

**Town of Montreat
Board of Commissioners
Meeting Minutes
October 13, 2022 – 7:00 p.m.
Town Hall**

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

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Manager
David Arrant, Chief of Police
Barry Creasman, Public Works Director

Several 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

Interim Town Manager Ben Blackburn respectfully asked to add a Closed Session regarding Personnel to this evening's agenda. Mayor Pro Tem Tom Widmer moved to adopt the agenda as amended. Commissioner Jane Alexander seconded and the motion carried 5/0.

Mayor's Communications

The Mayor expressed his welcome to everyone.

Meeting Minutes Adoption

- September 8th Town Council Public Forum Meeting Minutes
- September 8th Town Council Meeting Minutes

Interim Town Manager's Communications

The Interim Town Manager had no communications at this time.

Administrative Reports

- Administration – This report was given in written format.
- Finance – No report
- 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.

Mayor Pro Tem Tom Widmer asked for an update on the lawsuit regarding the proposed lodge/hotel. Mr. Blackburn advised that no action has taken place regarding the appeal. Discovery questions have had responses submitted. Mr. Widmer asked if the reason there was no Finance Report was because the Finance Officer position had not been filled. Mr. Blackburn advised that he and a member of the Audit Committee will be interviewing a candidate on Tuesday evening. Mr. Widmer asked if the Town was still on target to meet the Stormwater Plan Submission by the end of October. Mr. Blackburn stated that the Town was still on target and Mary Roderick with Land-of-Sky Regional Council had been working hard on the plan submission. Mr. Blackburn received an email from the auditors which stated that the FY2022 audit is on schedule and will be submitted within the state's timeline. Commissioner Mason Blake thanked staff for their hard work in handling the financial issues in light of the current staffing situation. Special thanks went out to Angie Murphy and Debbie Taylor. Commissioner Kent Otto asked Public Works Director Barry Creasman how trash and recycling pick-ups are going now that the summer is over. Mr. Creasman reported that there has been a slight drop in the quantity of pick-ups but it is still higher than in the past because more people are living here full time.

Public Comment

There were no Public Comments at this time.

Old Business

There was no Old Business to discuss.

New Business

- A. Consideration of Revisions and Additions of Ordinances Relating to Bear Hunting Dog Incidents:
The first Ordinance to be considered was to ban the release of bear-dogs from vehicles or cages allowing the dogs to be "at large". The second Ordinance makes it unlawful for a hunter to go on another person's property to retrieve hunting dogs without the permission (verbal or

written) of the landowner unless a Montreat police office is present. The third Ordinance is a revision to the current Dog Control Ordinance. The only revision being made to the Dog Control Ordinance are to the penalties applicable to a very limited set of circumstances that create potentially dangerous situations in Montreat neighborhoods. The fourth Ordinance makes it unlawful to: provide anything edible with the intention of feeding, attracting or enticing bears; or store pet food, garbage or other bear attractants that will result in bear feedings when bears are known to frequent the area. The final Ordinance involves revisions to the Solid Waste Disposal and Refuse Collection Ordinance. The first change modifies the penalties when trash is placed at the roadside without being placed in a garbage can or bear-proof container, and garbage cans containing solid waste are placed at the roadside prior to the morning of scheduled pickup. The second change involve the new waste disposal convenience center located near Town Hall. Property Owners are responsible for compliance of this Ordinance and are subject to the penalties imposed for violations committed by their guests, renters and any other occupants.

Commissioner Blake moved to approve the revisions of Article III of Chapter I Dog Control Ordinance. Commissioner Jane Alexander seconded the motion. Commissioner Blake gave a brief overview of the revisions. Commissioner Kent Otto has some hesitations about the proposed fines associated with all the Ordinances. Commissioner Kitty Fouche agrees that some of the penalties are pretty stiff for the bear hunters that are following the rules and it seems like these Ordinances are being passed for the few that don't follow the rules. After much discussion the motion carried 4/1 with Commissioner Kent Otto voting in opposition.

Commissioner Blake moved to approve the new Ordinance for Trespass Article VI Chapter I. Mayor Pro Tem Widmer seconded the motion and the motion carried 4/1 with Commissioner Kent Otto voting in opposition.

