:00 p.m.  
Public Forum begins at 6:30 p.m.  
Walkup Building

Martin Luther King Jr Holiday:

Town Services will be closed on January 15<sup>th</sup>

Sanitation Schedule Change:

Trash will be collected on Tuesday, January  
16<sup>th</sup>

Tree Board:

January 23, 2018, 9:30 a.m.  
Town Services Building

Mr. Carmichael asked the Commission to review the dates listed in the packet with regards to the Annual Board Retreat.

**Closed Session**

Commissioner Vinson moved to enter in Closed Session in accordance with North Carolina General Statute 143-318.11(6) to discuss a personnel matter as well as approving Closed Session Minutes for January and February. Commissioner Gilliland seconded and the motion carried 5/0.

Upon a motion by Commissioner Vinson and a second by Commissioner Otto with the motion carrying 5/0, the Board returned to Open Session. Commissioner Vinson moved to approve and unseal the February Closed Session Minutes. Commissioner Gilliland seconded and the motion carried 5/0. Commissioner Vinson moved to approve and seal the January Closed Session Minutes. Commissioner Gilliland seconded and the motion carried 5/0. Mayor Pro Tem Fouche moved to approve the letter of offer to Jared McIntosh for position of Senior Water Operator. Commissioner Vinson seconded and the motion carried 5/0. Commissioner Standaert moved to award Town Clerk Angie Murphy a one-time merit Bonus of \$1,500 for exemplary and out-of-class service as is allowed for in the Town of Montreat Personnel Policy. Commissioner Vinson seconded and the motion carried 5/0. Commissioner Vinson moved to approve Budget Amendment #3 to cover amount for time accrued. Commissioner Otto seconded and the motion carried 5/0.



**Montreat Board of Commissioners  
Town Council Agenda Meeting Minutes  
December 7, 2017**

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**Adjournment**

There being no further business, Commissioner Gilliland moved to adjourn the Town Council Agenda Meeting. Mayor Pro Tem Fouche seconded and the motion carried 5/0. The meeting was adjourned at 7:53 p.m.

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Tim Helms, Mayor

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Angela Murphy, Town Clerk



**Town of Montreat  
Board of Commissioners  
Town Council Public Forum  
December 14, 2017  
Walkup Building**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Kent Otto  
Commissioner Mary Standaert  
Commissioner Ann Vinson

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk

**Call to Order**

Approximately 54 people were in attendance. Mayor Helms called the meeting to order at 6:33 p.m. and led the group in a moment of silence.

**Agenda Approval**

Commissioner Vinson moved to adopt the agenda as presented. Commissioner Gilliland seconded and the motion carried 5/0.

**Public Forum**

Mr. Joe Kirkland of Montreat College took an opportunity to introduce himself and Sara Baughman as the College's representatives for Town Council Meetings. Mr. Kirkland stated that there are 150 more students on campus which have created some interesting challenges for the College. One of the most pressing challenges is parking. The Leadership Team is meeting Monday to discuss the challenges they are facing with continued growth of Montreat College. Mr. Kirkland acknowledged that policies and procedures need to be revisited to accommodate the growing enrollment. Commissioner Standaert asked what Mr. Kirkland's thoughts were on year round programming on the Montreat Campus. Mr. Kirkland stated that he could not speak to that subject at this time but agreed to keep the Council informed.

Mayor Helms took a brief opportunity to introduce new employees Erin Marie Wheeler, Interim Finance Officer, and Adrienne Isenhower, Zoning Administrator, to those in attendance.

