

**Town of Montreat
Board of Commissioners Meeting – Public Forum
November 8, 2022 – 6:30 p.m.
Town Hall**

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
December 8, 2022 – 7:00 p.m.
Town Hall**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Mayor's Communications

IV. Consent Agenda

A. Meeting Minutes Adoption

- October 13th Town Council Public Forum Meeting Minutes
- October 13th Town Council Meeting Minutes
- October 17th Town Forum 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
- 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. Oath of Office and Swearing in of Commissioners Blake, Otto and Widmer

- See Agenda Materials on pages 25-27

B. Consideration of Nomination and Election of Mayor Pro Tem

- Suggested Motion: Move to appoint/deny _____ as Mayor Pro Tem

C. Presentation of FY21-22 Financial Audit

- See Agenda Materials on page 28-134
- Presenter: Levonia Reese

D. Consideration of Stormwater System Conveyance

- See Agenda Materials on page 135-140
- Presenter: Barry Creasman
- Suggested Motion: Move to approve/deny the petition of dedication from Robert Sulaski (Stormwater System)

E. Consideration of New “No Parking” Signage on Appalachian Way

- See Agenda Materials on page 141-143
- Presenter: David Arrant
- Suggested Motion: Move to approve/deny the installation of new “No Parking” signage in the designated area.

F. Consideration of Text Amendment TA-2022-01 Subdivision Ordinance

- See Agenda Materials on page 144-153
- Presenter: Kayla DiCristina
- Suggested Motion: Move to approve/deny Text Amendment TA-2022-01.

G. Consideration of Text Amendment TA-2022-02 Wireless Communications Ordinance

- See Agenda Materials on page 155-274
- Presenter: Kayla DiCristina
- Suggested Motion: Move to approve/deny Text Amendment TA-2022-02

XI. Public Comment

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

XII. Commissioner Communications

XIII. Dates to Remember

- Tree Board, No December Tree Board Meeting
- Board of Adjustment Meeting Date to be determined if necessary
- Town Offices Closed December 26th and 27th in observance of the Christmas Holiday, Sanitation services will resume on Wednesday, December 28th
- Town Offices Closed January 2nd in observance of New Years, Sanitation services will resume on Tuesday, January 3rd
- Landcare, Wednesday January 4th at 9:00 a.m. in Town Hall
- Planning & Zoning Commission, Thursday January 12th at 10:30 a.m. in Town Hall
- January Town Council Meeting, Thursday January 12th at 7:00 p.m. in Town Hall. Public Forum begins at 6:30 p.m.
- Town Offices Closed January 16th in observance of MLK's Birthday, Sanitation services will resume on Tuesday, January 17th
- Tree Board, January 24th at 9:30 a.m. in Town Hall

XIV. Adjournment

**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
October 13, 2022 – 6:30 p.m.
Town Hall**

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

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Manager

A few members of the public were present. Mayor Tim Helms called the meeting to order at 6:30 p.m., and led the group in 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.

Public Forum

Mr. Jim Gibbs, President of the Mt. Mitchell Bear Hunting Club and Mill Creek Wildlife Club, believes that Montreat does not have a bear dog problem but rather a bear problem. The Hunting Club has been hunting their land for almost 80 years and they have never had a problem with their dogs wandering onto Montreat property. Last year a problem occurred with bear dogs in a residential neighborhood in Montreat. These dogs were not the dogs of the Mt. Mitchell Bear Hunting Club but rather the dogs of another group of hunters illegally hunting in the area. It's of Mr. Gibbs opinion that the sensationalizing of this incident brought the bear problems to the forefront of everyone's mind. The Club is aware that there is no hunting allowed in Montreat and the letting out of dogs in Montreat will not be tolerated. Hunters from all clubs need a mechanism and a procedure to legally and peacefully retrieve their dogs without disturbing the citizens of Montreat. The Mt. Mitchell Bear Hunting Club has taken steps to rectify this problem. The Club plans to hunt further from Sourwood Gap and Montreat. The Club has printed decals to show who they are and which Club they belong too as well. These decals will be displayed on all vehicles. They have agreed to register with the Montreat Police Department and notify the Department when they have to enter the Town to retrieve their dogs. Mr. Gibbs recommends that all Clubs strive to do the

