

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
March 10, 2022 – 6:30 p.m.  
Town Hall & Zoom Software**

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**I. Call to Order**

- Welcome
- Moment of Silence

**II. Agenda Adoption**

**III. Public Comments**

**IV. Adjournment**

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
March 10, 2022 – 7:00 p.m.  
In person and Zoom software**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Mayor's Communications**

**IV. Consent Agenda**

**A. Meeting Minutes Adoption**

- February 10th Town Council Public Forum Meeting Minutes
- February 10th 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
- Other Items

**VII. Administrative Reports**

- Administration
- Finance
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets

**VIII. Public Comment**

***Public comments will be heard during this period for any and all items.***

**IX. Old Business**

**X. New Business**

**A. Discussion of Flat Creek Crossing Accessibility Trail**

- See attachments on pages 28-30
- Presenters: Patti Pyle and Grace Nichols of Montreat Landcare Committee

**B. Consideration of Resolution of Intent Re: Council-Manager form of Government**

- See attachments on pages 31-47
- Suggested Motion: Move to approve/defer the Resolution of Intent for Council-Manager form of Government as presented

**C. Discussion of Texas Road Bridge Improvements Re: Phase 1 & Application for Phase 2 Grant**

- See attachments on pages 48-59

**D. Consideration of Hunting Dog Ordinance**

- See attachments on pages 60-66
- Suggested Motion: Move to approve/defer the Hunting Dog Ordinance as presented

**E. Consideration of Adding/Removing Signatures from First Bank Checking Accounts**

- See attachments on pages 67-84
- Suggested Motion: Move to add Interim Town Administrator Ben Blackburn and to remove Alex Carmichael and Darlene Carrasquillo from First Bank Checking Accounts.

**F. Consideration of Budget Amendment #6**

- See Attachments on page 85

- **Suggested Motion: Move to approve/defer Budget Amendment #6 in the amount of \$40,000 to pay for legal fees**

**G. Consideration of Setting FY2022-2023 Budget Work Session Dates**

**XI. Public Comment**

*Public comments will be heard during this period for any and all items.*

**XII. Commissioner Communications**

**XIII. Dates to Remember**

- **Special Board of Adjustment Meeting, Wednesday, March 16<sup>th</sup> at 4:00 p.m. in Town Hall and by Zoom Software**
- **Comprehensive Plan Steering Committee Meeting, Monday, March 21<sup>st</sup> at 10:00 a.m. in Town Hall and by Zoom Software**
- **Tentative Board of Adjustment Meeting, Thursday, March 24<sup>th</sup> at 5:00 p.m. in Town Hall and by Zoom Software**
- **Montreat Tree Board Meeting, Tuesday, March 29<sup>th</sup> at 9:30 a.m. in Town Hall and by Zoom Software**
- **Montreat Landcare Committee, Wednesday, April 6<sup>th</sup> at 9:00 a.m. in Town Hall and by Zoom Software**
- **Planning & Zoning Commission Meeting, Thursday, April 14<sup>th</sup> at 10:30 a.m. in Town Hall and by Zoom Software**
- **Town Council Meeting, Thursday, April 14<sup>th</sup> at 7:00 p.m. in the Town Hall and Zoom Software. Public Forum begins at 6:30 p.m.**
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**XIV. Adjournment**



**Town of Montreat  
Board of Commissioners  
Public Forum Meeting Minutes  
February 10, 2022 – 6:00 p.m.  
Town Hall & Zoom**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Kitty Fouche (arrived at 6:15 p.m.)  
Commissioner Mason Blake  
Commissioner Jane Alexander  
Commissioner Kent Otto

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
David Arrant, Chief of Police  
Barry Creasman, Public Works Director

Approximately twenty five members of the public were present. Mayor Tim Helms called the meeting to order at 6:00 p.m., and led the group in a moment of silence.

**Agenda Approval**

Mayor Tim Helms asked if the agenda could be modified to allow the public to comment first then the special guests could speak. Commissioner Jane Alexander moved to adopt the agenda as amended. Commissioner Mason Blake seconded and the motion carried 4/0.

**Public Forum**

Ms. Arrington Cox of 203 Virginia Road stated that bears cannot be running through the streets of Montreat but on the other hand the bear dogs are bred to catch the scent and give chase. Ms. Cox prays for all involved and knows the situation can be resolved.

Mrs. Joely Rogers of 97 Shenandoah Terrace had an issue with bear dogs mauling a bear at her home previously. Mrs. Rogers thanked the Commission for taking the situation seriously. She stated that she and her husband were not anti-hunters. The experiences that Mrs. Rogers has seen at her home in the past year and a half have been troublesome to her and her husband. The dogs have seemed uncontrolled in her opinion.

Mr. Rusty Douglas of 227 Alabama Terrace stated that there is nothing good that can happen with bears and dogs running through a playground on a national holiday. Mr. Douglas feels that surely there is some way to prevent that and he would hate to see Montreat on the national news.

Mr. Mark Rogers of 97 Shenandoah Terrace made the recent Youtube video of the bears and dogs on his property. Mr. Rogers stated that he's only ever been worried when the dogs have been involved. He felt that the hunters in this situation did not have any control. Mr. Rogers was told that what he did, getting between the dogs and the bear, was very dangerous.

Mr. Philip Arnold of 530 Magill Drive would like a clarification of the agreements between bear hunters and Montreat and who can go on whose land.

Mr. Jim Gibbs, President of Mt. Mitchell Bear Hunting Club and Mill Creek Wildlife Club which owns approximately 1300 acres of land extending 7 miles from Montreat and Blue Ridge Parkway (known as the Old Toll Road, stated that the Mt. Mitchell Bear Hunting Club leases the land and hunts the bear on the land. The hunting club maintains the Toll Road and the trails that extend from their property. The two clubs have enjoyed the use of this land since the 1940s. Mr. Gibbs stated that over the past 70 years the clubs have worked to foster good relationships with the Town of Montreat, Montreat College and Montreat Conference Center (MRA). Mr. Gibbs even stated that the late Billy Graham enjoyed the property and even hunted with the clubs on occasion. Today the clubs allow the public to use their land and trails for hiking and other recreational uses year round. The Old Toll Road connects to the Montreat Wilderness as well as the Pisgah National Forest and the property is enjoyed by many every year. Mr. Gibbs stated that he has been hunting these mountains his entire life and there are more bears now than ever have been before and this is due to proactive bear management policies. Mr. Gibbs stated that it's the club policy to use game cameras to monitor the bear population and they only harvest mature male bears over 200 lbs. The use of game cameras allows hunters to see the bears before releasing hunting dogs. It is also the club policy to not hunt in residential neighborhoods or Town but it sometimes may be necessary to retrieve dogs in Town. Mr. Gibbs stated that his club will not go onto posted private property to collect dogs without the property owner's permission. It is important for everyone to know that the Mt. Mitchell Bear Hunting Club is not the only group to hunt bears in the area and it is his opinion that the most recent problems in Town have come about from less responsible hunters. They are not the hunters in the video that was circulated. Being a good neighbor is important to Mr. Gibbs and his bear club.

Mr. Don Collins, former Mayor of the Town of Black Mountain, has been hunting on the Old Toll Road for over 50 years and he stated that the Mt. Mitchell Bear Hunting Club was a great group of responsible hunters. Mr. Collins further stated that these gentleman were the most restrictive, watchful and careful of respecting the rights of the Town of Montreat. Mr. Collins advised those in attendance to not judge all bear hunters and assume they are all the same. Mr. Collins also stated that the last thing the hunter's want to do is upset the residents in Town.

Captain Andrew Helton, of the NC Wildlife Resources Commission/Law Enforcement Division, stated he and other wildlife officers are here for the citizens of Montreat as well as to support bear hunters and other citizens. Captain Helton stated it was his job to enforce all fishing, hunting and boating laws and any other misdemeanors that occur while in their presence. The wildlife officers work public and private lands. Captain Helton stated that the bear population in NC is growing very rapidly. Bears can be found across all 100 counties in NC and they are growing at a 6% rate each year. The only way to control the bear population in NC is by hunting. Captain Helton said that

Asheville has an amazing amount of problem bear calls and there are so many living in the city limits. Montreat is very fortunate to have some hunting going on because it controls the bears. Captain Helton stated that there were more black bears in the North Fork Watershed than in the Smokies.

Ms. Arrington Cox of 203 Virginia Road asked if they had a relocation program to which Captain Helton advised that they did not have a program like that. Captain Helton said that wildlife officers do not have the manpower, the resources or the land mass for such a program.

Mrs. Joely Rogers of 97 Shenandoah Terrace thanked Captain Helton for coming to educate the citizens. Mrs. Rogers recently read a book entitled "Fuzz: When Wildlife Breaks the Law" by Mary Roach which takes a community wide approach to how people store their food. Mrs. Rogers questioned whether improper garbage disposal techniques could be addressed in Montreat. Captain Helton advised that the wildlife commission does have a program entitled Bear-wise. Bear-wise involves education as well as requiring bear-proof trash cans. Bear-wise is a state wide program and you can visit [ncwildlife.org](http://ncwildlife.org) for more information. Mrs. Rogers also asked during hunting season if dogs run through her yard chasing a scent can she shoot at the dog? What is she allowed to do on her own property? Captain Helton stated that as a homeowner you have to abide by local town ordinances. He went on to say that as a landowner in NC you do have the right to protect your property. Captain Helton stated that he would not recommend firing a gun but would lean more toward beating on pots and pans. Captain Helton also stated that homeowners shouldn't attempt to catch the dogs and remove the tracking collars.

Mayor Tim Helms asked if there was anyway has a municipality to regulate who goes through the Town to hunt. Captain Helton stated that the Town of Montreat could do a local Town Ordinance which would mandate who can come hunt. Mayor Helms pointed out that it seems like a group of not so respectful hunters came into Town and caused all these problems.

Commissioner Mason Blake asked Captain Helton if it was true that the hunter's don't have a right to come onto private property to retrieve their dogs. Captain Helton stated that is true and ethically they need to have permission from the landowner to come collect their dogs. Captain Helton advised that Montreat citizens should advise wildlife officers of outlaw hunters. Wildlife Officers can come and check out hunters and educate them on proper hunting techniques. Wildlife Officers have a 1-800 number and are on call 24 hours a day. Captain Helton stated officers need to be called if hunters are coming and turning dogs and bears loose. Mayor Helms asked Police Chief David Arrant to find out the names of the outlaw hunters and advise them that they aren't welcome anymore.

Chad Davis of the Mt. Mitchell Bear Hunting Club advised that every member of the hunting club has a membership card in their wallet which is one way you can distinguish between members.

Mr. Mark Rogers of 97 Shenandoah Terrace stated that the errant dogs have been on his property three times in the past year and a half. Mr. Rogers has very clear video of the hunters for identification purposes. Mr. Rogers asked if dog hunting is the main way bears are hunted. Captain



Helton stated there were several methods of hunting bear but dog hunting is the best and most effective way.

Mayor Pro Tem Tom Widmer asked Captain Helton what homeowners could do if they had a situation with out of control dogs. Captain Helton advised calling the 1-800 number as well as getting license plate numbers. Captain Helton also advised to never get in between bears and dogs. He also mentioned getting the bear hunters names off the dogs collars which will allow wildlife officers to check and make sure the hunters are abiding by state and local laws.

Mr. Seth Hagler of MRA mentioned that the MRA has a long partnership with the Mt. Mitchell Bear Hunting Club and they've also been good neighbors.

Dr. Mary Standaert of 118 Shenandoah Terrace thanked the Mt. Mitchell Bear Hunting Club for attending this evening. Dr. Standaert stated that there were no discharge laws in the Town of Montreat. She thanked the former Council for implementing bear boxes in Town. Dr. Standaert also suggested putting the 1-800 number for wildlife in an obvious place for residents. Dr. Standaert mentioned that this evening there will be a presentation for the 2020 financial report. She stated this is required by state statute and it must be done in a timely manner. It is in Dr. Standaert's understanding that this is long overdue and that Montreat is in violation of state statute and she's unsure why that is. Mayor Helms advised Dr. Standaert that the Town of Montreat switched auditing firms and there were communication issues as well as issues with COVID19 and working from home. Mayor Helms advised Dr. Standaert that the State was apprised by Town Staff of what all was going on with the audit and auditors. Town Administrator Alex Carmichael stated that the 2020 audit has been submitted to the State with 2021 to be completed by June, 20, 2022 and immediately after 2022 will be due by October 31<sup>st</sup>. Dr. Standaert mentioned that without the other two completed audits that no one knows the financial status of the Town of Montreat. Dr. Standaert stated that there were serious problems pointed out in the audit such as the Fund Balance dropping to 16% of the annual budget when the Council had set 35% as the target. Dr. Standaert expressed her displeasure that the Town as a whole was not apprised in a public manner of what was going on with the audit.