**Adjournment**

There being no further discussion, Commissioner Vinson moved to adjourn the Public Forum

**Montreat Board of Commissioners  
Public Forum Minutes  
December 14, 2017**

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Meeting. Mayor Pro Tem Fouche seconded and the motion carried 5/0. The meeting was adjourned at 6:39 p.m.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
December 14, 2017  
Walkup Building**

---

Board members present: Mayor Tim Helms  
Mayor Pro Tem Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Kent Otto  
Commissioner Mary Standaert  
Commissioner Ann Vinson

Board members absent: None

New members present: Alice Lentz  
Tom Widmer

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
Justyn Whitson, Police Officer

Approximately 56 members of the public were also present. Mayor Helms called the meeting to order at 7:03 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

**Agenda Approval**

Commissioner Otto moved to remove item “A” under New Business: Discussion of Montreat Physical Addressing As It Pertains To Services. Mayor Pro Tem Fouche seconded the motion. Commissioner Otto felt that this was discussed at length last month and as of right now there is no new information to report. Commissioner Otto stated this was an important matter but due to the heaviness of tonight’s agenda it would be better suited for 2018. Commissioner Standaert stated that she was surprised because she felt this item was the most important on the agenda especially due to the large number in attendance this evening. Commissioner Standaert also stated that she had new information to report on this matter. Commissioner Standaert felt that the subject of “what is our legal address” was an important item needing a joint effort between the community and Council to rectify. The motion carried 3/2 with Commissioner Standaert and Commissioner Vinson voting in opposition. Mayor Pro Tem Fouche moved to adopt the agenda as amended. Commissioner Otto seconded and the motion carried 4/0 with Commissioner Standaert voting in opposition.

**Presentations and Reports (written reports only)**

Mr. Carmichael stated that the Powell Bill Report and the Board of Elections Certification were included in the packet to make them available to the community.

**Mayor's Communications**

Mayor Helms stated that he hoped to be able to sign the closing documents for the "Creek Side" Property on the following Monday or Tuesday.

**Consent Agenda Review**

The proposed Consent Agenda will include the following items:

- November 2, 2017, Town Council Agenda Meeting Minutes
- November 9, 2017, Town Council Public Forum Minutes
- November 9, 2017, Town Council Meeting Minutes

**Town Administrator's Communications**

- Mr. Carmichael provided an update on the property owned by Ms. Gant on Texas Road at the request of Commissioner Standaert. The original permit was pulled in 2009 and the last permit application was in September 2016.
- Mr. Carmichael mentioned that Erin Marie Wheeler, Interim Finance Officer, and Adrienne Isenhower, Zoning Official, were in attendance to be sworn into office later in the meeting.
- Mr. Carmichael was also pleased to announce that a letter of offer has been extended and accepted by Jared McIntosh for the Senior Water Operator position. The Town still needs a Full Time Patrol Officer to be fully staffed.
- Mr. Carmichael announced that Barry Creasman and Michael Harrison were near Greensboro preparing to become Certified Arborists. This certification would allow in-house tree removal which would greatly help the Town's budget.
- Mr. Carmichael stated that Chief Arrant was also doing some continuing education at the NC Justice Academy in Edneyville.
- Mr. Carmichael advised that earlier on this day he attended the Asheville Area Housing Consortium. The Housing Consortium is a regional board that reviews applications for Federal HUD dollars. Mr. Carmichael looks forward to working with the board.
- Mr. Carmichael thanked those who had come by the Town Services with Christmas goodies. The staff appreciates the kind gestures.

Mayor Helms further explained that the Senior Water Operator position was not a new position but Barry Creasman's previously held position.

Commissioner Standaert stated that the aforementioned house on Texas Road was the last permit pulled before the Steep Slopes Ordinance went into effect. This home is still under construction even though very little has been accomplished in the past 8-9 years. Commissioner Standaert encouraged the new Council to look into this matter.



Commissioner Standaert asked where the Town stands with the sale of the Florida Terrace Property. Mr. Carmichael stated that nothing has transpired since the last time he updated the Commission about this matter. Mr. Carmichael stated that the property needs to be recombined into two lots and then move forward with putting it up for sale. Mr. Carmichael does not have a timeline in front of him to advise when these steps will progress further.

### **Administrative Reports**

Police Chief: Reports were in written form as requested by Council.

Public Works Director: Reports were in written form as requested by Council

### **Public Comments**

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

Eric Nichols of 527 Suwannee Drive asked those in attendance to take a look at Ms. Gant's house near the ball field. Ordinances are put in place for a reason and this is an example of why they are necessary. Ordinances properly orchestrated have a purpose. Ms. Gant's house was started prior to the Steep Slopes Ordinance and the whole front right corner is nothing but air. Mr. Nichols then gave a concession speech for his wife Grace Nichols. Mr. Nichols said thank you very much on behalf of his wife.