same to minimize problems. Mr. Gibbs states that the proposed ordinance and associated fines place an undue threat and potential damage to the continued operation of the Club and as a result have a potentially negative impact on Club members and citizens of Montreat. Mr. Gibbs feels the ordinance is an over reach and will place hardship on the Mt. Mitchell Bear Hunting Club but on other area clubs, the citizens of Montreat and the Montreat Police Department. Mr. Gibbs requested that the Board of Commissioners delay tonight's vote on the new and revised ordinances and instead see how things go this bear season. Mr. Gibbs stated that the Club had been good neighbors of Montreat and its citizens for generations and look forward to continuing to be good neighbors for generations to come. Mr. Gibbs does not believe that fines are the solution to the problem but rather mutual respect, understanding and cooperation to be the solution. Mr. Gibbs reiterated that Montreat does not have a bear dog problem but rather a bear problem.

Arrington Cox of 203 Virginia Road visited this evening on behalf of Montreat Landcare. Ms. Cox is the Chair of the Bearwise Committee on Montreat Landcare. Ms. Cox advised that the Montreat Landcare Committee is working toward making Montreat a Bearwise Community.

Mayor Pro Tem Tom Widmer advised that there were five documented incidents with bears and bears dogs in that last week of 2021. Mayor Pro Tem Tom Widmer also stated that he did not feel that the incidents has been sensationalized at all. Mayor Pro Tem Tom Widmer admits that it's probably the "rogue hunters" who caused the problems in Town but the Town cannot pass ordinances just on one group of hunters. Mayor Pro Tem Tom Widmer looks forward to a partnership between the Town of Montreat and the Mt. Mitchell Bear Hunting Club.

Commissioner Mason Blake also understand that it's probably not a Mt. Mitchell Bear Hunting Dog problem but rather a hunting bear problem in Montreat. Hunting in Montreat is a problem. Commissioner Blake hopes Mr. Gibbs and his Club will work with the Town of Montreat.

Adjournment

Commissioner Jane Alexander moved to adjourn the meeting. Commissioner Blake seconded and the motion carried 5/0. The meeting was adjourned prior to 7:00+ p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**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

**Town of Montreat
Board of Commissioners
Town Forum Meeting Minutes
October 17, 2022 – 6:30 p.m.
Town Hall**

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

Board members absent: Commissioner Kent Otto

Town staff present: Angie Murphy, Town Clerk
David Arrant, Police Chief

Eleven members of the public were present and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 6:30 p.m., and led the group in a moment of silence.

Agenda Approval

Commissioner Kitty Fouche moved to adopt the agenda as presented. Commissioner Jane Alexander seconded and the motion carried 4/0.

Town Forum

Mayor Helms welcomed everyone to the meeting. The 2022 Bear Season in North Carolina runs from October 17 – November 19 and from December 12 – January 2. Mayor Helms stated that there was a bad incident in the Montreat Community last year and as a result of that experience the Commission felt that something needed to be done with regards to hunting dogs in the community.

Commissioner Mason Blake briefly reviewed the incidents that occurred last bear season. Commissioner Blake advised that at the time there was very little that the Montreat Police Department could do about the situation. Commissioner Blake advised that this process took around nine months to evaluate, research and come to a decision. Commissioner Blake stated that of the five ordinances that were passed, two were brand new while the remaining three were revisions to current ordinances.