Mr. Tom Frist of 98 Frist Road commented that the bear discussion was a wonderful conversation with people comparing different views to come together to solve a problem.

### **Adjournment**

Mayor Pro Tem Tom Widmer moved to adjourn the meeting. Commissioner Mason Blake seconded and the motion carried 5/0. The meeting was adjourned at 6:59 p.m.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



**Town of Montreat  
Board of Commissioners  
Meeting Minutes  
February 10, 2022 – 7:00 p.m.  
Zoom Meeting with in person attendance**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Jane Alexander  
Commissioner Mason Blake  
Commissioner Kitty Fouche  
Commissioner Kent Otto

Board members present via  
Zoom: None

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk  
David Arrant, Chief of Police  
Barry Creasman, Public Works Director

Town staff present via Zoom: None

Approximately eight members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

**Agenda Approval**

Commissioner Kitty Fouche moved to adopt the agenda as presented. Commissioner Kent Otto seconded and the motion carried 5/0.

**Mayor's Communications**

Mayor Tim Helms mentioned that the Town of Montreat had recently had two snow events. The first snow the crews ran three trucks with five men rotating twelve hour shifts for three days. They did this with very few hours of sleep. During the second storm crews ran two trucks with two employees for six hours. During the first storm the wind was a huge problem blowing snow back into the roads.

Another problem that was encountered was cars parked in the road. Mayor Helms advised that during snow storms cars must be parked out and off of the roadway. Mayor Helms also stated that 46 tons of sand and 9,600 pounds of ice melt were used during these storms. Mayor Helms thanked Public Works Director Barry Creasman and his team for all of their hard work.

### **Meeting Minutes Adoption**

- January 13<sup>th</sup> Town Council Public Forum Meeting Minutes
- January 13<sup>th</sup> Town Council Meeting Minutes
- January 31<sup>st</sup> Special Meeting Minutes

### **Town Administrator's Communications**

Mr. Carmichael took a moment to introduce Ben Blackburn, retired City Manager of Cherryville and Lowell, who was in attendance. Mr. Blackburn is a candidate for the Interim Town Administrator position for the Town of Montreat.

### **Administrative Reports**

- Administration – This report was given in written format.
- Finance – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.

### **Public Comment**

Mr. Seth Hagler of Mountain Retreat Association (MRA) thanked Alex Carmichael, Town Staff and especially Public Works Director Barry Creasman for help in removing some problem trees.

Dr. Mary Standaert of 118 Shenandoah Terrace read a portion of a letter that she wrote to a member of the Montreat Audit Committee. Dr. Standaert mentioned again that she found that the late audits were very concerning. Dr. Standaert mentioned again that the fund balance had fallen to 16% which is well below historical levels and below the 35% which was set by Council several years ago. Dr. Standaert expressed her concerns that this issue wasn't raised in public despite tax increases two years in a row. Dr. Standaert expressed her displeasure that fund balance had been used to cover operating costs.

**Old Business**

There was no Old Business to discuss.

**New Business**

- A. Presentation of Fiscal Year 2020 Audit by Carter, P.A.: Lavonia Reese of Carter, P.A. introduced herself and her auditing firm to the Town Commissioners. Mrs. Reese stated that there were numerous issues in preparing the FY 19/20 audit including: prior auditor communication, remote working environment for both parties, antiquated software and extended medical absences. Mrs. Reese stated that Carter, P.A. has been in constant communication with the N.C. Local Government Commission. Mrs. Reese also stated that the Town of Montreat is not the only municipality that is late with their audit. Mrs. Reese stated that Carter, P.A. did issue their Internal Control Letter which identified problems with the accounting software, tracking of fund balance restrictions, document retention and segregation of cash duties. Mrs. Reese stated that they have an aggressive but doable plan in moving forward with the remaining audits. Mrs. Reese went on to review the highlights of the audit. She stated that the Town of Montreat is in a good financial position. The audit has been accepted and certified by the State of North Carolina.
- B. Hiring of Ben T. Blackburn, Jr. as Interim Town Administrator: Commissioner Kitty Fouche moved to appoint Ben T. Blackburn, Jr. as Interim Town Administrator at the rate of \$50 per hour plus mileage. Mayor Pro Tem Tom Widmer seconded and the motion carried 5/0. Mayor Tim Helms administered the Oath of Office to Mr. Blackburn.
- C. Planning & Zoning Commission Appointment: Mayor Pro Tem Tom Widmer moved to appoint Jean David to a three year term ending on January 25, 2025 to the Planning & Zoning Commission as an alternate 2 member. Commissioner Kent Otto seconded and the motion carried 5/0.
- D. Budget Amendment #5: Mr. Carmichael explained that this Budget Amendment would move \$12,500 from Streets Capital Outlay to the Stormwater Program. The monies will be used to fund the Stormwater Plan which is a requirement of our MS4 permit. Commissioner Kitty Fouche moved to approve Budget Amendment #5 in the amount of \$12,500 to pay for Stormwater Services Contract. Commissioner Jane Alexander seconded and the motion carried 4/1 with Mayor Pro Tem Tom Widmer voting in the negative.
- E. Stormwater Contract: Commissioner Jane Alexander moved to approve Stormwater Contract with Land-of-Sky Regional Council in the amount of \$12,500. Commissioner Mason Blake seconded and the motion carried 5/0.

- F. Discussion of Manager-Council Form of Government: Mr. Carmichael stated that currently the Town of Montreat operates under a Mayor-Council form of government and under that form of government there is not a lot of direction under state statutes. In a Manager-Council form of government you solidify the role by state statute because law specifically gives authority to the Manager. One example of a change would be that the Manager would be in charge of hiring/firing staff. Another example is that it would take the political dynamic off the staff level of the organization. Mr. Carmichael stated that the current form of government is an unstable environment for the administrative staff. Mr. Carmichael stated that switching to the Manager-Council Form of government would create a stable environment for recruitment. The job responsibilities would be written into state statute and roles would be codified. Mr. Carmichael stated that the role of Manager is more prestigious and would likely increase the candidate pool. Mr. Carmichael stated that if the Commissioners wanted to switch to a Manager-Council form of government it would be at least a three month process. A resolution of intent would be written and a public hearing would need to be advertised and held and then at the third meeting a vote could be held on the manner.

### **Public Comment**

Dr. Mary Standaert of 118 Shenandoah Terrace thanked Commissioners Blake and Widmer for their precise and timely questions about the audit. Dr. Standaert stated that the Commission will soon be entering into the Budget process and that they will be flying blind because they do not know what the financial status is at the time due to the lateness of the audits. Dr. Standaert also commented that the finance officer should have been at this evening's meeting and that agenda meetings should be reinstated.

### **Commissioner Communications**

There were no Commissioner Communications.

### **Dates to Remember**

- Montreat Tree Board Meeting, Tuesday, February 22nd at 9:30 a.m. in the Town Hall and by Zoom Software
- Board of Adjustment, Thursday, February 24<sup>th</sup> at 7:00 p.m. in the Town Hall with in person attendance and by Zoom Software
- Montreat Landcare Committee, Wednesday, March 2<sup>nd</sup> at 9:00 a.m. in the Town Hall with in person attendance and by Zoom Software
- Planning & Zoning Commission, Thursday, March 10<sup>th</sup> at 10:30 a.m. in the Town Hall with in person attendance and by Zoom Software
- Town Council Meeting, Thursday, March 10<sup>th</sup> at 7:00 p.m. in the Town Hall with in person attendance and by Zoom Software. The Public Forum will begin at 6:30 p.m.

- Comprehensive Plan Steering Committee Meeting, Monday, March 21<sup>st</sup> at 10:00 a.m. in the Town Hall and by Zoom Software
- Montreat Tree Board Meeting, Tuesday, March 29<sup>th</sup> at 9:30 a.m. in the Town Hall with in person attendance and by Zoom software

**Adjournment**

Mayor Pro Tem Tom Widmer moved to adjourn the meeting. Commissioner Kitty Fouche seconded and the motion carried 5/0. The meeting was adjourned at 8:02 p.m.

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Tim Helms , Mayor

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Angie Murphy, Town Clerk



## TOWN OF MONTREAT

P. O. Box 423, Montreat, NC 28757  
Tel: (828) 669-8002 | Fax: (828) 669-3810  
[www.townofmontreat.org](http://www.townofmontreat.org)

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of February 2022

Monthly Statistics	2021	2022
Public Meetings	5	5
Inter-Organizational /Intergovernmental Meetings	3	1
Agendas Prepared	4	5
Minutes Transcribed	4	4
Resolutions Drafted	0	0
Public Records Requests Processed	0	2
Water Bills Processed	674	676
Leak Adjustments	10	0
New Water Accounts Established	1	1
Purchase Orders	69	47
Professional Development Hours	16	5
Sunshine List Messages		10
Website Posts	9	10
Social Media Posts	0	0
Code Red Alerts	1	0
Workers Compensation Claims	0	0

#### Upcoming Events and Schedule Changes

#### Comments

N/A

#### Staff Communications

N/A





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### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of February 2022

Monthly Statistics	2021	2022
Building Permits Issued	7	6
Pending Building Permits	0	0
Building Inspections Performed	26	45
Stop Work Orders Issued	0	0
Defective Building Posted	0	0
Denied Building Permits	0	0
Fire Inspections Performed	0	0
Fire Re-Inspections Performed	0	0
Fire Permits Issued	0	0

#### Comments

#### Staff Communications



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### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of February , 2022

Monthly Statistics	2021	2022
Miles of Road Maintained	15.46	17.12
Miles of New Road Constructed	0	0
Public Trees Removed	0	0
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Monthly Fuel Costs	300.14	364.23
Contracted Employee Staff Hours	0	0
Road Closures	0	0

Comments



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### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of February , 2022

Monthly Statistics	2021	2022
Mileage	2,517	1,950
Dispatched Calls	34	32
Officer-Initiated Calls	597	471
Fire Assistance Calls	1	2
EMS Assistance Calls	1	0
Motorist/Other Assistance Calls	15	26
Traffic Stops	8	15
Parking Issues	2	2
Burglar Alarm Responses	0	0
Fire Alarm Responses	0	1
Residential/Building Checks	506	430
Ordinance Violations	1	1
Law Enforcement Agency Assistance Calls	31	18
Animal Control Calls	2	2
Larcenies	2	0
Breaking & Entering Calls	2	0
Suspicious Person Investigations	3	1
Suspicious Vehicle Investigations	4	5
Disturbance Calls	3	2
Accident Responses	0	2
Auxiliary Hours Worked (Regular)	32	8
Auxiliary Hours Worked (Addittional)	0	48
Truck Turns at Gate	2	11
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	0	32
Town Service	557	477
MRA Service	176	205
College Service	15	10

#### Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670.



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### ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of February , 2022

Monthly Statistics	2021	2022
Calls for Service	43	68
Water Leaks Repaired	0	2
New Water Lines Installed	0	0
Water Meters Read	674	674
Water Meter Replacements	31	7
Gallons of Water Produced	2821529	3,364,399
Monthly Fuel Cost	390.14	\$ 601.08
Hours Pumped (11 wells combined)	1465	1,576

#### Comments

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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of February , 2022

Monthly Statistics	2021	2022
Tons of Curbside Trash Collected	18.07	12.59
Pay-As-You-Throw Trash Bags Collected	26	51
Tons of Curbside Recycling Collected	3.17	3.01
Pay-As-You-Throw Recycling Bags Collected	21	39
Cardboard Recycling Collected	1.19	.94 Tons
Unique Curbside Sanitation Stops	1465	1,445
Bagged Leaf Pickup	43	108.00
Brush Pickup (cubic yards)	4 Loads	4 Loads
Hauling Fees	1503.27	\$1,064.10
Tipping Fees	772.12	\$0.00
Dumpster Rental Fees	203.92	\$203.92
Sanitation Fuel	224.8	\$ 311.45

Comments:

0



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### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of February , 2022

Monthly Statistics	2021	2022
Approved Zoning Permits	0	0
Denied Zoning Permits	0	0
Pending Zoning Permits	0	0
Variance/Interpretation Granted	0	0
Conditional Use Permits Granted	0	0
Permit Extensions Granted	0	0
Sign Permits Issued	0	0
Notices of Violation	0	0

#### Comments

**JANUARY 2021 - MONTH 7 OF FISCAL YEAR 2020-2021**

**REVENUES**

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	1,917,820.92	1,118,728.87	1,382,287.69	263,558.82
WATER FUND	30	311,250.00	181,562.50	206,617.99	25,055.49
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,229,070.92</b>	<b>1,300,291.37</b>	<b>1,588,905.68</b>	<b>288,614.31</b>

