Board members present by Zoom: Mason Blake

Sally Stancil

Board members: Wade Burns

Bill Scheu

Allen Crawford

John Hinkle

Dan Dean

Board members absent: None

Town staff present: Scott Adams, Zoning Administrator

Alex Carmichael, Town Administrator

Angie Murphy, Town Clerk

Special Guests: Susan Taylor Rash, Town Attorney

There were no members of the public present and several members were watching via Zoom. Mr. Scheu called the meeting to order at 10:30 a.m., and led the group in a moment of silence after a brief welcome.

**Agenda Approval**

John Hinkle moved to adopt the agenda as presented. Wade Burns seconded and the motion carried 7/0.

**Meeting Minutes Adoption**

Some minor changes to the minutes were suggested.

Dan Dean moved to approve the June 10th Meeting Minutes as amended. Allen Crawford seconded and the motion carried 7/0.

**Appointment of Sub-Committee to Update P&Z’s Rules of Procedure**

Chairman Bill Scheu stated that the Rules of Procedure were last updated on 04/15/2011 and Zoning Administrator Scott Adams had recommended a review to make sure the recent Ordinance changes did not require any additional changes to the Rules of Procedure. Mr. Scheu appointed a sub-committee chaired by Dan Dean with Mason Blake, John Hinkle and Wade Burns assisting. Town Attorney Susan Taylor Rash reminded the group that the meetings will need to be published and held at Town Hall as a public meeting.

**Review and Discussion of Montreat Ordinances containing well/septic language**

Zoning Administrator Scott Adams felt that the language in Sections 503 and 603 of the Montreat Zoning Ordinance were fine. Mr. Scheu suggested the following change in Section 603: “The performance standards for a particular lot shall be determined by the Buncombe County Health Department”. In the following sentence Scott Adams suggested scratching “this minimum lot area….” and adding “Site conditions shall be those necessary for safe on-site waste disposal systems…” Mason Blake expressed his discomfort on making changes to Section 603. He feels that making changes to Section 603 out of context could damage the ordinance and cause unintentional errors. Mason suggested that when other items are addressed in the Zoning Ordinance as a whole then the Commission could look at possibly making changes. After much discussion on this section it was decided that Section 603 shall remain the same.

In Section 510.3 change the word “sewer” to “wastewater” in the first and second paragraphs. In Chapter D change the word “sewer” to “wastewater” to keep the language consistent. Scott Adams suggested in the second sentence separating sewer and septic to read as follows: “The main sewerage collector lines must meet the Metropolitan Sewerage District regulations of Buncombe County. Septic systems must meet the requirements of the Buncombe County Health Services Regulations.”

In Chapter E Section 3 change “sewer” to “wastewater” in two different places. In Section 5 Dan Dean wanted to cite NCGS 87-97.2. Scott Adams asked Town Attorney Susan Taylor Rash if it was advisable to cite a NCGS or rather use general language. Mrs. Taylor Rash stated that if you reference a General Statute and it changes then you would have to update the ordinance. She also stated that this particular statute is not so easy to locate. Mrs. Taylor Rash also suggested referencing the statute and saying simply “as it may be amended”. The sentences shall read “All -owners of improved property within the Town limits shall connect with the public water system for water intake purposesexcept as otherwise permitted by NCSG 87-97.2**.** All owners of improved property within the Town limits or ETJ shall provide wastewater systems as required by Metropolitan Sewerage District and/or Buncombe County Health Department as the case may be.” The title of this section should be “Water and Wastewater Required”. It was decided to eliminate Section 6 (the first Section 6). John Hinkle questioned the definition of “improved property” and Scott Adams will follow up with an exact definition. In the second Section 6 Dan Dean suggested eliminating numbers 2 and 3 and adding “all septic systems must comply with and be operated pursuant to all regulations and orders of the Buncombe County Health Department”. Bill Scheu questioned whether the sentence “that the zoning official shall maintain a list of all the septic systems installed in the Town along with a record of maintenance” was necessary. Scott Adams will check further with the County on this matter. There were no changes to Section 7-10, and 12.

In Chapter M, Section 1. General Provisions, there were no changes made to Subsections (1) Purpose and (2) Scope, and it was decided to remove Subsection (3) Private Wells and Septic Systems (Page 6). There were no changes made to Section 2. Private Extensions of the Public Utility System (Page 6-8); however it was noted that Subsection 3 suddenly stops and Subsection 4 seems to have some errors as well. Mr. Adams agreed to check on the sentence structure of these subsections.

Scott Adams suggested moving Chapter M to follow under Chapter E. Chairman Scheu preferred to leave Chapter M where it is located for the time being.

Continuing with Chapter M, it was decided that Section 3. Public Extensions of the Utility System (Page 8), Subsections (1) through (4), required no changes.

Regarding Chapter M, Section 6. Extensions Outside Town Limits (Page 9), Dan Dean suggested that the first part of the 6th line of the introductory paragraph be changed to read as follows: “disapproval of any application for extension, and the action of the Board shall be final;” Mr. Dean also suggested that the second paragraph of Subsection (1) Application, be changed as follows: Keep the first 2.5 lines through the words “water line” in the third line, and then delete the rest of the paragraph. After the words “water line” place a period, then add the following two sentences in place of the deleted language: “Wastewater service must be provided by connection to the MSD sewerage system, if available to the subject property. If MSD service is not available, then wastewater service must be provided by a private septic system approved and regulated by the Buncombe County Health Department.”

Town Administrator Alex Carmichael explained how sewage charges are based on how much water is consumed. Mr. Carmichael pointed out that if an individual signed up for private septic that they would still have to pay for MSD services because it is linked to water usage. Mr. Carmichael will do research to see if we can do differential rates.

Mason Blake wanted to revisit paragraph 4 on page 7, and stated that he did not understand the meaning of the sentence. Bill Scheu stated that there may be incomplete copies and Scott Adams will check before the next meeting. Mason Blake offered to work directly with Scott Adams on this matter. There were no further changes suggested.

The next meeting will be held at 10:30 a.m. on September 9th.

**Public Comment**

There was no public comment at this time.

**Adjournment**

John Hinkle moved to adjourn the meeting. Dan Dean seconded and the meeting was adjourned at 12:34 p.m.

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Bill Scheu, Chair Angie Murphy, Town Clerk