The first new ordinance prohibits the release of hunting dogs in the Town of Montreat (Article VII of Chapter I). This new ordinance makes it unlawful to release a hunting dog from a cage or vehicle, allowing it to be “at large”. Any violation of this ordinance is a third-degree misdemeanor and

includes a criminal fine up to \$200 and/or imprisonment up to 20 days. Additionally the offender is subject to a civil penalty in the amount of \$2,500.

The second new ordinance (Article VI of Chapter I) passed 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 officer is present and the property owner does not object to the entry. This ordinance does not penalize a person for going onto another person's property for any other purpose. A violation of this ordinance is a third-degree misdemeanor. Violators will be subject to a criminal fine not to exceed \$200 and/or imprisonment up to 20 days. Additionally, an offender is subject to a civil penalty in the amount of \$500.

The third new ordinance (Article V of Chapter G) 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. This ordinance does not apply to unintentional feeding of bears. Violators will receive a written warning for the first violation. Each subsequent violation will subject the offender to a civil penalty of \$100 for the second violation, \$250 for the third violation, and \$500 for subsequent violations.

The Commission also made revisions to the current Dog Control Ordinance (Article II of Chapter I). Under the current ordinance, the owner/handler of the dog is required to keep the dog under restraint and is prohibited from permitting the dog to be "at large". The only revisions being made to this ordinance are to the penalties applicable to a very limited set of circumstances that create potentially dangerous situations in Montreat neighborhoods. The penalties have been made stricter for incidents with multiple dogs involved, and the violation occurs in populated zoning districts. In these cases, offenders are subject to penalties beginning with the first violation. The first violation penalty is \$250 for each of the dogs involved. For subsequent violations, the penalty is \$500 per dog.

The Commission also made several revisions to the Solid Waste Disposal and Refuse Collection Ordinance (Chapter G, Article II). 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 trash are put at the road prior to the morning of scheduled pickup. Offenders will receive a written warning for the first violation, then a \$100 civil fine for the second violation, \$250 for the third violation and \$500 for each subsequent violation. The second revision involve the new trash disposal convenience center located near Town Hall. The new convenience center can be used by all residents and their guests at no charge without the need to purchase pre-printed bags. The convenience center is open 24/7. The new ordinance prohibits any person who is not a resident or recognized visitor to Montreat from utilizing the convenience center. A third degree misdemeanor penalty and a civil penalty of \$500 are levied for any person violating this prohibition. The third revision states that all property owners continue to be responsible for compliance with this ordinance by all guests and occupants of this residence. Owners are responsible for compliance and are subject to the penalties imposed for violations committed by their guests, renters and any other occupants.

Mayor Pro Tem Tom Widmer reviewed the other measures taken by the Commissioners. There will be an improved police presence and response around Town during bear season. Police Chief David Arrant stated that during the heavy times of hunting season he's going to attempt to increase police protection by calling on reserve officers. Security cameras will be installed by the Gate. The cameras will be able to take pictures of license plates as they enter Montreat. The cameras add to an overall sense of security to the Town as a whole. Changes to the waste/recycle disposal policy now include no Town bags required at the Convenience Center and free bags while supplies last. Mayor Pro Tem Widmer briefly touched on the partnership between the Town of Montreat and the Mt. Mitchell Bear Hunting Club. Mayor Pro Tem Widmer held up the newly created decal that all members of the MMBHC will display on their vehicles while hunting in Montreat. There was also a BearWise presentation, as organized by Arrington Cox and the Landcare team, given to the Town and that recording is available on the Town's website. Mayor Pro Tem Widmer stated that all property owners who receive a water bill will soon receive a mailing about the new and revised ordinances along with a magnet with information. Residents have the right to not allow hunters to come onto their property without permission, even if they are looking for their loose dogs. Residents also have the right to call the Montreat Police at the dispatch number of 828.250.6670 to ask for assistance on any bear hunter or hunting dog issue. Residents are also encouraged to take photographs/videos of vehicles, license plates, incidents and individuals to share with Montreat Police. Residents are encouraged to feed birds in a responsible manner. Residents also have the right to deposit trash and recycling in the Town's Convenience Center 24/7. Property owners have the responsibility to contact Montreat Police if you see anyone releasing, following, or using hunting dogs. Contact the Montreat Police if you see a truck loaded with hunting dogs that is not a member for the Mt. Mitchell Bear Hunting Club. Property owners also have a responsibility to prevent bears from getting into their trash. Property owners also have a large responsibility to inform visitors and guests of the trash ordinances and provisions for the disposal of trash in order to avoid fines. It is the property owner's responsibility to ensure your instructions to others are up-to-date and to ensure guests and visitors comply with the Town's trash collection rules. Feel free to tell other homeowners or renters about trash rules. Also be responsible for locating bird feeders out of reach of the bears.