**EXPENSES**

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	53,562.00	31,244.50	11,381.52	19,862.98
ADMINISTRATION	10	451,465.00	263,354.58	255,913.79	7,440.79
PUBLIC BUILDINGS	10	250,985.10	146,407.98	213,319.35	(66,911.38)
POLICE	10	438,913.82	256,033.06	242,912.89	13,120.17
BUILDING AND ZONING	10	76,310.00	44,514.17	32,796.41	11,717.76
PUBLIC WORKS	10	249,157.00	145,341.58	198,547.59	(53,206.01)
STREET	10	252,346.00	147,201.83	103,061.67	44,140.16
SANITATION	10	122,982.00	71,739.50	68,730.35	3,009.15
ENVIRON,CONS,REC	10	22,100.00	12,891.67	688.67	12,203.00
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>1,917,820.92</b>	<b>1,118,728.87</b>	<b>1,127,352.24</b>	<b>(8,623.37)</b>

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	311,250.00	181,562.50	107,524.56	74,037.94
<b>TOTAL EXPENSES WATER FUND</b>		<b>311,250.00</b>	<b>181,562.50</b>	<b>107,524.56</b>	<b>74,037.94</b>

<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>	<b>\$2,229,070.92</b>	<b>\$1,300,291.37</b>	<b>\$1,234,876.80</b>	<b>\$65,414.57</b>
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<b>GENERAL FUND INCOME/LOSS - YTD</b>	<b>\$254,935.45</b>
<b>WATER FUND INCOME/LOSS - YTD</b>	<b>\$99,093.43</b>
<b>NET INCOME - YTD 2020</b>	<b>\$354,028.88</b>

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,294,375.77	0.00	2,126,133.91	92.67%
PUBLIC WORKS BLDG	14	403,888.86	2,781.25	390,295.44	96.63%
FEMA-GREYBEARD	15	218,232.00	0.00	242,684.30	111.20%
FEMA-TEXAS ROAD	16	50,000.00	0.00	38,071.55	76.14%
FEMA-PROVIDENCE TERR	17	21,000.00	0.00	15,683.00	74.68%
FEMA-CALVIN TRAIL	20	30,000.00	0.00	13,490.57	44.97%
FEMA-CULVERT PROJECT	21	39,800.00	0.00	39,274.83	98.68%
FEMA-DEBRIS PROJECTS	22	3,200.00	0.00	0.00	0.00%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	183,943.00	0.00	11,290.00	6.14%
LANDCARE	26	750.00	0.00	49.95	6.66%
CARES ACT GRANT	27	9,697.06	1,427.56	2,843.99	29.33%
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 3,275,000.69</b>	<b>\$ 4,208.81</b>	<b>\$ 2,880,167.24</b>	<b>87.94%</b>







**JANUARY 2022 - MONTH 7 OF FISCAL YEAR 2021-2022**

**REVENUES**

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	1,810,952.00	1,056,388.67	1,178,616.21	122,227.54
WATER FUND	30	344,041.00	200,690.58	202,074.83	1,384.25
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,154,993.00</b>	<b>1,257,079.25</b>	<b>1,380,691.04</b>	<b>123,611.79</b>

**EXPENSES**

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	40,471.00	23,608.08	10,417.09	13,190.99
ADMINISTRATION	10	446,567.00	260,497.42	266,628.08	(6,130.66)
PUBLIC BUILDINGS	10	44,503.00	25,960.08	19,283.36	6,676.72
POLICE	10	438,373.00	255,717.58	219,565.00	36,152.58
BUILDING AND ZONING	10	117,506.00	68,545.17	39,996.29	28,548.88
PUBLIC WORKS	10	203,074.00	118,459.83	60,052.79	58,407.04
STREET	10	395,462.00	230,686.17	132,835.15	97,851.02
SANITATION	10	102,096.00	59,556.00	71,413.58	(11,857.58)
ENVIRON,CONS,REC	10	22,900.00	13,358.33	5,361.78	7,996.55
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>1,810,952.00</b>	<b>1,056,388.67</b>	<b>825,553.12</b>	<b>230,835.55</b>

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	344,041.00	200,690.58	162,526.24	38,164.34
<b>TOTAL EXPENSES WATER FUND</b>		<b>344,041.00</b>	<b>200,690.58</b>	<b>162,526.24</b>	<b>38,164.34</b>

<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>	<b>\$2,154,993.00</b>	<b>\$1,257,079.25</b>	<b>\$988,079.36</b>	<b>\$268,999.89</b>
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**GENERAL FUND INCOME/LOSS - YTD** **\$353,063.09**

**WATER FUND INCOME/LOSS - YTD** **\$39,548.59**

**NET INCOME - YTD 2022** **\$392,611.68**

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,389,479.77	0.00	2,222,293.91	93.00%
PUBLIC WORKS BLDG	14	403,888.86	0.00	396,258.50	98.11%
FEMA-GREYBEARD	15	242,684.30	0.00	242,684.30	100.00%
FEMA-TEXAS ROAD	16	50,000.00	0.00	38,071.55	76.14%
FEMA-PROVIDENCE TERR	17	21,000.00	0.00	15,683.00	74.68%
FEMA-CALVIN TRAIL	20	30,000.00	0.00	13,490.57	44.97%
FEMA-CULVERT PROJECT	21	39,800.00	0.00	39,274.83	98.68%
FEMA-DEBRIS PROJECTS	22	3,200.00	0.00	0.00	0.00%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	183,943.00	0.00	57,060.03	31.02%
LANDCARE	26	750.00	0.00	49.95	6.66%
CARES ACT GRANT	27	9,697.06	0.00	3,828.57	39.48%
AMERICAN RESCUE PLAN ACT	28	138,633.39	22,923.00	55,423.00	39.98%
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 3,533,190.38</b>	<b>\$ 22,923.00</b>	<b>\$ 3,087,311.90</b>	<b>87.38%</b>

Date of Deposit	Jul-20	Jul-21	% +/-	Aug-20	Aug-21	% +/-	Sep-20	Sep-21	% +/-	Oct-20	Oct-21	% +/-	Nov-20	Nov-21	% +/-
AdVal/RMV (Includes Sp Assess&Ded Fees)	1,392.91	2,920.94	<b>52%</b>	1,017.11	3,457.81	<b>71%</b>	46,660.36	106,638.16	<b>56%</b>	116,236.34	122,923.63	<b>5%</b>	69,383.54	60,228.54	<b>-15.20%</b>
Sales	28,659.10	40,374.75	<b>29%</b>	31,023.08	41,390.38	<b>25%</b>	36,448.63	45,270.46	<b>19%</b>	35,569.11	45,114.37	<b>21%</b>	34,853.46	41,479.39	<b>15.97%</b>
Solid Waste (Quarterly)				163.22	179.40	<b>9%</b>							175.32	173.79	<b>-0.88%</b>
Utility Fran (Quarterly)							17,308.49	18,360.31	<b>6%</b>						
Wine/Beer (Annual-May)															

NOTES:

AdVal Tax is received the month after the tax is collected

RMV Tax is received two months after the tax is collected

Sales Tax is received three months after the tax is collected

Date of Deposit	Dec-20	Dec-21	% +/-	Jan-21	Jan-22	% +/-	Feb-21	Feb-22	% +/-
AdVal/RMV	205,940.75	267,776.90	<b>23.09%</b>	383,509.82	363,624.75	<b>-5.47%</b>	214,909.51	245,254.38	<b>12.37%</b>
Sales	36,690.89	43,345.68	<b>15.35%</b>	37,275.01	44,765.05	<b>16.73%</b>	37,770.31	46,005.02	<b>17.90%</b>
Solid Waste (Quarterly)							186.01	178.63	<b>-4.13%</b>
Utility Fran (Quarterly)	24,515.92	23,240.05	<b>-5.49%</b>						
Wine/Beer (Annual-May)									

NOTES:

AdVal Tax is received the month after the tax is collected

RMV Tax is received two months after the tax is collected

Sales Tax is received three months after the tax is collected

Date: March 3, 2022

From: Landcare Committee – Patti Pyle and Grace Nichols

To: Town Commissioners

**Subject: Proposal for the Montreat Town Council Meeting on March 10, 2022**

The Landcare Committee seeks approval to create a handicapped accessible trail, using Town land adjacent to the Memorial Garden parking. The first trail route is approximately 98 yards, and it would begin to the right of the pumphouse before the parking lot, follow the existing gravel road, and terminate down at the creek. It would be surfaced with a permeable, yet hard surface material to accommodate wheelchairs and other mobility devices. No structures are planned. The design would include resting intervals alongside the route, a stone table, and bench seating at the proper height, educational signage and native plantings. There is future potential to link this new path to the existing graveled path to the Memorial Garden bridge and beyond.

This parcel is zoned Conservancy and allows for recreational use, per Scott Adams, Planning and Zoning Administrator. Please see the following photos. Once Council approval is received, an application for a Special Use Permit will be submitted to the Board of Adjustments. The Landcare Committee unanimously and enthusiastically supports the project, dubbed “Flat Creek Crossing.” A Steering Committee has been formed and is ready to move forward once the proposal is accepted. \$5000 seed money has already been pledged, and no financial support from the town is requested.

The need for such a trail is well known. One in five individuals is handicapped in some form, and we know from experience how difficult it is to navigate the uneven terrain of our valley. This trail will appeal to anyone with mobility or even some sensory issues, elderly with canes, and families with strollers. It will be an “all-persons trail” of which Montreat can be proud. We look forward to sharing more detailed information at the March 10 meeting.











Forest Service Outdoor Recreation Accessibility Guidelines



Figure 116—Everybody ought to be able to get to the beach.



## Town of Montreat

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

Phone: (828) 669-8002

[www.townofmontreat.org](http://www.townofmontreat.org)

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE TOWN  
OF MONTREAT TO ADOPT THE COUNCIL-MANAGER FORM OF GOVERNMENT AND SETTING THE  
DATE FOR A PUBLIC HEARING THEREON

**WHEREAS**, pursuant to G.S. 160A-101 and 160A-102, the Board of Commissioners of the Town of Montreat may adopt an ordinance to amend the Charter of the Town to implement any of the optional forms set out in G.S. 160A-101; and

**WHEREAS**, G.S. 160A-102 requires that proposed Charter amendments first be submitted to a Public Hearing and that due notice thereof be published not less than ten (10) days prior to the date fixed for the Public Hearing; and

**NOW, THEREFORE, BE IT RESOLVED** BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT THAT:

1. The Board of Commissioners hereby intends to consider an ordinance amending the Charter of the Town of Montreat, as set forth in Chapter 295, Article IV, Sec. 4.1 of the 1985 Session Laws of North Carolina, as amended, to adopt the council-manager form of government, as authorized by G.S. 160A-101(9)(b). This amendment incorporates all State of North Carolina statutory provisions for the council-manager form of government to include G.S. 160A-146 through G.S. 160A-152.
2. A Public Hearing on the proposed ordinance is hereby called at Montreat Town Hall on Thursday, April 14, 2022, at 7:00 pm.
3. Following the Public Hearing called hereby, the Board of Commissioners shall consider passage of the ordinance at its regular meeting on May 12, 2022, at 7:00 pm.
4. The Town Clerk is hereby directed to cause to be published in the Black Mountain News a proper notice of the Public Hearing called, which notice shall contain a summary of the proposed Charter amendments.

This resolution shall become effective upon adoption.

This the 10<sup>th</sup> day of March, 2022.

Tim Helms, Mayor

Angela Murphy, Town Clerk





#### Part 4. Modification of Form of Government

##### **§ 160A-101. Optional forms.**

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

- (1) Name of the corporation:  
The name of the corporation may be changed to any name not deceptively similar to that of another city in this State.
- (2) Style of the corporation:  
The city may be styled a city, town, or village.
- (3) Style of the governing board:  
The governing board may be styled the board of commissioners, the board of aldermen, or the council.
- (4) Terms of office of members of the council:  
Members of the council shall serve terms of office of either two or four years. All of the terms need not be of the same length, and all of the terms need not expire in the same year.
- (5) Number of members of the council:  
The council shall consist of any number of members not less than three nor more than 12.
- (6) Mode of election of the council:
  - a. All candidates shall be nominated and elected by all the qualified voters of the city.
  - b. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large, if any; the qualified voters of each district shall nominate and elect candidates who reside in the district for seats apportioned to that district; and all the qualified voters of the city shall nominate and elect candidates apportioned to the city at large, if any.
  - c. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the city.
  - d. The city shall be divided into electoral districts equal in number to one half the number of council seats; the council seats shall

be divided equally into "ward seats" and "at-large seats," one each of which shall be apportioned to each district, so that each council member represents the same number of persons as nearly as possible; the qualified voters of each district shall nominate and elect candidates to the "ward seats"; candidates for the "at-large seats" shall reside in and represent the districts according to the apportionment plan adopted, but all candidates for "at-large" seats shall be nominated and elected by all the qualified voters of the city.

- e. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large, if any; in a nonpartisan primary, the qualified voters of each district shall nominate two candidates who reside in the district, and the qualified voters of the entire city shall nominate two candidates for each seat apportioned to the city at large, if any; and all candidates shall be elected by all the qualified voters of the city.

