Board members present: Wade Burns

Dan Dean

Bill Scheu

Allen Crawford (left at 11:55 a.m.)

Bill Roberts

Mason Blake

David Holcomb

Board members via Zoom: None

Board members absent: Sally Stansill

Town staff present: Angie Murphy, Town Clerk

Adrienne Isenhower, Zoning Administrator

Alex Carmichael, Town Administrator

Susan Taylor Rash, Town Attorney

No members of the public were present but several members were watching via Zoom. Mr. Scheu called the meeting to order at 10:32 a.m., and led the group in a moment of silence.

**Agenda Approval**

Mason Blake moved to adopt the agenda as presented. Wade Burns seconded and the motion carried 6/0.

**Meeting Minutes Adoption**

Mason Blake moved to approve the September 24th Meeting Minutes as presented. Wade Burns seconded and the motion carried 6/0.

**Old Business**

No old business at this time.

**New Business**

A. Review of Susan Taylor Rash’s Final Draft Changes: Mr. Dean had a series of grammatical and typographical corrections that he will provide to Staff to make changes. The fundamental changes will be addressed in today’s meeting. Mr. Dean advised the Commission that Section 500 – Permitted Uses Table had some inconsistencies. Mr. Dean’s notes showed that under the “Public & Institutional” section the Commission deleted the “P” for “Public Works Maintenance Facility” in the I/R column and this version of the Ordinance still showed the “P”. After some discussion it was decided to change the “P” to an “S” for a Special Use Permit. Mr. Dean stated that under the “Commercial” section his notes showed that the Commission either deleted the “P” or changed it to an “S” for “General Merchandise and Sales Retail” in the I/R column. Mr. Dean moved to change the “P” to an “S” for a Special Use Permit. Mason Blake seconded and the motion carried 6/0. It was also decided to delete “Professional Services” because it was not defined in the Ordinance. Bill Roberts moved to delete “Professional Services” and Mason Blake seconded the motion. The motion carried 6/0 with Wade Burns abstaining from voting. Dan Dean moved to change “Bookstores” to an “S”. Bill Roberts seconded and the motion carried 5/1 with Wade Burns voting in opposition.

Susan Taylor Rash was welcomed and she advised that she had used a checklist from the School of Government to assist her in reviewing the Ordinance changes thus far while checking for the incorporation of Section 160D. Mrs. Taylor Rash mentioned that Section 160D-109 addresses conflicts of interest and questioned whether these provisions have been incorporated somewhere for Montreat. Mr. Carmichael stated that the Town has a Conflict of Interest Policy and Mrs. Isenhower suggested that since the conflict of interest section has been expanded upon in Section 160D that Montreat’s policy be readdressed. Mrs. Taylor Rash also mentioned that Chapter 160D requires the Town to adopt a Comprehensive Plan and questioned whether Montreat has completed this task. Mrs. Isenhower advised that Montreat was covered but it could be updated. Mrs. Taylor Rash suggested adding a definition to the Ordinance for “Comprehensive Plan” and she asked if Montreat’s Comprehensive Plan had been compared to Chapter 160D. Mrs. Isenhower stated that she did review the Comprehensive Plan but did not use a check list to determine if all recommendations were included. Mrs. Taylor Rash suggested that the Commission add a statement in the Amendments section to advise the Board of Commissioners to issue a consistency statement about the Comprehensive Plan for each Zoning Ordinance amendment that occurs. Mrs. Taylor Rash suggested adding a definition for “minor modifications”. Mrs. Taylor Rash stated that Section 160D-108 addresses vested rights and permit choice and asked if the Zoning Ordinance had been reviewed for provisions Section 160D-108 would affect. Mrs. Taylor Rash also asked if the Montreat Subdivision Ordinance for any changes that might be required under Chapter 160D, Article 8. Mrs. Taylor Rash advised that she did not mark any proposed changes to Sections 510 and 511 because she did not find much in Chapter 160D addressing Conditional Zoning Districts or Planned Unit Development Districts. Mrs. Taylor Rash noticed that the terms “Setback” and “Yard” are used interchangeably in some places and she suggested revising the Zoning Ordinance to use the term “Setback”. Mr. Dean felt that “Setback” and “Yard” were two separate terms.

Mrs. Taylor Rash recommended replacing Section 101 with the first paragraph in Article I. Mrs. Taylor Rash also commented on the effective date. She stated that some of the provisions in Chapter 160D have an effective date of January 1, 2021. If the effective date of the revised Zoning Ordinance will be before January 1st some of the effective dates of the provisions should be addressed. Mr. Dean suggested that the effective date of the revised Ordinance be January 1, 2021 or later to eliminate this issue. Mrs. Isenhower suggested adding verbiage to Section 105 that stricter provisions may apply with the Hillside Development Ordinance. In Article II Mrs. Taylor Rash suggested definitions of “Comprehensive Plan”, “Development Plan”, “Developmental Approval”, “Responsible Party”, “Manufactured Home” and “Modular Home”. Section 301.3: 160D-403(c) allows the Town to extend the duration of a development approval for longer than 12 months but Mrs. Taylor Rash does not think it can be shortened to a duration of 6 months. Mrs. Isenhower clarified the way this was written in the Zoning Ordinance. It was decided to change the development approval to 12 months. Mrs. Taylor Rash advised that in Section 302.4 Town Staff recently revised the Certificate of Compliance to be signed by the Building Inspector (for building code and building permit compliance) and the Zoning Administrator (for compliance with the Zoning Ordinance). She posed the question to the Planning & Zoning Board if they want to revise Section 302.4 to provide for both signatures. Mrs. Taylor Rash cautioned them on being consistent. Mrs. Taylor Rash suggested organizing the Section 307 provision by enforcement procedures, penalties and remedies. She proposed a possible reorganization for the Commission’s consideration. There was a discussion about the ETJ and the McDowell County representation.

The next meeting will be on November 5th at 10:30 a.m.

**Public Comment**

There was no public comment at this time.

**Adjournment**

Bill Roberts moved to adjourn the meeting. Wade Burns seconded and the meeting was adjourned at 11:59 p.m.

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Bill Scheu, Chair Angie Murphy, Town Clerk