### **Old Business**

- A. Outgoing Commissioners Reports: Commissioner Vinson reported on several items that arose in the Landcare Meeting. The bear boxes near Anderson Auditorium are not serviced by the Town and any refuse that is put in these boxes just sits until MRA Housekeeping has a chance to empty them. Commissioner Vinson reminded those in attendance that there is a pay-as-you-throw service in the Town Services Building to help alleviate any extra trash. Commissioner Vinson also suggested servicing the bear proof containers to make sure the latches are truly bear proof. The other item was safe alternatives for Round Up. Commissioner Vinson had several handouts on Firewise, the Round Up article and information about utilizing Montreat College students for babysitting or small jobs around the house. Commissioner Vinson stated that come spring the Tree Board will start inventorying the trees on Assembly Drive. By the end of the inventory the Tree Board will have the Town Tree Management Plan in place. Commissioner Vinson then thanked everyone she worked with on the Tree Board and the Open Spaces Conservation Committee. Commissioner Vinson thanked the community for allowing her to serve the past four years.

Commissioner Standaert reiterated her good wishes and congratulations for the incoming

Council Members. Commissioner Standaert stated that she was grateful for serving Montreat the past eight years.

**Organizational Meeting**

- A. Recognition of Boards and Committee Members: Mayor Helms recognized all those that served on the Tree Board, the Audit Committee, the Open Spaces Conservation Committee, Landcare, Board of Adjustments and Planning and Zoning. Mayor Helms also recognized Matt Ashley who served as our representative to the Metropolitan Sewerage District Board.
- B. Recognition of Off-going Commission Members: Mayor Helms recognized Ann Vinson and presented her with a plaque. Mayor Helms recognized Mary Standaert and presented her with a plaque as well.
- C. Swearing in of New Commission Members: Alice Lentz, accompanied by her aunt, Lucy Dusthimer, was sworn in as Commissioner of the Town of Montreat. Tom Widmer, accompanied by his wife, Katie, was sworn in as Commissioner of the Town of Montreat. Kent Otto, accompanied by his wife, Nickie, was sworn in as Commissioner of the Town of Montreat.

Commissioner Lentz thanked everyone and looks forward to working with everyone in the future. Commissioner Lentz thanked her aunt Lucy Dusthimer who held a Bible during the oath of office that belonged to Commissioner Lentz' great-grandfather, Marcus Addison Boggs, who started renting a house on Assembly Drive in 1916.

Commissioner Widmer stated that he will endeavor to remember that this job is about the people and the Town of Montreat rather than himself. Commissioner Widmer also thanked those for giving him this opportunity to serve.

Commissioner Otto thanked those in attendance for allowing him to serve the past two years and he looked forward to the next four years.

- D. Election of Mayor Pro-Tem: Commissioner Fouche nominated Commissioner Otto for the position of Mayor Pro-Tem. Commissioner Bill Gilliland seconded and the motion carried 5/0.
- E. Swearing in of Mayor Pro-Tem: Mayor Tim Helms administered the Oath of Office for Mayor Pro-Tem to Commissioner Kent Otto.

**New Business**

- A. Appointment of Eleanor James to Board of Adjustment: Mayor Pro-Tem Otto moved to appoint Eleanor James as an alternate member to the Board of Adjustment to expire on January 31, 2020. Commissioner Fouche seconded and the motion carried 5/0.