If either of options b, c, d or e is adopted, the council shall divide the city into the requisite number of single-member electoral districts according to the apportionment plan adopted, and shall cause a map of the districts so laid out to be drawn up and filed as provided by G.S. 160A-22 and 160A-23. No more than one half of the council may be apportioned to the city at large. An initiative petition may specify the number of single-member electoral districts to be laid out, but the drawing of district boundaries and apportionment of members to the districts shall be done in all cases by the council.

(7) Elections:

- a. Partisan. - Municipal primaries and elections shall be conducted on a partisan basis as provided in G.S. 163-291.
- b. Nonpartisan Plurality. - Municipal elections shall be conducted as provided in G.S. 163-292
- c. Nonpartisan Election and Runoff Election. - Municipal elections and runoff elections shall be conducted as provided in G.S. 163-293.
- d. Nonpartisan Primary and Election. - Municipal primaries and elections shall be conducted as provided in G.S. 163-294.

(8) Selection of mayor:

- a. The mayor shall be elected by all the qualified voters of the city for a term of not less than two years nor more than four years.

- b. The mayor shall be selected by the council from among its membership to serve at its pleasure.

Under option a, the mayor may be given the right to vote on all matters before the council, or he may be limited to voting only to break a tie. Under option b, the mayor has the right to vote on all matters before the council. In both cases the mayor has no right to break a tie vote in which he participated.

**(9) Form of government:**

- a. The city shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of this Chapter.

- b. The city shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of this Chapter and any charter provisions not in conflict therewith. (1969, c. 629, s. 2; 1971, c. 698, s. 1; c. 1076, s. 1; 1973, c. 426, s. 19; c. 1001, ss. 1, 2; 1975, c. 19, s. 64; c. 664, s. 6; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

**§ 160A-102. Amendment by ordinance.**

By following the procedure set out in this section, the council may amend the city charter by ordinance to implement any of the optional forms set out in G.S. 160A-101. The council shall first adopt a resolution of intent to consider an ordinance amending the charter. The resolution of intent shall describe the proposed charter amendments briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. At the same time that a resolution of intent is adopted, the council shall also call a public hearing on the proposed charter amendments, the date of the hearing to be not more than 45 days after adoption of the resolution. A notice of the hearing shall be published at least once not less than 10 days prior to the date fixed for the public hearing, and shall contain a summary of the proposed amendments. Following the public hearing, but not earlier than the next regular meeting of the council and not later than 60 days from the date of the hearing, the council may adopt an ordinance amending the charter to implement the amendments proposed in the resolution of intent.

The council may, but shall not be required to unless a referendum petition is received pursuant to G.S. 160A-103, make any ordinance adopted pursuant to this section effective only if approved by a vote of the people, and may by resolution adopted at the same time call a special election for the purpose of submitting the ordinance to a vote. The date fixed for the special election shall be the next date permitted under G.S. 163-287(a) that is more than 70 days after adoption of the ordinance.

Within 10 days after an ordinance is adopted under this section, the council shall publish a notice stating that an ordinance amending the charter has been adopted and summarizing its contents and effect. If the ordinance is made effective subject to a vote of the people, the council shall publish a notice of the election in accordance with G.S. 163-287, and need not publish a separate notice of adoption of the ordinance.

The council may not commence proceedings under this section between the time of the filing of a valid initiative petition pursuant to G.S. 160A-104 and the date of any election called pursuant to such petition. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1973, c. 426, s. 20; 1979, 2nd Sess., c. 1247, s. 11; 2014-111, s. 18; 2017-6, s. 3; 2018-146, ss. 3.1(a), (b), 6.1.)

## NORTH CAROLINA GENERAL STATUTES

### Part 1. Organization and Reorganization of City Government.

#### **§ 160A-146. Council to organize city government.**

The council may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the city government and generally organize and reorganize the city government in order to promote orderly and efficient administration of city affairs, subject to the following limitations:

- (1) The council may not abolish any office, position, department, board, commission, or agency established and required by law;
- (2) The council may not combine offices or confer certain duties on the same officer when such action is specifically forbidden by law;
- (3) The council may not discontinue or assign elsewhere any functions or duties assigned by law to a particular office, position, department, or agency. (1971, c. 698, s. 1.)

### Part 2. Administration of Council-Manager Cities.

#### **§ 160A-147. Appointment of city manager; dual office holding.**

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of the manager's executive and administrative qualifications. The manager need not be a resident of the city or State at the time of appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education that is elected on a non-partisan basis if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 10,000;
- (2) The city is located in two counties; and
- (3) The population of the county in which the city manager resides does not exceed 40,000.

(b1) Notwithstanding the provisions of subsection (a) of this section, a city manager may serve on a county board of education that is elected on a nonpartisan basis if the population of the city by which the city manager is employed does not exceed 3,000.

(c) Notwithstanding the provisions of subsection (a), a city manager may hold elective office if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 3,000.
- (2) The city manager is an elected official of a city other than the city by which the city manager is employed.

(d) For the purposes of this section, population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits

of this section, the city manager may complete the term of elected office that the city manager is then serving. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1989, c. 49; 1997-25, s. 1; 2009-321, s. 1.)

**§ 160A-148. Powers and duties of manager.**

(a) The manager shall be the chief administrator of the city. The manager shall be responsible to the council for administering all municipal affairs placed in the manager's charge by the council, and shall have the following powers and duties:

- (1) He shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.
- (2) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.
- (3) He shall attend all meetings of the council and recommend any measures that he deems expedient.
- (4) He shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.
- (5) He shall prepare and submit the annual budget and capital program to the council.
- (6) He shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
- (7) He shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.
- (8) He shall perform any other duties that may be required or authorized by the council.
- (9) The manager shall receive a minimum of six clock hours of education upon the occurrence, or within six months of the occurrence, of any of the following:
  - a. The Local Government Commission is exercising its authority under Article 10 of Chapter 159 of the General Statutes with respect to the city.
  - b. The city has received a unit letter from the Local Government Commission due to a deficiency in complying with Chapter 159 of the General Statutes.

- c. The city has an internal control material weakness or significant deficiency in the most recently completed financial audit.
- d. The city is included on the most recently published Unit Assistance List issued by the Department of State Treasurer.

(b) The education shall incorporate fiscal management and the requirements of Chapter 159 of the General Statutes. The education may be provided by the Local Government Commission, the School of Government at the University of North Carolina, the North Carolina Community College System, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, or other qualified sources at the choice of the governing board and upon the prior approval of the Local Government Commission. The clerk to the governing board shall maintain a record verifying receipt of the education by the manager and shall provide this information, upon request, to the Secretary of the Local Government Commission. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1973, c. 426, s. 22; 2021-124, s. 5.)

**§ 160A-149. Acting city manager.**

By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases. (1971, c. 698, s. 1.)

**§ 160A-150. Interim city manager.**

When the position of city manager is vacant, the council shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled. (1971, c. 698, s. 1.)

**§ 160A-151. Mayor and councilmen ineligible to serve or act as manager.**

Neither the mayor nor any member of the council shall be eligible for appointment as manager or acting or interim manager. (1971, c. 698, s. 1.)

**§ 160A-152. Applicability of Part.**

This Part shall apply only to those cities having the council-manager form of government. If the powers and duties of a city manager set out in any city charter shall differ materially from those set out in G.S. 160A-148, the council may by ordinance confer or impose on the manager any of the powers or duties set out in G.S. 160A-148 but not contained in the charter. (1971, c. 698, s. 1.)



# Council-Manager

## Form of Government



## Frequently Asked Questions

**ICMA**

Issues at the Core of Better Communities

Packet Page 41

## **What is the council-manager form of government, which is used today by so many cities, towns, and counties?**

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.

Since its establishment, the council-manager form has become the most popular structure of local government in the United States. The form is also widely used throughout the world in countries such as Canada, Australia, the Netherlands, New Zealand, and the United Kingdom.

## **How does council-manager government work?**

The elected council or board represent their community and develop a long-range vision for its future. They establish policies that affect the overall operation of the community and are responsive to residents' needs and wishes.

To ensure that these policies are carried out and that the entire community is equitably served, the governing body appoints a *highly trained professional manager* on the basis of his/her education, experience, skills, and abilities (and not their political allegiances). If the manager is not responsive to the governing body, it has the authority to terminate the manager at any time.

## **How can council-manager government benefit my community?**

A city, town, or county benefits from the council-manager form of government in a number of important ways:

1. Political power is concentrated in the *entire* governing body. The mayor and council share legislative functions
2. Policy making resides with elected officials, while oversight of the day-to-day operations of the community resides with the manager. In this way, the elected officials are free to devote time to policy planning and development

3. The manager carries out the policies established by the elected governing body with an emphasis on effective, efficient, and equitable service delivery
4. Because decisions on policy and the future of the community are made by the entire governing body rather than a single individual, council-manager governments more often engage and involve their residents in decision making. Residents guide their community by serving on boards and commissions, participating in visioning and strategic planning, and designing community-oriented local government services
5. The form is flexible enough to adapt to local needs and demands. For example, some communities elect their councils at large, while others elect them by district or by a combination of an at-large-and-by-district system. Also, the mayor can be directly elected by voters or selected by and from among the council.

### **What is the role of the manager under council-manager government?**

The manager is hired to serve the council and the community and brings to the local government the benefits of his/her training and experience in administering municipal or county projects and programs. The manager prepares a budget for the council's consideration; recruits, hires, terminates, and supervises government staff; serves as the council's chief advisor; and carries out the council's policies. Council members and residents count on the manager to provide complete and objective information about local operations, discuss the pros and cons of alternatives, and offer an assessment of the long-term consequences of their decisions.

Appointed managers serve at the pleasure of the governing body. They can be fired by a majority of the council, consistent with local laws, or any employment agreements they may enter into with the council. The manager makes policy recommendations to the council for consideration and final decision. The manager is bound by whatever action the council takes, and control is always in the hands of the elected representatives of the people.

### **What is the role of the council?**

The council is the community's legislative and policy-making body. Power is centralized in the elected council, which, for example, approves the budget and determines the tax rate. The council also focuses on the community's goals, major projects, and such long-term considerations

as community growth, land use development, capital improvement and financing, and strategic planning. The council hires a professional manager to implement the administrative responsibilities related to these goals and supervises the manager's performance.

### **What is the role of the mayor or chairperson?**

Mayors or chairpersons in council-manager communities are key political and policy leaders, and their specific duties, responsibilities, and authorities depend on the organization's charter. In council-manager communities, typically the mayor or chairperson is a voting member of the city council who presides at council meetings, represents the city in intergovernmental relationships, appoints members of citizen advisory boards and commissions (with the advice and consent of council), assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the council in setting goals and advocating policy decisions.

### **What value does a professional manager contribute to a community?**

Professional managers contribute value to a community because they:

- Work in partnership with elected officials to develop sound approaches to community challenges by bringing together resources to make the right things happen and produce results that matter
- Bring a community-wide perspective to policy discussions and strive to connect the past and future while focusing on the present. They help the governing body develop the long-term vision for the community that provides a framework for policy development and goal setting
- Promote ethical government through commitment to a set of ethical standards that goes beyond those required by law. Managers who are members of ICMA subscribe to the organization's Code of Ethics, which requires them to "affirm the dignity and worth of the services rendered by government and maintain...a deep sense of social responsibility as a trusted public servant"
- Encourage inclusion and build consensus among diverse interests (including those of elected officials, the business community, and citizens) by focusing on the entire community rather than the centralized interests of one or two individuals

- Promote equity and fairness by ensuring that services are fairly distributed and that administrative decisions (such as hiring and contracting) are based on merit rather than favoritism
- Develop and sustain organizational excellence and promote innovation. Professional managers focus relentlessly on efficient and equitable service delivery, policy implementation, and evaluation. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials.

### **Does it cost more for a community to adopt the council-manager form and hire a professional manager?**

Many local governments have found that their overall costs are actually reduced under competent management. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from implementation of improved business development and retention strategies.

### **What kinds of communities use the council-manager form of government?**

In 2007, more than 3,500 (49 percent) of the 7,171 U.S. cities and towns with populations of 2,500 residents or more operated under the council-manager form. This structure is also used by more than 370 counties. More than 92 million people in the U.S. live in communities that operate under this form.

### **Is the council-manager form popular among larger communities?**

Of the 247 U.S. cities with populations greater than 100,000 residents, 144 (58 percent) use this form of government. Larger cities and counties that use the form include:

- Broward County, Florida (pop. 1,623,000)
- Charlotte, North Carolina (pop. 540,000)
- Dallas, Texas (pop. 1,188,000)
- Fairfax County, Virginia (pop. 969,000)
- Las Vegas, Nevada (pop. 535,000)
- Mecklenburg County, North Carolina (pop. 695,000)
- Oklahoma City, Oklahoma (pop. 506,000)

*(continued)*

(continued)

- Phoenix, Arizona (pop. 1,321,000)
- San Antonio, Texas (pop. 1,144,000)
- San Jose, California (pop. 894,000)
- Virginia Beach, Virginia (pop. 425,000)
- Wichita, Kansas (pop. 344,000)

### **How can a community adopt the council-manager form of government?**

Most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league or association of counties. You can locate the addresses of these organizations on the Internet, or in the back section of ICMA's *Municipal Year Book*, which you may find in your local library.