Commissioner Mason Blake reviewed magnets that will be sent to every property owner that outline what to do in case of a hunting dog or bear hunter issue. These magnets will also be available in Town Hall. Commissioner Blake advised these efforts are not anti-bear hunting but rather pro-safety.

Questions/Comments

Arrington Cox complimented the Commissioners on a fabulous job and thanked them for their efforts.

Commissioner Jane Alexander reminded everyone that the dispatch number should be used anytime that you need the police.

Jean Norris asked that the Town of Montreat have an ongoing intent to notify residents of bear season.

Peggy Williamson questioned how the rogue bear hunters are being made aware of the new rules. Commissioner Mason Blake advised that the rogue bear hunters are taking these ordinances as a challenge and are threatening to come back into the Town of Montreat to hunt.

Shannon Ingersoll had some questions about the rogue hunters and how to spot them. Commissioner Mason Blake briefly explained hunter's process.

Grace Nichols questioned whether Montreat residents should be aware of the hunter's rules. Mrs. Nichols also questioned whether dead bears can be brought through Town. Mayor Pro Tem Tom Widmer stated that bear hunting is an age old practice of controlling the bear population.

Arrington Cox stated she learned during the BearWise presentation that NC Wildlife will not relocate bears.

Commissioner Kitty Fouche asked where the rogue hunters can actually shoot the bears. Mayor Helms stated that last year the rogue hunters ran the dogs through Town never giving the bears an opportunity to be treed.

Arrington Cox asked if it was fair game to bait bears. Mayor Tim Helms advised that baiting bears was a common practice.

Adjournment

Mayor Tim Helms thanked everyone for their attendance at the meeting and thanked Mayor Pro Tem Tom Widmer and Commissioner Mason Blake for all their hard work on these ordinance changes and keeping Montreat safe. Commissioner Kitty Fouche moved to adjourn the Town Forum. Commissioner Alexander seconded and the motion carried 4/0. The meeting was adjourned at 7:30 p.m.

Tim Helms, Mayor

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

ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of November 2022

Monthly Statistics	2021	2022
Public Meetings	4	4
Inter-Organizational /Intergovernmental Meetings	2	1
Agendas Prepared	4	3
Minutes Transcribed	4	8
Resolutions Drafted	0	0
Public Records Requests Processed	0	2
Water Bills Processed	674	675
Leak Adjustments	10	1
New Water Accounts Established	1	1
Purchase Orders	69	94
Professional Development Hours	0	24
Sunshine List Messages		9
Website Posts	9	9
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 November 2022

Monthly Statistics	2021	2022
Building Permits Issued	7	9
Pending Building Permits	0	0
Building Inspections Performed	26	14
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 November , 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	364.23	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 November , 2022