- B. Appointment of Rusty Frank to Tree Board: Commissioner Widmer moved to appoint Rusty Frank to the Tree Board to fulfill an unexpired term that ends on January 31, 2019. Mayor Pro-Tem Otto seconded and the motion carried 5/0.
- C. Appointment of Ann Vinson to Tree Board: Commissioner Lentz moved to appoint Ann Vinson to the Tree Board to fulfill an unexpired term that ends on January 31, 2019. Commissioner Tom Widmer seconded and the motion carried 5/0.
- D. Oath of Office for Zoning Official – Adrienne Isenhower: Town Clerk Angie Murphy administered the Oath of Office to Adrienne Isenhower.
- E. Oath of Office for Finance Officer – Erin Marie Wheeler: Town Clerk Angie Murphy administered the Oath of Office to Erin Marie Wheeler.
- F. Discussion on Town Position on Metropolitan Sewerage District with possible action: Matt Ashley gave a brief synopsis of the proposed changes to the Metropolitan Sewerage District (MSD). MSD has been asked if they will accept, within in a merge, Cane Creek Water and Sewerage District which is in Henderson County. The logistical part of this merger is rather straight forward but the political ramifications are little more problematic. The bill in front of MSD requires Henderson County to have 3 seats on the current 12 seat board. MSD already treats the million and a half gallons of water from Cane Creek each day. This merger will lower the tax rate for individuals in this district and it will also prevent them from having to build a processing facility. At last month's MSD meeting there was a split vote on this matter. Mr. Ashley stated that Buncombe County has 3 representatives, the City of Asheville has 3 representatives and Montreat, Biltmore Forest, Woodfin and Weaverville each have 1 representative. At the meeting this upcoming Wednesday Mr. Ashley predicts a lengthy discussion of this matter but he welcomes any input from the Council as he prepares to cast his vote. Mr. Ashley stated that Henderson County originally asked for more seats on the board but they are settling for 3 seats. Mr. Ashley stated that at the November meeting there was a split vote of 5/4 to disapprove the motion. Mr. Ashley felt this was a great opportunity to take the topic back to the areas that MSD serves. Mr. Ashley also took the time to speak with other Committee members to see what reservations they had regarding the matter. Mr. Carmichael stated that the MSD Board is meeting on December 20<sup>th</sup> and tonight would be the best night for the Montreat Town Council to voice their opinion. The Commission felt comfortable trusting Mr. Ashley to cast his vote on behalf of the Town of Montreat.
- G. Public Hearing to Rezone Well Site 4: Commissioner Fouche moved to call for a Public Hearing on January 11, 2018 to consider rezoning the area around Well Site 4 from Conservation Zoning District to Institutional Zoning District. Commissioner Fouche thanked the Planning and Zoning Committee for moving so quickly on this rezoning. Commissioner Gilliland seconded the motion carried 5/0.

- H. Annual Calendar and Budget Calendar: Commissioner Gilliland moved to adopt the 2018 Town of Montreat Board of Commissioners Meeting Calendar and Town of Montreat FY 2018-2019 Budget Adoption Calendar as presented. Commissioner Lentz seconded and the motion carried 5/0.
- I. De-annexation Request to Black Mountain: Since Mr. Carmichael began in Montreat and started researching the “Creek Side” Property for the new Town Hall it became apparent to him that the lot was outside the municipal boundaries of Montreat. While we would not be the only municipality with a Town Hall outside the municipal boundaries it would complicate things like police and water services. Mr. Carmichael broached the subject of de-annexation with the previous Council as well as the Black Mountain Board of Aldermen. The simplest route to address this issue is to request de-annexation from Black Mountain to annex into the Town of Montreat. Mr. Carmichael drafted a letter and joint resolution to present to the Black Mountain Board of Alderman at their January meeting. Mr. Carmichael and Black Mountain Town Manager Matt Settlemyer have been in ongoing discussions about this and Mr. Settlemyer feels confident his Board will vote in the affirmative. Commissioner Fouche move to authorize the Mayor to sign a letter on behalf of the Board of Commissioners and approve joint resolution 17-12-02 RESOLUTION TO CALL ON THE NORTH CAROLINA GENERAL ASSEMBLY TO MODIFY THE MUNICIPAL BOUNDARIES OF THE TOWNS OF BLACK MOUNTAIN AND MONTREAT. Commissioner Gilliland seconded and the motion carried 5/0.
- J. Establishment of a Capital Projects Fund and Budget Amendments: Mr. Carmichael stated that the new operating budget does not close exactly on July 1<sup>st</sup> of each fiscal year. Mr. Carmichael is asking to renew the authorization of funds for the “Creek Side” Lot and to move all the money into a Capital Projects Fund. Mayor Pro Tem Fouche moved to authorize the establishment of a Capital Projects Fund. Commissioner Widmer seconded and the motion carried 5/0. Mayor Pro Tem Fouche moved to authorize Budget Amendment #1 to appropriate \$125,000 from the General Fund Reserve to Public Buildings – Capital Outlay, and to authorize Budget Amendment #2, interfund transfer of \$525,000 from Public Buildings – Capital Outlay to the Capital Projects Fund for the purchase of land, construction of a Town Hall and construction of a Public Works Building. Commissioner Gilliland seconded and the motion carried 5/0.