### **Once a community adopts council-manager government, how does it choose a professional manager?**

The vacancy usually is announced in the *ICMA Newsletter*, and managers, assistants, and other individuals from across the country are invited to apply. Interested parties apply directly to the council, which reviews the applications and interviews qualified candidates. ICMA makes no recommendations regarding candidates. Additional information is available in ICMA's *Recruitment Guidelines Handbook*. To download a copy, visit <http://jobs.icma.org> and click on "Recruitment Guidelines Handbook" under "Resources."

### **What kind of educational and professional experience do professional local government managers possess?**

Nearly 67% of managers surveyed by ICMA in 2006 indicated that they had earned a master's (usually in public administration, business, or public policy), or other advanced degree. Respondents to the same survey said they had spent an average of 19 years in the local government management profession.

### **Do professional local government managers have a membership organization?**

Yes. ICMA (the International City/County Management Association) is the premier local government leadership and management organization that serves as the

professional and educational “home” for appointed professional managers and administrators. ICMA's membership also includes directors of state associations of local governments, other local government employees, academics, students, and concerned citizens who share the goal of improving local government.

ICMA's mission is to create excellence in local governance by developing and fostering professional local government management worldwide. To that end, the organization provides technical assistance and publications for management professionals to help them improve their skills and increase their knowledge. ICMA also serves as a clearinghouse for the collection, analysis, and dissemination of information and data about local government.

### **Why is membership in ICMA important for a professional local government manager?**

In addition to gaining access to valuable resources and lifelong professional development opportunities, managers who belong to ICMA are bound by its Code of Ethics, which states that every member of the organization shall act with integrity in all personal and professional matters so that they will merit the respect and trust of elected officials, employees, and the public. This stringently enforced Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government.

ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members are also committed to standards of honesty and integrity that go beyond those required by the law. For more information, contact ICMA or visit <http://icma.org/ethics>.

Finally, ICMA defines professional management and recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA's Voluntary Credentialing Program, visit <http://icma.org/credentialing>.

## Are there other, independent organizations that support council-manager government?

The National Civic League (NCL) is America's original advocate for community democracy. This nonprofit, nonpartisan membership organization is dedicated to strengthening citizen democracy by transforming democratic institutions. NCL accomplishes its mission through technical assistance, training, publishing, research, and promoting the All-America City Awards, America's original and most prestigious community recognition program.

Founded in 1895, NCL serves as a clearinghouse for information on methods of improving state and local government. The League's *Model City Charter*, now in its eighth edition, has endorsed council-manager government since 1915.

## For further information, contact

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**National Civic League**  
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Ben,

It was a pleasure speaking with you today regarding the possibility of bringing the Texas Road Pedestrian Bridge project back on-line.

Regarding the cost estimate that was prepared for the Phase I work (see attached), we recommend increasing this estimate by 10-15% to account for inflation and the increased costs due to supply chain issues. So, with an original subtotal of \$80,000, increasing that by 10-15% would put you in the \$88,000 - \$92,000 range before contingency. We originally included a 20% contingency to account for unknowns and to be safe. If you want to include a 20% contingency, it will put you at \$105,600 – \$110,400 range.

Regarding the Phase II portion of the project (the covered bridge portion), we have not engineered that yet but our preliminary thoughts were that it would be engineered as a “stand-alone” structure constructed around the Phase I pedestrian bridge.

Regarding M&C assisting the Town with the RFP, bidding, awarding, etc. of this project, we would be more than happy to assist with that.

I hope you find this information helpful, please feel free to reach back out if you need anything else. Thanks Ben.

**James B. Voso, PE**

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<b><u>Item Description</u></b>	<b><u>Pay Type</u></b>	<b><u>Unit Price</u></b>
MOBILIZATION	LUMP SUM	\$ 7,500
REMOVAL OF EXISTING STRUCTURE	LUMP SUM	\$ 10,000
ABUTMENT REPAIRS	LUMP SUM	\$ 5,000
ASBESTOS ASSESMENT FOR BRIDGE DEMOLITION AND RENOVATION ACTIVITIES	LUMP SUM	\$ 7,500
BRIDGE RAILING	LUMP SUM	\$ 9,000
DRAINAGE SYSTEM	LUMP SUM	\$ 4,000
CLEANING AND REPAINTING OF BRIDGE	LUMP SUM	\$ 15,000
POLLUTION CONTROL	LUMP SUM	\$ 5,000
PAINTING CONTAINMENT FOR BRIDGE	LUMP SUM	\$ 13,000
CLEANING AND PAINTING EXISTING BEARING PLATES	LUMP SUM	\$ 1,000
TRAFFIC BOLLARDS	LUMP SUM	\$ 3,000
Subtotal		\$ 80,000
Contingency (20%)		\$16,000
<b>Total</b>		<b>\$96,000</b>

REPORT AND RECOMMENDATIONS OF THE MONTREAT BRIDGE AESTHETICS  
COMMITTEE TO THE MONTREAT TOWN COUNCIL

August 1, 2018

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The Montreat Bridge Aesthetics Committee (the “Committee”) was formed to study and provide recommendations to the Montreat Town Council concerning the design and aesthetic features of the Texas Road Extension Bridge. The bridge is scheduled to be repaired and converted to a pedestrian bridge. Although the Committee’s primary charge was to make design and aesthetic recommendations, the Committee was required to make a preliminary assessment and analysis of the safety improvements and repairs to the bridge that will be required to arrive at its recommendations.

The Montreat Town Council initially appointed the following persons to serve as members of the Committee: Jane Alexander, Mason Blake, Randi Collie, Shannon Ingersoll, Robin Melvin, Walter Somerville and Robert Wynne. Robert Wynne resigned as a member of the Committee after its first meeting due to conflicts between the Committee’s meeting schedule and his prior commitments. After the first meeting, the Montreat Town Council appointed Kent Otto as an additional member of the Committee.

The initial and organizational meeting of the Committee was held on April 26, 2018. Subsequent meetings were held on May 24<sup>th</sup>, June 14<sup>th</sup>, July 10<sup>th</sup>, July 26<sup>th</sup> and August 1st. The following is a brief summary of each meeting of the Committee:

April 26, 2018 Meeting

A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Randi Collie, Shannon Ingersoll, Robin Melvin and Walter Somerville
- Town staff present: Angie Murphy, Town Clerk
- Members of public attending: Kent Otto

B. Matters Discussed and Actions Taken

- Election of officers: Mason Blake was selected to be chairperson, Robin Melvin was selected to be vice-chairperson and Jane Alexander was selected to be secretary
- Rules and Procedures: The Committee adopted a proposed set of Rules and Procedures to govern its deliberations.
- Meeting Dates and Times Set: The Committee scheduled meetings on May 24<sup>th</sup>, June 14<sup>th</sup>, July 10<sup>th</sup>, July 26<sup>th</sup>, August 9<sup>th</sup> and the second Thursday of

each month thereafter if needed until the Committee had concluded its deliberations.

#### C. Committee Goals and Objectives

- The Committee agreed that its meetings and deliberations should encourage maximum public participation. Multiple meetings were scheduled in June and July to give summer residents the ability to provide input to the Committee's deliberations. Public comment was included as a part of every agenda. Announcements and publications concerning the Committee's meetings were authorized and encouraged. Pursuant to this decision, notifications concerning the Committee's meetings were published in the Montreat Cottagers Association newsletter, announced at the Montreat Cottagers Association meeting and sent on-line by the Town to subscribers of its "Sunshine List."
- The Committee also recognized that it was important to educate the public about the role of the Committee. The future function of the bridge as a pedestrian only bridge had already been decided and was not an issue before the Committee.
- The Committee reviewed the need to obtain input from the Town staff concerning various technical issues related to the current condition and needed repairs to the bridge, required safety improvements and the Town's budget for the project. The Committee decided to make these topics the focus of its May 24<sup>th</sup> meeting.

#### May 24, 2018 Meeting

##### A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Robin Melvin, Kent Otto and Walter Somerville
- Town staff present: Alex Carmichael, Town Administrator, and Angie Murphy, Town Clerk
- Members of public attending: none

##### B. Public Discussion

- There were no members of the public present at the meeting. Mason Blake shared with the committee the stone bridge suggestions he received in the mail from Nancy Thomas. The materials received from Ms. Thomas included pictures, a sketch and other materials. Robin Melvin suggested that the Committee solicit the advice and participation of members of the public who have expertise that could assist the Committee's deliberations. The Committee concluded that was a good suggestion and encouraged members to do so.

### C. Matters Discussed and Actions Taken

- The Committee again discussed the importance of public involvement, and of the Committee being open, transparent, welcoming of public input and respectful of all views and suggestions. Mason Blake reported that he prepared an article concerning the Committee's meetings that was submitted for publication in the Montreat Cottagers Association newsletter.
- The Town Administrator reviewed the results of the 2017 Texas Road Bridge Inspection Report prepared by KCI Associates of NC ("KCI"), an engineering firm that had been engaged by the Town, and an Executive Summary of the Inspection Report and Recommendations for Maintenance Repairs prepared by the Town staff. KCI has determined that the bridge structure in its current condition can support pedestrian loading. Safety concerns that need to be addressed are (i) installing new pedestrian bridge rails, (ii) correcting the current uneven bridge surface, (iii) installing bollards to prevent vehicles from using the bridge, and (iv) design features to direct traffic to the center of the bridge and away from the structurally compromised edges of the bridge. Although the bridge is in fair condition and has a remaining useful life of 20 years, structural concerns, particularly the structurally compromised 3 1/2' edge of the timbers along each side of the bridge, must be addressed as well as safety concerns.
- The Town administrator explained that the budget for the project in the current budget would be \$20,000.00. The Committee discussed the possibility of raising additional funds for the bridge project through private donations if the recommended improvements exceeded the Town's budget.
- The Committee discussed preliminary ideas and suggestions concerning the aesthetic aspects of the bridge. The possible use of planters and landscaping were discussed, with reference the bridge at Lake Lure as an example of this approach. A possible covered bridge was discussed and examples of this approach in other communities were noted. The style and design of other pedestrian wood bridges in Montreat were discussed.
- The Committee decided that before proceeding further to discuss the design of the bridge, more information regarding the required repair of the bridge was needed. The Committee decided that the members would take tours, two at a time, of the bridge with Public Works Director Barry Creasman. Pursuant to this discussion, each member of the Committee met with Barry Creasman to inspect the bridge and its condition between the May 24<sup>th</sup> meeting and the June 14<sup>th</sup> meeting of the Committee.

## June 14, 2018 Meeting

### A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Randi Collie, Shannon Ingersoll, Robin Melvin, Kent Otto and Walter Somerville
- Town staff present: Alex Carmichael, Town Administrator, and Barry Creasman, Town Public Works Director
- Members of public attending: Peggy Scheu, Tom Frist, Suzanne Sloan, Sam Sloan, Margaret Bauer, George Sanger and Hugh Alexander

### B. Public Discussion

- Peggy Scheu indicated she wanted to ensure the Town's budget was adhered to and was concerned that any plantings and landscaping recommended were appropriate to the growing conditions and did not result in significant maintenance costs.
- Tom Frist stated that he favored a covered bridge that would be accompanied by seating areas on the bridge, pots with plants at various location and a small park area with seating and picnic tables on the Town's land located west of the bridge. He suggested using wood and stone materials. He presented a conceptual drawing of the bridge he proposed and proposed the name "Shalom Bridge."
- Sam and Suzanne Sloan agreed with the concept of a covered bridge and stated that it would be an attractive addition to the community.
- Margaret Bauer also agrees that a covered bridge would be a very attractive design for the bridge.
- George Sawyer expressed his support for the concept of a covered bridge.
- Hugh Alexander indicated he liked the covered bridge and other concepts articulated by Tom Frist, including the use of wood and stone materials and design elements.
- Emailed suggestions received from Patti Pyle (using birdhouses as a design element) and Bruce Burdett (suggesting a covered bridge, with benches along the sides, landscaping, and brick paving of the pathways leading up to the bridge) were also discussed.

### C. Matters Discussed and Actions Taken

- Several members of the Committee, including Jane Alexander and Robin Melvin, expressed their support for a covered bridge design. Randi Collie shared various pictures of a covered pedestrian bridge in another community and pointed out design elements that were incorporated in that bridge. Other members of the Committee remarked that using the design elements of stone and wood would be attractive and reflect the character of Montreat. It was noted that the bridge could be a major visual landmark in Montreat, and that a small park area next to the bridge would provide a location for informal

gatherings and to view the activities on Welch Field. The Committee discussed the possibility of constructing the bridge in two phases. The first phase would include at a minimum the required structural repairs and safety improvements. The second phase would include design and aesthetic elements and improvements that cost in excess of the Town's \$20,000 budget.