Monthly Statistics	2021	2022
Mileage	1,789	3,137
Dispatched Calls	18	25
Officer-Initiated Calls	557	723
Fire Assistance Calls	2	2
EMS Assistance Calls	1	2
Motorist/Other Assistance Calls	25	25
Traffic Stops	10	35
Parking Issues	4	6
Burglar Alarm Responses	0	1
Fire Alarm Responses	3	4
Residential/Building Checks	476	565
Ordinance Violations	1	5
Law Enforcement Agency Assistance Calls	20	8
Animal Control Calls	0	0
Larcenies	1	1
Breaking & Entering Calls	0	0
Suspicious Person Investigations	5	4
Suspicious Vehicle Investigations	2	3
Disturbance Calls	2	4
Accident Responses	0	1
Auxiliary Hours Worked (Regular)	16	8
Auxiliary Hours Worked (Addittional)	12	12
Truck Turns at Gate	11	4
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	0	0
Town Service	550	669
MRA Service	283	337
College Service	6	16

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 November , 2022

Monthly Statistics	2021	2022
Calls for Service	62	70
Water Leaks Repaired	0	5
New Water Lines Installed	0	0
Water Meters Read	674	674
Water Meter Replacements	0	45
Gallons of Water Produced	3296577	3,869,767
Monthly Fuel Cost	331.63	\$ 868.42
Hours Pumped (11 wells combined)	1951	2,225

Comments

Please note that the fuel cost were up because of filling up our large equipment tank this month. Montreat Public Works would like to wish everyone a very Merry Christmas and a Happy New Year. We hope that everyone will have a safe and blessed Holiday Season with their families and friends.



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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of November , 2022

Monthly Statistics	2021	2022
Tons of Curbside Trash Collected	20.33	24.13
Pay-As-You-Throw Trash Bags Collected	71	NA
Tons of Curbside Recycling Collected	4.13	3.78
Pay-As-You-Throw Recycling Bags Collected	59	NA
Cardboard Recycling Collected	0.66	1.44
Unique Curbside Sanitation Stops	1849	1,855
Bagged Leaf Pickup	603	914.00
Brush Pickup (cubic yards)	4 Loads	4 Loads
Hauling Fees	1418.8	\$4,238.00
Tipping Fees	1331.27	\$1,219.57
Dumpster Rental Fees	203.92	\$454.26
Sanitation Fuel	188.4	\$ 397.05

Comments:

0



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ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of November , 2022

Monthly Statistics	2021	2022
Approved Zoning Permits	0	1
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	1

Comments



TOWN OF MONTREAT

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

COMMISSIONER MASON BLAKE OATH OF OFFICE

"I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Commissioner of the Town of Montreat according to the best of my knowledge and ability; so help me God."

Effective this 8th day of December, 2022.

Commissioner Mason Blake

Angela M. Murphy
Town Clerk

Witness: _____

Witness: _____



TOWN OF MONTREAT

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

COMMISSIONER KENT OTTO OATH OF OFFICE

"I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Commissioner of the Town of Montreat according to the best of my knowledge and ability; so help me God."

Effective this 8th day of December, 2022.

Commissioner Kent Otto

Angela M. Murphy
Town Clerk

Witness: _____

Witness: _____



TOWN OF MONTREAT

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

COMMISSIONER TOM WIDMER OATH OF OFFICE

"I, _____, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of Commissioner of the Town of Montreat according to the best of my knowledge and ability; so help me God."

Effective this 8th day of December, 2022.

Commissioner Tom Widmer

Angela M. Murphy
Town Clerk

Witness: _____

Witness: _____



TOWN OF MONTREAT, NORTH CAROLINA

Annual Comprehensive Financial Report

Year Ended June 30, 2022

TOWN OF MONTREAT, NORTH CAROLINA

TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTORY SECTION	
Transmittal Letter	i-v
Organizational Chart	vi
List of Principal Officials	vii
FINANCIAL SECTION	
INDEPENDENT AUDITORS' REPORT	1-3
MANAGEMENT'S DISCUSSION AND ANALYSIS	4-12
BASIC FINANCIAL STATEMENTS	
Government-wide Financial Statements:	
Statement of Net Position	13
Statement of Activities	14
Fund Financial Statements:	
Balance Sheet - Governmental Funds	15
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	15
Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds	16
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities	17
Statement of Revenues, Expenditures, and Changes in Fund Balances - Annual Budget and Actual - General Fund	18
Statement of Fund Net Position - Proprietary Fund	19
Statement of Revenues, Expenses, and Changes in Fund Net Position - Proprietary Fund	20
Statement of Cash Flows - Proprietary Fund	21
Notes to the Financial Statements	22-47