### **Public Comments-Other Topics**

Mayor Helms reiterated that the Public Comment period were for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Mr. Tom Frist of 98 Frist Road appreciated that the Council did not have time to discuss the address issue this evening but would like for it to be readdressed early next year. Mr. Frist also thanked Mary Standaert for all her hard work on this matter.



Mr. Emory Underwood of 120 John Knox Road feels that there is a problem with the old GIS software that someone could go into and correct.

Mrs. Mary Standaert of 118 Shenandoah Terrace stated the central issue here is “what is the legal address”. Mrs. Standaert stated that by 2020 everyone will be required to get a new drivers license to get in federal buildings or do commercial airfare and one of the documents you can show is your voter registration card. If she took her voter registration card there now it would not work because the address on that card currently shows Black Mountain. Mrs. Standaert does not feel this is the responsibility of the Council and as one of her last acts as Commissioner she penned a letter to the Buncombe County Board of Commissioners. She hopes to address them at their January meeting as a private citizen. Mrs. Standaert would like to see the Montreat Town Council address it at their January meeting.

### **Commissioner Communications**

Commissioner Gilliland thanked Ann Vinson and Mary Standaert for their hard work over the last two years he served with them. He stated they were thorough and diligent and it is not an easy job to undertake.

Mayor Pro Tem Otto noted the progress of the Black Mountain sidewalk project which is edging closer to Montreat. He also pointed out that broken telephone pole which was mentioned at a previous meeting was fixed just this afternoon. Mayor Pro Tem Otto felt that utilizing the College students in any way possible for service projects was a wonderful idea. Mayor Pro Tem Otto thanked Ann Vinson and Mary Standaert for their service on the Board.

Commissioner Fouche thanked Mrs. Vinson and Mrs. Standaert for their sacrifice to the Community.

### **Upcoming Meeting Dates**

Mayor Helms reviewed the following list of upcoming meeting dates and deadlines:

<u>Town Services Office Closure:</u>	Closed December 25 <sup>th</sup> & December 26 <sup>th</sup> for Christmas Holiday
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<u>Sanitation Schedule Change:</u>	Trash will be collected on Wednesday, December 27 <sup>th</sup> and Tuesday, January 2 <sup>nd</sup> .
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<u>New Year's Day:</u>	Town Services will be closed on January 1 <sup>st</sup> .
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<u>Montreat Landcare:</u>	January 3, 2018, 9:00 a.m. Allen Building Swannanoa Room
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**Montreat Board of Commissioners  
Town Council Meeting Minutes  
December 14, 2017**

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January Town Council Agenda Meeting:

January 4, 2018, 7:00 p.m.  
Walkup Building

January Town Council Meeting:

January 11, 2018, 7:00 p.m.  
Public Forum begins at 6:30 p.m.  
Walkup Building

Martin Luther King Jr. Holiday:

Town Services will be closed on January 15<sup>th</sup>

Sanitation Schedule Change:

Trash will be collected on Tuesday, January  
16<sup>th</sup>

Tree Board:

January 23, 2018, 9:30 a.m.  
Town Services Building

**Adjournment**

There being no further business, Commissioner Fouche moved to adjourn the Town Council Meeting. Commissioner Lentz seconded and the motion carried 5/0. The meeting was adjourned at 8:20 p.m.

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Tim Helms, Mayor

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Angela Murphy, Town Clerk