- The Committee discussed their bridge inspections and related discussions with Barry Creasman, and discussed repair alternatives. An important factor is avoiding obtaining a permit from the U.S. Army Corps of Engineers ("ACOE") in connection with the bridge repairs. Obtaining an ACOE permit would cause inordinate delay and expense. Thus, the bridge repair strategy adopted must not require an ACOE permit. Shannon Ingersoll pointed out that the repair strategy adopted must also be cognizant of repairs that will be required in approximately 20 years to the head wall and wing walls of the bridge.
- The Committee discussed several possible approaches and combinations thereof to the bridge project. These included (i) building a "bridge over the bridge" or "floating bridge" to eliminate the need to repair the existing bridge surface and/or timbers, (ii) cutting down the sides of the existing timbers, which are structurally degraded, reducing the current width of the bridge to the width of the outside steel beams, and (iii) resurfacing the current bridge (including replacing the existing timbers on top of the steel beams if that could be done without obtaining an ACOE permit). The Committee also noted that costs could be saved if the repairs could be completed using the Town's public works crew instead of an outside contractor.
- The Committee determined that it could not move forward with a discussion of recommendations until more was known concerning the amount and type of repair work that could be accomplished without an ACOE permit. Alex Carmichael was asked to have further discussions with KCI to determine the extent of the repair work to the bridge that could be accomplished without an ACOE permit.

#### July 10, 2018 Meeting

##### A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Robin Melvin, Kent Otto and Walter Somerville
- Town staff present: none
- Members of public: Laura Spangler, Judy Gregory and Scott Gregory

##### B. Public Discussion

- Laura Spangler expressed her desire for the bridge to be strictly pedestrian and indicated she liked the concept of a covered bridge.

- Scott Gregory suggested that the Town utilize the existing bridge structure to the extent reasonably possible. He indicated his support for a covered bridge design.

#### C. Matters Discussed and Actions Taken

- Mason Blake reported on his meeting with Alex Carmichael, who was unable to attend the Committee's meeting due to a conference he was attending. Alex had spoken with KCI regarding the repair of the bridge and what repairs could be accomplished without the need for an ACOE permit. He reported that the approximate 3 1/2' edge of the timbers along each side of the bridge can be removed without obtaining an ACOE permit. KCI also indicated that all of the timbers on top of the steel beams can be removed without the need for an ACOE permit. Alex indicated, however, that due to the current heavy workload of the public works department staff, it might be more appropriate for an outside contractor to make the bridge repairs. The design of the bridge which is adopted and the timetable for the repairs will impact the ability of the Town staff to do the work. Alex also indicated he had received a favorable response to his inquiry to the UNC School of Government concerning the ability to raise private funds to pay for the cost of the bridge project if it exceeded the Town's budget. The Committee discussed asking the Montreat Cottagers Association to form a "Friends of the Montreat Bridge Committee." The Friends of the Montreat Bridge Committee would provide a fundraising vehicle for members of the community who desire to raise funds to pay for bridge improvements that exceed the Town's budget. Walter Somerville noted that the community had the ability to create another "landmark" for Montreat, but that this would cost substantially more than the Town's \$20,000 budget.
- The Committee then discussed a schedule for concluding its deliberations and recommendations. The Committee will continue to obtain public input and suggestions at its meeting on July 26<sup>th</sup>. At that meeting, the Committee will begin discussions concerning, and attempt to reach preliminary agreement on, a report and recommendations to the Town Council concerning the bridge and related improvements. The Committee will endeavor to adopt a final report and recommendation to the Town Council at its meeting on August 9<sup>th</sup>.

#### July 26, 2018 Meeting

##### A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Randi Collie, Shannon Ingersoll, Robin Melvin, Kent Otto and Walter Somerville
- Town staff present: Alex Carmichael, Town Administrator, and Angie Murphy, Town Clerk
- Members of public: Amy Blake, John Hinkle and Tom Frist



## B. Public Discussion

- Members of the public did not have any comments to make during the public discussion portion of the meeting. Tom Frist and John Hinkle did offer some comments during the Committee's later discussions.

## C. Matters Discussed and Actions Taken

- In further discussions regarding structural and safety improvements, Randi Collie noted she had concerns about locating seating on the bridge and suggested seating be limited to the proposed park area. In further discussion about structural improvements, Shannon Ingersoll noted that the construction plans should take into consideration the remaining life of, and future need to replace, the headwalls and wing walls.
- In further discussion of potential aesthetic improvements, Walter Somerville circulated a picture of a covered walking bridge with open sides and various wood and stone design elements. Numerous positive comments concerning the design of this bridge were made by those in attendance. Randi Collie circulated a picture of the design of the beams at the entry of the Chapel of the Prodigal and suggested this type of design could be replicated on the bridge. Numerous positive comments concerning this suggestion were made by those in attendance.
- The Committee discussed a draft outline of recommendations to the Town Council regarding the construction and design of the bridge. Numerous suggestions and comments were made by various Committee members. As part of the recommendation, the Committee suggests the bridge project be separated conceptually into two phases, with the first phase including needed safety and structural improvements and the second phase including (i) a roof (with supporting columns) for the bridge, (ii) stone and design elements that could not be included in the Town's initial budget, and (iii) a park area on the west side of the bridge. Robin Melvin suggested that if fundraising efforts for phase two were successful early on, the bridge could be constructed in a single phase. The Committee agreed that this would be the best approach if it is feasible.
- The Committee discussed a draft Report to the Town Council that will incorporate its recommendations. The Committee also discussed providing a preliminary verbal report to the community at the Montreat Cottagers, Inc. meeting scheduled for August 4, 2018. The Committee agreed to schedule an additional meeting on August 2, 2018 to finalize approval of a recommendation to the Town Council in advance of the Council's meeting on August 9, 2018. Finally, there was general discussion of possible fundraising strategies for phase two of the bridge, with John Hinkle offering several very excellent suggestions.

## August 1, 2018 Meeting

### A. Persons Attending

- Committee members present: Jane Alexander, Mason Blake, Randi Collie, Shannon Ingersoll, Robin Melvin, Kent Otto and Walter Somerville
- Town staff present: Angie Murphy, Town Clerk
- Members of public: Emory Underwood, Ashton Phelps and Mary Standaert

### B. Public Discussion

- Members of the public did not have any comments.

### C. Matters Discussed and Actions Taken

- Mason Blake reported that he spoke with both Mayor Helms and Righton McCallum regarding the Committee making a report of its deliberations to the community at the Montreat Cottagers meeting on August 4, 2018. Neither had any objection.
- The Committee discussed a revised draft of its Report to the Town Council that incorporated its recommendations. Robin Melvin suggested adding a statement recommending that the Town Council consider including funding for any unfunded portion of the first phase or the second phase of the bridge project in its budget for the fiscal year 2019-2020 (and if needed later years). The Committee agreed with this suggestion. The Committee unanimously approved the report and recommendations of the Montreat Bridge Aesthetics Committee with this revision.
- Various aspects of the presentation and report to be given at both the Cottagers Association and Town Council meetings were discussed. The Committee, having concluded its assigned duties, determined that it would not meet on August 9, 2018.

## Final Recommendations

Based on the foregoing meetings and deliberations, the Montreat Bridge Aesthetics Committee respectfully submits the following recommendations to the Montreat Town Council:

1. The Committee recommends the existing Texas Road bridge be reconstructed as a covered pedestrian bridge with wood and stone design elements and open sides. The concept of a covered bridge was suggested and strongly supported by members of the public that appeared before the Committee. The Committee believes the covered bridge will be a project that unifies the community and adds a significant new landmark feature to the Montreat landscape.
2. Due to the amount of funding included in the 2018-2019 Town budget (i.e., \$20,000.00), the Committee recommends the bridge project be separated, at

least conceptually, into two phases. The first phase would use the current 2018-2019 Town budget of \$20,000.00 to (a) design and estimate the cost of both phases, and (b) construct the first phase.

3. The Committee recommends the first phase of construction utilize the existing bridge structure to the extent reasonably possible. The Committee advises the Town Council that the engineer, in designing the project, will need to consider the useful life of, and need to repair or replace in the future, the existing headwalls and wingwalls of the bridge. The Committee also advises the Town Council that a structural engineer may need to be consulted in the design process.
4. The Committee recommends that the first phase of construction make needed structural improvements to the bridge. The first phase would include either (a) removing the approximate 3 1/2' edge of the timbers along each side of the bridge (to the edge of the underlying steel beams), and then resurfacing the top of the remaining portion of the timbers, or (b) removing all of the existing timbers along the top surface of the bridge and install new narrower timbers in their place. A more expensive alternative that would not utilize the existing structure as extensively would be to construct a "bridge over the bridge," with new supporting structures being installed.
5. The Committee recommends that the first phase of construction also include needed safety improvements to the bridge. These include resurfacing the bridge, installing a handrail along each side of the bridge, installing bollards to prevent vehicular traffic on the bridge, and installing design elements directing pedestrian traffic onto the bridge.
6. The Committee recommends that the Town Council combine the first phase of construction and the second phase of construction if a fundraising effort for the second phase (which is discussed below) raises the funds needed for construction of the second phase within a time frame that allows combining the two phases. The Committee also recommends that the Town Council consider including funding for any unfunded portion of the first phase or the second phase of the bridge project in its budget for the fiscal year 2019-2020 (and if needed later years).
7. The Committee recommends that the second phase of construction include (a) a cover/roof over bridge, (b) a small park area in the area west of the bridge, and (c) design elements and features that cannot be included in the first phase due to budgetary constraints. In creating the design for the bridge and park area, the installation of appropriate seating should be considered, and the incorporation of appropriate, low-maintenance landscaping/plantings and/or stone features at or near the entrance to the bridge should be considered. An "Arts and Crafts" or similar design theme consistent with Montreat architectural styles should be utilized.
8. Both phases of construction should use wood and stone as materials and design elements. Careful attention should be given to these design elements. The Committee has attached to its report pictures of bridges in other localities that reflect the type of design and design detail favored by the Committee. Sketches

and materials submitted to the Committee by members of the public are also attached to the Committee's report.

9. The Town Council should enter into discussions with a Friends of the Montreat Bridge Committee, assuming the same is formed under the auspices of the Montreat Cottagers, Inc. or another community organization. It is contemplated that the Friends of the Montreat Bridge Committee and the Town would enter a donation agreement under the terms of which the committee would raise funds for all or a significant portion of the cost of constructing the second phase of the bridge. Naming rights, the installation of plaques and memorials, and other matters relevant to fundraising would be incorporated in the donation agreement. Under the terms of the donation agreement, the Friends of the Montreat Bridge Committee would also advise and consult with the Town Council concerning the design of each phase of the bridge.

Respectfully submitted to the Town Council by the members of the Montreat Bridge Aesthetics Committee this 1st day of August, 2018.

Jane Alexander  
Mason Blake  
Randi Collie  
Shannon Ingersoll  
Robin Melvin  
Kent Otto  
Walter Somerville

## MEMORANDUM

To: Town of Montreat File

From: Mason Blake

Re: Possible Town Ordinances to Address Hunting Dogs at Large in Montreat

Date: February 24, 2022

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Numerous complaints have been received from residents concerning packs of hunting dogs pursuing bears in residential areas of Montreat. Some of their experiences were shared with the council at the past two town forums. The following is one example of the communications we have received:

Over the course of at least two days, we had a pack of hunting dogs chasing a large wild animal through a residential area in broad daylight. Many families were visiting Montreat for the holidays. In fact, my own niece, her husband, and their four small children were packing up their car when the bear and dogs raced just a few feet away from them, terrifying the children and leaving the parents scrambling to find their kids and bring them to safety. She was unsure if the hunter was in pursuit or if he might discharge his weapon.

We recognize the importance of the annual state-regulated bear harvest to the safety and enjoyment of Montreat by residents and visitors, as well as to the long-term welfare of the bear population in the area. But packs of hunting dogs, followed by armed hunters, pursuing bears through Montreat neighborhoods creates dangerous and threatening situations that are of very great concern. These incidents could result in serious injury to our residents and visitors, including children.

These incidents are not necessarily the result of hunting dogs gone astray. The following communication from a Montreat resident makes that disturbingly clear:

Mid-morning on Saturday, Jan. 1, we started walking from our cottage . . . down Greybeard, across to South Carolina, and on to Florida Terrace at Lookout. During this 20-30 minute walk we heard howling dogs in the distance to the southwest, coming closer the entire time. As we approached the intersection of Lookout/Florida Terrace/Chapman Rd., a bear suddenly ran across Chapman Rd about 50 yards ahead of us, followed closely by a pack of 6-8 barking dogs nipping at its heels. The bear and dogs all continued east up the mountain.

