

**Town of Montreat
Board of Commissioners
Meeting Minutes
August 11, 2022 – 7:00 p.m.
Zoom Meeting with in person attendance**

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

Board members present via
Zoom: None

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Manager
Angie Murphy, Town Clerk
David Arrant, Chief of Police
Barry Creasman, Public Works Director
Darlene Carrasquillo, Finance Officer

Town staff present via Zoom: None

Approximately thirteen 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. Mayor Helms asked everyone to remember Philip Arrant, the father of Police Chief David Arrant, who recently passed away.

Agenda Approval

Commissioner Mason Blake made some revisions to the July 14, 2022 Meeting Minutes and provided Town Clerk Angie Murphy with the written revisions to update the minutes. Interim Town Manager Ben Blackburn also suggested adding the adoption of the resolution of intent under New Business.

Commissioner Kitty Fouche moved to adopt the agenda as amended. Commissioner Jane Alexander seconded and the motion carried 5/0.

Mayor's Communications

Mayor Tim Helms asked Ben Blackburn to introduce the new Zoning Administrator, Kayla DiCristina. Ms. DiCristina will be available Tuesday – Thursday from 8:00 a.m. until 5:00 p.m.

Meeting Minutes Adoption

- July 14th Town Council Public Forum Meeting Minutes
- July 14th Town Council Meeting Minutes

Interim Town Manager's Communications

Town Clerk Angie Murphy stated that the Governor's Executive Order will expire on Monday, July 19th and what this means is that the Executive Board can no longer meet virtually due to quorum and voting issues. There is still some hedging on whether other appointed boards can meet virtually going forward. Miss Murphy has emailed the School of Government for more information and will follow up as soon as possible with the Commission as well as other Board Chairs. Streaming of most meetings for viewing purposes only will still continue.

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. Jonathan Smith, Secretary of the Mount Mitchell Bear Hunting Club, was there on behalf of President Jim Gibbs to speak on Agenda item E under New Business. Mr. Smith advised that a number of efforts on the Club end have been brought forward to address issues within the Town of Montreat. Such efforts include decals for vehicles as they transport through Montreat and a meeting of their houndsmen was held earlier this month to mitigate issues as well. Mr. Smith had some issues with Article III of the proposed ordinance which addresses fees. Mr. Smith advised that it could be possible that some of their hounds could inadvertently get loose within Town limits which could result in fees being assessed which the Club takes issue with. Article VIII also leads some challenges to the Bear Hunting Club and they feel as if Articles III and VIII are working at cross purposes. Mr. Smith advised that the Club is willing to continue working with the Town as they

address these issues.

Old Business

There was no Old Business to discuss.

New Business

- A. Presentation of FY 2020-2021 Financial Statements: Levonia Reese, Audit Director of Carter, P.C., introduced herself and outlined her plan to present an overall view of what 2021 looked like for the Town of Montreat, some financial highlights and plans going forward for 2022. Mrs. Reese mentioned a few internal control matters one of which was not repeated for 2021. These items were all listed as material weaknesses or significant deficiencies which required notification in writing which both the Board of Commissioners and the Audit Committee received a letter. There were no disagreements with management and there were no issues in gathering information for the audit. Mrs. Reese stated that the Town of Montreat prepares an ACFR (Annual Comprehensive Financial Report) which is unusual for small Towns but what this means is the Town takes extra efforts in order to present a statistical and historical financial position. The audit noticed a budget violation on the General Fund for transfers mostly related to capital expenditures. There was also a non-compliance with our Fund Balance Policy. The Town of Montreat is required to have 35% of budgeted expenditures available. In 2021 the reported number was 16% and it has increased to 28.6% for 2021. Auditors anticipate this number increasing for 2022 as well. The Town of Montreat's net position (net worth) increased by about \$325,000. The General Fund, which is the main operating fund, had an ending balance of \$725,000 which was an increase of \$30,000. Expenses were \$150,000 less than budgeted expenses. Ms. Reese advised that it takes considerable effort on both staff and auditors to finish two audits in one fiscal year so she advised the Board to show staff much appreciation. Mayor Helms thanked Town Staff and Chair Hugh Alexander and the Audit Committee for all of their hard work.
- B. Consideration of Resolution #22-08-0001: Mr. Blackburn advised that six weeks ago the Town of Montreat had a planned audit of its Stormwater Policy and Best Management Practices. There were some deficiencies/violations that were noted. The deficiencies were in regards to updating our existing policy as well as updating verbiage. There were no physical violations in infrastructure within the Town. The resolution tonight identifies that the Town of Montreat is aware of these deficiencies and a commitment is being made to correct and be in compliance with the MS4 program. Mary Roderick of Land-of-Sky Regional Council will be at the September meeting to answer any questions that the Board may have for her. Mr. Blackburn advised that there are no fines at this time and every town in North Carolina but one has been found to have deficiencies or violations in their programs. Commissioner Blake advised that the Planning &