Commissioner Blake moved to approve Ordinance Prohibiting the Release of Hunting Dogs Article VIII of Chapter I. Commissioner Kitty Fouche seconded and the motion carried 5/0.

Commissioner Blake moved to approve new Ordinance Prohibiting Feeding of Bears Article V of Chapter G. Commissioner Kitty Fouche seconded and the motion carried 5/0.

Commissioner Blake moved to approve Chapter G. Article II of the Solid Waste Ordinance. Commissioner Jane Alexander seconded and the motion carried 5/0.

- B. Consideration of Appointing Margaret "Mari" Gramling as a Regular Member of Board of Adjustment: Commissioner Kitty Fouche moved to appoint Margaret "Mari" Gramling as a Regular Member of Board of Adjustment. Mayor Pro Tem Tom Widmer seconded and the motion carried 5/0.

- C. Determination and Discussion of Access to Lot off of Harmony Lane PIN#071077202100000 to Gary Higgins on Harmony Lane: Zoning Administrator Kayla DiCristina advised that Mr. Higgins was requesting that the Board of Commissioners consider granting him a 30 foot wide easement across the area containing Little Piney Branch to access his property. This lot in question does not have access to a street but instead is adjacent to a greenway off Harmony Lane. Mr. Higgins stated in a letter that he intends to construct a 16 foot wide driveway and utilities to access the property. After much discussion Commissioner Mason Blake moved to instruct Town Staff to work with MRA to establish a private right-of-way so that the homeowner could build a home under the Montreat Zoning Ordinance. A title report and survey will also be required of Mr. Higgins. Commissioner Kitty Fouche seconded and the motion carried 5/0.
- D. Consideration of Approving Resolution #2022-10-0001 Recommending the appointment of Kayla DiCristina as Review Officer for the Town of Montreat: Commissioner Kitty Fouche moved to approve Resolution #2022-10-0001 Recommending the Appointment of Kayla DiCristina as Review Officer for the Town of Montreat. Commissioner Jane Alexander seconded and the motion carried 5/0.

Public Comment

Mr. Gary Higgins, the potential buyer of the Harmony Lane Lot, thanked the Council for their attention to his issue and their willingness to investigate the easement process to allow him to build on the lot.

Commissioner Communications

Mayor Pro Tem Tom Widmer reminded everyone of the Town Forum which will be held on Monday, October 17th at 6:30 p.m. in Town Hall. This Forum will discuss the new and improved bear ordinances as well as other initiatives related to this issue

Commissioner Kitty Fouche reminded everyone of the Presbyterian Heritage Center's Reformation Lecture on Saturday October 15th. Admission is free.

Commissioner Kent Otto urged everyone to support all the Montreat College sports events.

Interim Town Manager Ben Blackburn took an opportunity to express his appreciation to the Town's Public Works Staff and the Police Department for all of their preparations for Hurricane Ian.

Dates to Remember

- Town Forum, Monday October 17th at 6:30 p.m. in Town Hall
- Bridge Aesthetics Committee Meeting, Tuesday October 18th at 2:00 p.m. in Town Hall
- Board of Adjustment Member Training, Wednesday October 19th from 5:00 – 6:30 p.m. in Town Hall
- Tree Board, Tuesday October 25th at 9:30 a.m. in Town Hall
- Board of Adjustment, Thursday October 27th at 5:00 p.m. in Town Hall
- Landcare, Wednesday November 2nd at 9:00 a.m. in Town Hall
- November Town Council Meeting, Thursday November 10th at 7:00 p.m. in Town Hall. Public Forum begins at 6:30 p.m.
- Town Offices Closed for Thanksgiving Holiday November 24-25th

Closed Session

Mayor Pro Tem Tom Widmer moved to enter into Closed Session in accordance with NCGS §143-318.11(6) for discussion of a personnel matter. Commissioner Alexander seconded and the motion carried 5/0.

Upon returning to Closed Session Mayor Tim Helms announced that Town Council would soon be making an offer to a candidate for Town Manager.

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.

Tim Helms , Mayor

Angie Murphy, Town Clerk

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