Shortly afterwards a white truck appeared, turning on to Chapman. A man got out and let additional dogs loose which ran howling in the direction the bear and other dogs had gone. Next a dark truck drove up Lookout and stopped at the intersection of Chapman and Lookout. Two men in the car told us they had been

tracking the bear with their dogs all the way from the North Fork Reservoir into Montreat, about 6-7 miles cross-country. They said . . . they were trying to move it to their hunting grounds up the mountain as they were not allowed to shoot it on Montreat property.

In this incident, dogs were intentionally released from a truck in Montreat to chase a bear that was already being pursued by other dogs. The chase was apparently initiated with the intent or knowledge that it would very possibly cross through Montreat. It was not an inadvertent foray into the town. The dogs were not out of control. They were chasing the bear as directed and intended by the hunters.

The special public forum held on February 10<sup>th</sup>, attended by concerned residents, Captain Melton of the NC Wildlife Resources Commission and representatives of the Mt. Mitchell Bear Hunting Club, was a very good first step in addressing this problem. Captain Melton noted that the town could and should consider enacting ordinances to deter these occurrences. In evaluating what type of ordinances to consider enacting, the Council should evaluate (i) whether existing ordinances (whether as currently drafted or with modifications) can effectively deter hunters from allowing their hunting dogs to run at large in the town, and (ii) whether any new ordinance can be enacted that would effectively deter hunting dog and hunter intrusions.

The town has two existing ordinances that indirectly regulate bear hunting with dogs. Article V of Chapter I of the Montreat Code of General Ordinances (the “Town Code”) regulates firearms (the “Firearms Ordinance”). The Firearms Ordinance prohibits a person from shooting or discharging a firearm in the town, except when used in the defense of person or property or pursuant to the directions of law enforcement. The Firearms Ordinance discourages hunting within the town because it is not possible to kill any game within the town without violating the ordinance. However, neither the Firearms Ordinance nor any other town ordinance prohibits hunting per se. As long as firearms are not discharged, hunting within the town, with or without dogs, is not against the law. In the case of the recent incidents, none of the conduct involved violated the Firearms Ordinance because no firearms were discharged.

Article III of Chapter I of the Town Code regulates dogs (the “Dog Control Ordinance”). The Dog Control Ordinance requires the owner or custodian of a dog to keep the dog “under restraint at all times” and prohibits allowing the dog to be at large. The Town Code provides that an animal is “at large” when it is off the owner's property and not under the control of the owner (or other responsible person) by leash, cord or chain. Unfortunately, the penalties for violating the Dog Control Ordinance are extremely limited. The ordinance provides that any dog found running at large shall be impounded in the Black Mountain or another animal shelter. Impounded dogs not claimed within twenty-four hours are required be turned over the Buncombe County Animal Shelter. The ordinance allows an owner to reclaim the dog by paying the applicable impoundment fees (which is paid to Black Mountain and/or Buncombe County Animal Shelters). No other specific penalty is provided for dogs being allowed to run at large. Section 4 of Chapter L does provide the following civil penalty for all violations of Chapter I: first violation - oral warning; second violation – written warning; third violation - \$250 penalty; forth and subsequent

violations - \$500.00 penalty. But limiting the penalty to warnings for the first two violations does not provide effective deterrence.

If a more effective penalty is imposed on owners who allow their dogs to run at large through Montreat (for example, a significant penalty for the first and every other violation of the prohibition against dogs running at large, which escalates when multiple dogs are involved) could be an effective deterrent against the repetition of these incidents. A large number of local governments in North Carolina, including Buncombe County and Black Mountain, impose both civil and criminal penalties against owners who allow their dogs to run at large, with the civil penalties escalating in the event of repeated violations. The Town Council should consider amending to the Dog Control Ordinance to provide for civil and criminal penalties that can be imposed on owners that allow their dogs to run at large. Penalties should escalate based on the number of dogs that are allowed to unlawfully run at large. For example, we could provide these violations would (i) result in a civil penalty of \$100 per dog allowed to run at large for the first violation that would increase to \$200 per dog for the second violation and \$300 per dog for the third violation, and (ii) constitute second- or third-degree misdemeanors.

The second area of inquiry is whether a new ordinance can be enacted that would effectively deter hunting dog intrusions. An obvious possibility is an ordinance that prohibits bear hunting with dogs within the town. However, the town does not have the power to enact such an ordinance. Under North Carolina state law, local regulation of hunting is not permitted except (i) where an ordinance “exercises valid powers over subjects other than the conservation of wildlife resources, even though an incidental effect may consist of an overlapping or conflict of jurisdiction as to some particular provision not essential to the conservation objectives set out in the state wild game laws,” and (ii) through local acts passed by the General Assembly (NCGS subsection 113.131 (b)). Thus, the only vehicle available to the town to prohibit bear hunting with dogs is the enactment of a special act by the General Assembly.

A possible new ordinance that would deter hunting dogs being allowed to run at large, and which the town would have the power to enact, is an ordinance which makes it unlawful and criminal trespass for a person to come onto private property without written permission to hunt or to retrieve dogs that are engaged in hunting. The ordinance could provide that “no trespass” signs are not required to be posted within all or certain portions of the town. Such a measure was suggested by Capt. Melton and could be effective in deterring repetition of the recent hunting dog incidents. It would enable the town’s police officers to write a trespass citation on site for anyone attempting to retrieve their dogs without written permission on properties in Montreat. Violations of the trespass ordinance could be punished by the imposition of both civil fines and second- or third-degree misdemeanor criminal penalties in the same manner as violations of the Dog Control Ordinance.

Another new ordinance the town should consider adopting is a public nuisance ordinance which would prohibit keeping any animal in a manner or in such numbers that would constitute a public nuisance. Public nuisance provisions are common in North Carolina county and municipal animal control ordinances. Our ordinance could specify that allowing one or more hunting dogs to run at large and pursue bears within the town limits is deemed to constitute a public nuisance.



Violations of the public nuisance ordinance could be punished by both civil fines and second- or third-degree misdemeanor criminal penalties in the same manner as violations of the Dog Control Ordinance.

In considering these measures, we want to ensure any ordinance revisions and new ordinances are reviewed and commented upon by all affected groups, including our residents, the NC Wildlife Resources Commission and the Mt. Mitchell Bear Hunting Club. Once we have modified the Dog Control Ordinance to provide for civil and criminal penalties, and enacted trespass and public nuisance ordinances to also deter hunting dogs being allowed to run at large in Montreat neighborhoods, the NC Wildlife Resources Commission and the Mt. Mitchell Bear Hunting Club can help us inform the bear hunting community that the new laws are in place and that we will not tolerate bear hunting dogs running at large in Montreat.

**MONTREAT CODE OF GENERAL ORDINANCES**  
**CHAPTER I - DISORDERLY CONDUCT AND PUBLIC NUISANCES**  
**ARTICLE III: DOGS**

**Section 1. Dog Control.**

- a) Collar and Tags. No Person or Entity shall own or keep any dog over the age of six (6) months in the Town unless that Person has provided a collar and tags for each dog as herein provided. The collar shall contain a current rabies vaccination tag and an identification tag with the owner's name and telephone number imprinted upon it.
- b) Vaccination. It shall be unlawful for the owner of any dog to keep the dog unless it is vaccinated by a licensed veterinary surgeon with anti-rabies vaccine as required by the General Statutes of North Carolina. Proof of rabies inoculation must be attached to the collar of the dog.
- c) Restraint. The owner or custodian of a dog shall keep the dog under restraint at all times and shall not permit the dog to be At Large.
- d) Impoundment. Any dog not displaying the proper tags as required in this Ordinance or any dog found running At Large shall be taken up by the Animal Control Officer, or authorized representative thereof, or a Montreat police officer, and impounded in the Black Mountain Animal Shelter or other animal shelter designated by the Town Administrator. All dogs not claimed within twenty-four (24) hours shall be turned over the Buncombe County Animal Shelter. Upon arrival at the Buncombe County Animal Shelter, dogs not claimed within seven (7) days may be put up for adoption or humanely euthanized.
- e) Notice to Owner. As soon as a dog has been impounded, the Town will attempt to notify the owner by telephone and inform the owner of the dog's impoundment and how custody of the dog may be regained.
- f) Impoundment Fees. An owner may reclaim an impounded dog by paying the necessary impoundment fees at the temporary animal shelter in the Town of Black Mountain. If the dog has been turned over to Buncombe County officials,

the owner must first pay the Town's impoundment fee at the temporary animal shelter in the Town of Black Mountain, obtain a release for the dog from the Town of Black Mountain, and then pay the required Buncombe County fees at the County shelter. Dogs will not be released from the Buncombe County shelter unless a release slip has been issued by the Town of Black Mountain showing that the appropriate Black Mountain fees have been paid.

## **MONTREAT CODE OF GENERAL ORDINANCES**

### **CHAPTER L – PENALTIES**

**(Revised 6/09/2005); (Re-titled 6/14/2007)**

**Section 1.** Unless otherwise specifically provided, any Person or Entity violating any of the provisions of any Section or Subsection of this Code of General Ordinances (the Code) or failing, neglecting or refusing to comply with the same shall be subject to the remedies provided for in this Chapter, except that if a provision of this Code has been adopted pursuant to a North Carolina General Statute that provides specific civil remedies for violation, such remedies shall be available to the Town for enforcement of this Code in addition to the remedies set out in this Chapter.

**Section 2. Criminal Penalty.** Violations of the provisions of this Code regulating the operation or parking of vehicles shall be an infraction and shall subject the offender to a penalty of not more than fifty dollars (\$50.00) pursuant to N.C.G.S. § 14-4(b). Except as otherwise provided, a violation of other provisions of this Code shall be a misdemeanor and shall subject the offender to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed twenty (20) days or the maximum provided by N.C.G.S. § 14-4(a) and § 15A-1340.23..

**Section 3. Civil Penalty.** Violations of this Code shall subject the offender to a civil penalty upon the issuance of a citation for a violation. The Town may recover the civil penalty, if not paid to the Town Administrator within thirty (30) days of the date the citation was issued, in a civil action in the nature of a debt pursuant to N.C.G.S. § 160A-175. Each day that any violation of the provisions of this Code continues shall constitute a separate and distinct

offense. The civil penalty shall be fifty dollars (\$50.00) for each violation unless otherwise provided in this Code or set forth below: For purposes of determining the amount of the civil penalty pursuant to this Section, the failure to pay the fifty-dollar (\$50) civil penalty shall not constitute a separate and distinct offense that subjects the offender to an additional fiftydollar (\$50) civil penalty.

#### **Section 4. Civil Penalty for Violations of Chapter I—Disorderly Conduct and Public**

##### **Nuisances in Montreat:**

**First violation:** Oral Warning

**Second violation:** Written Warning

**Third violation:** \$250.00

**Fourth and subsequent violations:** \$500.00

#### **Montreat General Ordinances**

##### **Chapter L – Penalties**

Second or subsequent violations of the provisions of Chapter I by the same person for the same activity occurring within one year of the first such violation shall be subject to the higher penalties set forth above. The citation shall be issued to the offender and a copy of the citation shall be sent to the owner of the property where the violation occurred at the contact information shown on the Privilege License application or other Town records.

RESOLUTION  
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT  
ARPA  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous

DATE OF RESOLUTION
May 1, 2018

Tax Identification Number
XX-XXX9173

By signing below, I certify to FIRST BANK that the Entity is a validly chartered and operating under the laws of the State of North Carolina, properly adopted at a duly called open legal meeting of the Entity, if any; this Resolution is contained in the minutes of the Entity, amended or rescinded, and was and still is in full force and effect, and complete copy of the charter of the Entity and genuine signatures of the persons authorized to sign the same are attached; the Financial Institution may rely upon my certification and the

named Governmental Entity ("Entity"), and complete copy of the Resolution, attached hereto as Exhibit 2 in accordance with the charter of the Entity, is in full force and effect and has not been amended or rescinded. A Financial Institution has been provided a true and correct copy of the Resolution and the names, titles, and authorized signatures of the persons authorized to sign the same are attached below are the correct names, titles, and authorized signatures of the persons authorized to sign the same; and the Financial Institution may rely upon my certification and the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the

**DEPOSITORY ACCOUNT.** Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).  
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).  
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.  
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.  
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.  
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.  
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

**DESIGNATED DEPOSITORY.** Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

**AUTHORIZED SIGNER'S POWERS.** Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

**IMPROPER ENDORSEMENT.** Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

**DISPOSITION OF FUNDS.** When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

**PRIOR ENDORSEMENTS.** All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

**PRE-RESOLUTION TRANSACTIONS.** All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

**WARRANTY.** That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

**NOTIFICATION OF CHANGES.** The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

**REVOCATION AND MODIFICATION.** An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



**DESIGNATION OF AUTHORIZED SIGNERS**

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
BENNY T BLACKBURN JR INTERIM TOWN ADMINISTRATOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

\_\_\_\_\_  
BENNY T BLACKBURN JR  
Certifier

\_\_\_\_\_  
Date





# FIRST BANK

TOWN OF MONTREAT  
CENTRAL CHECKING ACCOUNT  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

DATE OF RESOLUTION

May 1, 2018

**Tax Identification Number**

XX-XXX9173

ove named Governmental Entity ("Entity"), true and complete copy of the Resolution, 2022 in accordance with the charter of the is still in force and effect and has not been nancial Institution has been provided a true rovided below are the correct names, titles, ("Authorized Signers"); and the Financial e representations in this Resolution.