Zoning Commission has been working on reviewing and updating the Stormwater Ordinance as well. Mayor Pro Tem Tom Widmer moved to approve Resolution #22-08-0001 affirming the Town of Montreat Council support regarding implementation of a compliant NPDES MS4 Stormwater Program. Commissioner Kent Otto seconded and the motion carried 5/0.

- C. Consideration of Public Hearing regarding Closing and Removing from Dedication a portion of North Carolina Terrace: Commissioner Kent Otto moved to open the Public Hearing. Commissioner Jane Alexander seconded and the motion carried 5/0.

Zoning Administrator Kayla DiCristina gave a brief presentation on the right-of-way closure request in front of 300 and 304 North Carolina Terrace. The location is adjacent to 304 North Carolina Terrace and 300 North Carolina Terrace south of the midline of the public right-of-way of North Carolina Terrace. The surrounding properties are zoned R-2 Medium-Density Residential. This Zoning District requires a minimum lot size of 8,000 square feet for single-family dwellings and a minimum front yard setback of 30'. The existing use of 304 North Carolina Terrace is a partially demolished house encroaching in to the public right-of-way. The existing use of 300 North Carolina Terrace is vacant, but a new single family dwelling is under construction. The property owner/applicant requests that the Board of Commissioners approve an order closing the area of right-of-way along the frontage of 304 North Carolina Terrace and along the frontage of 300 North Carolina Terrace so as to reduce the non-conformities created by the current location of the partially demolished house at 304 North Carolina Terrace. Ms. DiCristina did note that only the right-of-way in front of 304 North Carolina Terrace needed to be closed in order to place the partially demolished house entirely within private property. Ms. DiCristina reviewed the process of right-of-way closure which is outlined in NCGS 160A-299. Ms. DiCristina advised that the Town of Montreat received multiple letters of support in closing this right-of-way.

Attorney Ron Sneed spoke on behalf of the applicant Harry T. Jones. Mr. Sneed stated that Mr. Jones is trying to get rid of the non-conformity. Mr. Sneed stated it was his idea to smooth out the right-of-way to get rid of jagged property edges. Mr. Sneed stated that if nothing was done tonight that Mr. Jones could rebuild the house back on the footprint as a matter of law.

Mr. Harry T. Jones of 300 North Carolina Terrace stated he would like to keep the stone kitchen from the original house and tear down the rest of the house to rebuild for someone else to enjoy.

Public Works Director Barry Creasman stated that the jagged property line did not affect his water lines which are out in the middle of the road.

Commissioner Jane Alexander moved to close the Public Hearing. Commissioner Mason Blake seconded and the motion carried 5/0.