**The Authorized Signers shall possess the powers indicated as contained in this Resolution.**

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).

Number of signers required: 01

- **Make Deposits.** Make deposits to the Entity account(s).

Number of signers required: 01

- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.

Number of signers required: 01

- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.

Number of signers required: 01

- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.

Number of signers required: 01

- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.

Number of signers required: 01

**DESIGNATED DEPOSITORY.** Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

**AUTHORIZED SIGNER'S POWERS.** Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the





Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

**IMPROPER ENDORSEMENT.** Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

**DISPOSITION OF FUNDS.** When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

**PRIOR ENDORSEMENTS.** All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

**PRE-RESOLUTION TRANSACTIONS.** All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

**WARRANTY.** That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

**NOTIFICATION OF CHANGES.** The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

**REVOCATION AND MODIFICATION.** An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



**DESIGNATION OF AUTHORIZED SIGNERS**

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
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ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

BENNY T BLACKBURN JR  
Certifier

Date



# FIRST BANK

TOWN OF MONTREAT  
CENTRAL DEPOSITORY ACCOUNT  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

XX-XXX9173

re named Governmental Entity ("Entity"),  
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"Authorized Signers"); and the Financial  
representations in this Resolution.

**The Authorized Signers shall possess th**

Number of signers required: 01

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

**IMPROPER ENDORSEMENT.** Any negotiable instrument, check, draft, or order for the payment of moneys not clearly endorsed by an Authorized Signer may be returned to the Entity by the Financial Institution. The Financial Institution, in its sole discretion, alternatively may endorse on behalf of the Entity any negotiable instrument, check, draft, or order for the payment of money not clearly endorsed in order to facilitate collection. Financial Institution shall have no liability for any delay in the presentment or return of any negotiable instrument, check, draft, or order for the payment of money which is not properly endorsed.

**DISPOSITION OF FUNDS.** When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

**PRIOR ENDORSEMENTS.** All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

**PRE-RESOLUTION TRANSACTIONS.** All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

**WARRANTY.** That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

**NOTIFICATION OF CHANGES.** The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

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**DESIGNATION OF AUTHORIZED SIGNERS**

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
DAVID P ARRANT POLICE CHIEF		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
BENNY T BLACKBURN JR INTERIM TOWN ADMINISTRATOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
KATHERYN KIRK FOUCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

BENNY T BLACKBURN JR  
Certifier

Date





RESOLUTION  
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT  
POWELL ACCOUNT  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous

DATE OF RESOLUTION
May 1, 2018

Tax Identification Number
XX-XXX9173

By signing below, I certify to FIRST  
validly chartered and operating under  
properly adopted at a duly called open  
Entity, if any; this Resolution is current  
amended or rescinded, and was and is  
and complete copy of the charter of the  
and genuine signatures of the person  
Institution may rely upon my certification

above named Governmental Entity ("Entity"),  
a true and complete copy of the Resolution,  
0, 2022 in accordance with the charter of the  
is still in force and effect and has not been  
Financial Institution has been provided a true  
provided below are the correct names, titles,  
on ("Authorized Signers"); and the Financial  
the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess

**DEPOSITORY ACCOUNT.** Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).  
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).  
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.  
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.  
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.  
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.  
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

**DESIGNATED DEPOSITORY.** Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

**AUTHORIZED SIGNER'S POWERS.** Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

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**DISPOSITION OF FUNDS.** When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

**PRIOR ENDORSEMENTS.** All negotiable instruments, checks, drafts, or orders for the payment of money deposited with prior endorsements are guaranteed by the Entity.

**PRE-RESOLUTION TRANSACTIONS.** All actions by Authorized Signers in accordance with this Resolution but before the adoption of this Resolution are approved, ratified, adopted, and confirmed by the Entity.

**WARRANTY.** That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

**NOTIFICATION OF CHANGES.** The Entity shall notify Financial Institution in writing at its address shown above in advance of any changes which would affect the validity of any matter certified in this Resolution.

**REVOCATION AND MODIFICATION.** An act ("Act") to modify, terminate, amend or replace this Resolution will not immediately affect the ability of the Financial Institution to rely upon this Resolution. The Act shall not affect any action by the Financial Institution in reliance on this Resolution before the date the Act becomes effective as set forth in the next sentence. An Act will not become effective until all of the following occur: (a) Financial Institution receives written notification of the Act in a form and substance satisfactory to the Financial Institution and (b) the Financial Institution has had a reasonable period of time to act upon such notification. Until the Act is effective, this Resolution shall remain in full force and bind the Entity, its legal representatives, heirs, successors and assigns.



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KATHERYN KIRK FOCHE COMMISSIONER		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
TIMOTHY R HELMS MAYOR		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees
ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

\_\_\_\_\_  
BENNY T BLACKBURN JR  
Certifier

\_\_\_\_\_  
Date





RESOLUTION  
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT  
WATER CAPITAL RESERVE ACCOUNT  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous Resolutions.

DATE OF RESOLUTION
May 1, 2018

Tax Identification Number
XX-XXX9173

By signing below, I certify to FIRST BANK that the Resolution is a validly chartered and operating under the laws of the State of North Carolina, properly adopted at a duly called open legal meeting of the Entity, if any; this Resolution is contained in the original and complete copy of the charter of the Entity, if any, and is not amended or rescinded, and was and still is in full force and effect, and complete copy of the charter of the Entity, if any, and genuine signatures of the persons authorized to sign the Resolution. The Financial Institution may rely upon my certification as to the truth and accuracy of the representations in this Resolution.

named Governmental Entity ("Entity"), and complete copy of the Resolution, in accordance with the charter of the Entity, if any, and is not amended or rescinded, and was and still is in full force and effect and has not been amended or rescinded, and complete copy of the charter of the Entity, if any, and genuine signatures of the persons authorized to sign the Resolution ("Authorized Signers"); and the Financial Institution has been provided a true and correct copy of the Resolution and the representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the power to:

**DEPOSITORY ACCOUNT.** Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).  
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).  
Number of signers required: 01
- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.  
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.  
Number of signers required: 01
- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.  
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.  
Number of signers required: 01

IT IS FURTHER RESOLVED THAT:

**DESIGNATED DEPOSITORY.** Financial Institution is designated as a depository for the funds of the Entity and to provide other financial accommodations indicated in this Resolution.

**AUTHORIZED SIGNER'S POWERS.** Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the



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**DISPOSITION OF FUNDS.** When withdrawal or transfer powers are granted to an Authorized Signer, the Financial Institution is directed and authorized to act upon and honor withdrawal or transfer instructions issued and to honor, pay, transfer from, and charge to any depository account(s) of the Corporation, all negotiable instruments, checks, drafts, or orders for the payment of money so drawn when signed consistent with the Resolution without inquiring as to the disposition of the proceeds or the circumstances surrounding the issuance of the negotiable instrument, check, or order for the payment of money involved, whether such negotiable instruments, checks, drafts, or orders for the payment of money are payable to the order of, or endorsed or negotiated by any Authorized Signer signing them or any Authorized Signer in their individual capacities or not, and whether they are deposited to the individual credit of or tendered in payment of the individual obligation or account of any Authorized Signer signing them or of any other Authorized Signer.

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**WARRANTY.** That the Financial Institution may rely upon the certification as to the Entity authority to execute this Resolution and make the representations in this Resolution.

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**DESIGNATION OF AUTHORIZED SIGNERS**

NAME/TITLE	SIGNATURE	AUTHORITY CODE/LIMITATIONS
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ANGELA M MURPHY TOWN CLERK		Account Opening and Maintenance; Make Deposits; Endorsements; Make Withdrawals; Transfer Funds; Approve, Endorse, Guarantee and Identify Payees

By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

\_\_\_\_\_  
BENNY T BLACKBURN JR                      Date  
Certifier



RESOLUTION  
GOVERNMENTAL ENTITY

FIRST BANK

GOVERNMENTAL ENTITY NAME AND ADDRESS

TOWN OF MONTREAT  
96 RAINBOW TER  
BLACK MOUNTAIN, NC 28711

This Resolution supersedes all previous

DATE OF RESOLUTION
May 1, 2018

Tax Identification Number
XX-XXX9173

By signing below, I certify to FIRST BANK that the Entity is a validly chartered and operating under the laws of the State of North Carolina, properly adopted at a duly called open legal meeting of the Entity, if any; this Resolution is contained in the minutes of the Entity, amended or rescinded, and was and still is in full force and effect, and a complete copy of the charter of the Entity is on file with the Financial Institution and genuine signatures of the persons authorized to sign this Resolution. The Financial Institution may rely upon my certification and the foregoing representations in this Resolution.

named Governmental Entity ("Entity"), and a complete copy of the Resolution, dated May 22, 2018, in accordance with the charter of the Entity, is in full force and effect and has not been amended or rescinded. The Financial Institution has been provided a true and complete copy of the charter of the Entity, and the names, titles, and authorized signatures of the persons authorized to sign this Resolution are provided below are the correct names, titles, and authorized signatures ("Authorized Signers"); and the Financial Institution may rely upon my certification and the foregoing representations in this Resolution.

IT IS RESOLVED:

The Authorized Signers shall possess the authority to

**DEPOSITORY ACCOUNT.** Perform the following activities in regards to the depository account(s) indicated above in the name of the Entity, subject to any terms and conditions governing the account(s), including:

- **Account Opening and Maintenance.** Open and maintain the Entity account(s).  
Number of signers required: 01
- **Make Deposits.** Make deposits to the Entity account(s).  
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- **Endorsements.** Endorse for negotiation, negotiate, and receive the proceeds of any negotiable instrument, check, draft, or order for the payment of money payable to or belonging to the Entity, by writing, stamp, or other means permitted by this Resolution without the designation of the person endorsing.  
Number of signers required: 01
- **Make withdrawals.** Make withdrawals from the Entity account(s) in any manner permitted by the account(s) regardless whether such action will create or increase an overdraft of the involved account.  
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- **Transfer Funds.** Transfer funds from the Entity account(s) in Financial Institution to any account whether or not held at this Financial Institution and whether or not held by this Entity and execute any agreements related to such transfers.  
Number of signers required: 01
- **Approve, Endorse, Guarantee and Identify Payees.** Approve, endorse, guarantee, and identify the endorsement of any payee or any endorser of any negotiable instrument, check, draft, or order for the payment of money whether drawn by the Entity or anyone else and guarantee the payment of any negotiable instrument, check, draft, or order for the payment of money.  
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IT IS FURTHER RESOLVED THAT:

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**AUTHORIZED SIGNER'S POWERS.** Authorized Signers who have Account Opening and Maintenance authority are authorized to make any and all other contracts, agreements, stipulations, and orders which the Authorized Signers may deem advisable for the effective exercise of their powers.

**SIGNATURES.** The Financial Institution shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from the honoring of any signature, authorized by this Resolution, or refusing to honor any signature not so authorized, regardless of whether or not such signature was genuine, if such signature reasonably resembles the specimen provided to the Financial Institution. The Financial Institution shall also be permitted to rely upon non-signature security and verification codes which it





provides to or receives from an Authorized Signer and shall be indemnified and held harmless by the Entity for any claims, expenses, damages, or attorney fees resulting from their use.

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By signing this Resolution, I acknowledge reading, understanding, and agreeing to all of its provisions and certify, personally and on behalf of the Entity, that all statements made in this Resolution are true and correct.

\_\_\_\_\_  
BENNY T BLACKBURN JR  
Certifier

\_\_\_\_\_  
Date



**TOWN OF MONTREAT  
FISCAL YEAR 2022  
BUDGET AMENDMENT # 6**

Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2022.

**Department(s):**        **ADMINISTRATION AND BUILDING & ZONING**

**Purpose:**                To move money from the Building & Zoning Department to the Administration Department to pay for legal fees

**Section 1.** To amend the General Fund as follows:

Line Item	Account Number	Increase Change (DR)	Decrease Change (CR)	Amended Budget
PROFESSIONAL SERVICES	10-00-4200-040	\$40,000.00		\$85,000.00
CAPITAL OUTLAY	10-00-5400-730		\$40,000.00	\$0.00

**Section 2.** I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Darlene Carrasquillo  
Finance Officer

2-27-2022  
Date

**Section 3.** Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Recorded and filed:**

\_\_\_\_\_  
Budget Officer/Town Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date