- D. Consideration of Closing and Removing from Dedication a portion of North Carolina Terrace:
Mayor Pro Tem Tom Widmer moved to approve the closing and removing from dedication a portion of North Carolina Terrace. Commissioner Mason Blake seconded the motion and discussion ensued. Commissioner Blake supports closing the right-of-way on the lot in which the house stands. Commissioner Blake does not support giving away public property for a sense of neatness. Commissioner Blake stated that the Board is in the business of being good stewards for the Town's property. Commissioner Blake would support an amendment to the motion that closes Tract 1 which would accomplish everything Mr. Jones wishes to achieve. Commissioner Kent Otto expressed the same thoughts as Commissioner Blake with regards to giving public property for no reason. The motion on the floor failed 1 to 4 with only Mayor Pro Tem Tom Widmer voting in agreement. Commissioner Mason Blake moved to approve the resolution modifying the legal description to conform only with the portion identified as Tract 1. Commissioner Kent Otto seconded and the motion carried 5/0.
- E. Consideration of Revisions and Additions of Ordinances Relating to Bear Hunting Dog Incidents:
Commissioner Mason Blake gave a detailed explanation of new and revised ordinances that pertain to bear hunting dog activities and restrictions. These include revised dog control ordinances in Article III, a new trespass ordinance in Article VI, a new ordinance prohibiting release of hunting dogs in the Town of Montreat in Article VII, a new ordinance requiring notification to the Police Department for dogs running at large in Town limits (Article VIII) and a new ordinance prohibiting feeding bear and penalizing improper garbage disposal. Commissioner Mason Blake moved to approve the revisions as presented with the bolded language in the trespassing ordinance to be included as drafted. Mayor Pro Tem Tom Widmer seconded and the motion carried 3/2 with Commissioners Fouche and Otto voting against the motion.

Public Comment

Mr. Jonathan Smith reiterated that the Bear Hunting Club wants to be a part of the solution but the fines included in the ordinance offer a disincentive to notification and while Mr. Smith's group will obey others may not.

Dr. Mary Standaert of 118 Shenandoah Terrace thanked Mayor Pro Tem Widmer for his remarks on the auditing report. Dr. Standaert reviewed the years that the Town of Montreat appeared on the unit watch list. Dr. Standaert stated that the Town has been on this watch list for 2-3 years and it's not a list that the Town should be listed on. Dr. Standaert again asked about the fund balance percentage and would like any discrepancies on whether it's really 24.1% or 28% straightened out before the next Commission meeting. Dr. Standaert read an email excerpt from an unnamed member of the Audit Committee. This email, as well as Dr. Standaert, insinuated that Finance Officer Darlene Carrasquillo could have manipulated the numbers to have raised the fund balance percentage. Mayor Helms chastised Dr. Standaert for making an accusation against Town Staff as

well as the audit firm. Mayor Helms stated that Darlene Carrasquillo was 100% honest. Dr. Standaert again asked for the formula used to calculate the fund balance.

Shirley Mitchell of 201 Harmony Lane stated that she was against the idea of bear bins being a requirement for residents. Mrs. Mitchell also commended the work of former mayor, Letta Jean Taylor.

Mrs. Letta Jean Taylor, former mayor of the Town of Montreat, stated that bears had consistently long been a problem in the Town of Montreat. Mrs. Taylor also mentioned that the fund balance percentage of 35% was an arbitrary number set after discussions with the Local Government Commission. Mrs. Taylor appreciated everyone working towards getting the reserves back at 35%.

Dr. Mary Standaert of 118 Shenandoah Terrace stated that she does not like to feel that she cannot speak freely. Dr. Standaert stated that she also chose not to read the earlier whole email in its entirety because she felt it was accusatory.

Commissioner Communications

Mayor Pro Tem Tom Widmer commented that despite not being at our 35% fund balance policy level the Town of Montreat has the highest net worth of \$7.9 million thus far as well as \$1.1 million in unrestricted funds.

Dates to Remember

- Planning & Zoning Sub-Committee Meeting, Signage, Tuesday August 16th at 10:30 a.m. in Town Hall
- Bridge Aesthetic Committee Meeting, Tuesday August 16th at 2:00 p.m. in Town Hall and streamed on Zoom Software
- Tree Board, Tuesday August 23rd at 9:30 a.m. in Town Hall and streamed by Zoom Software
- Board of Adjustment, Thursday August 25th at 5:00 p.m. in Town Hall and streamed by Zoom Software
- Town Offices Closed, Monday September 5th due to Labor Day Holiday. Sanitation services will resume on Tuesday September 6th
- Landcare, Wednesday, September 7th at 9:00 a.m. in Town Hall and streamed by Zoom Software
- September Town Council Meeting, Thursday September 8th at 7:00 p.m. in Town Hall and streamed by Zoom Software. Public Forum begins at 6:30 p.m.

Adjournment

Commissioner Jane Alexander moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 5/0. The meeting was adjourned at 9:12 p.m.

Tim Helms , Mayor

Angie Murphy, Town Clerk