TOWN OF MONTREAT, NORTH CAROLINA

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
REQUIRED SUPPLEMENTAL INFORMATION	
Schedule of the Proportionate Share of Net Pension Liability - Local Government Employees' Retirement System	48
Schedule of Contributions - Local Government Employees' Retirement System	49
Schedule of Changes in Total Pension Liability - Law Enforcement Officers' Special Separation Allowance	50
Schedule of Total Pension Liability as a Percentage of Covered Payroll	51
INDIVIDUAL FUND STATEMENTS AND SCHEDULES	
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual - General Fund	52-54
Combining Balance Sheet for Non-Major Governmental Funds	55-56
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances – Non-Major Governmental Funds	57-58
Schedules of Revenues, Expenditures, and Changes in Fund Balance - From Inception - Budget and Actual:	
Public Works Capital Project Fund	59
Culvert Project Special Revenue Fund	60
CARES Act Special Revenue Fund	61
Urban Forestry 2018 Special Revenue Fund	62
Urban Forestry 2019 Special Revenue Fund	63
Landscape Special Revenue Fund	64
Miscellaneous Projects Special Revenue Fund	65
Greybeard Projects Special Revenue Fund	66
ARPA Special Revenue Fund	67

TOWN OF MONTREAT, NORTH CAROLINA

TABLE OF CONTENTS (continued)

	<u>PAGE</u>
INDIVIDUAL FUND STATEMENTS AND SCHEDULES (continued)	
Schedule of Revenues and Expenditures - Budget and Actual (Non-GAAP) - Water Fund	68
OTHER SCHEDULES	
Schedule of Ad Valorem Taxes Receivable	69
Analysis of Current Tax Levy - Town-Wide Levy	70
STATISTICAL SECTION	71-89

INTRODUCTORY SECTION

TOWN OF MONTREAT, NORTH CAROLINA

October 27, 2022

The Honorable Mayor and Members of the Board of Commissioners

Town of Montreat

Montreat, North Carolina

The Comprehensive Annual Financial Report ("Annual Report") for the fiscal year ended June 30, 2022 is hereby submitted. For readers that are unfamiliar with municipal Annual Reports, a brief introduction is in order.

An Annual Report is a set of financial statements for a state, municipality, or other governmental entity that complies with the accounting requirements established by the Governmental Accounting Standards Board (GASB.) It must be audited by an independent auditor using generally accepted governmental auditing standards.

Generally, the Annual Report consists of three sections: Introductory, Financial, and Statistical.

- The Introductory Section guides the reader through the report.
- The Financial Section presents the entity's basic financial statements as well as notes to the statements and the independent auditor's report.
- The Statistical Section provides additional financial and statistical data, including data about financial trends that may better inform the reader about the government's activities.

While virtually all governmental units (including all North Carolina local governments) must produce annual audited financial statements, a Comprehensive Annual Financial Report is considered to be a step beyond this minimal requirement. Local governments produce Annual Reports in an attempt to better inform their elected officials and the general public about their financial condition. In some cases, lenders may also expect to see an Annual Report for the sake of the additional information they provide.

The basic structure of this and all Comprehensive Annual Financial Reports conform to standards that have been established by the Government Finance Officers Association (GFOA.) These standards are somewhat flexible, given that there are so many differences between governmental units at the state and local level. This Annual Report reflects the attempt of the Town's administration to provide the reader with that information, which we believe to be most relevant to our particular situation and to the needs of our elected officials and our citizens.

Responsibility for the accuracy of the data and the completeness of the presentation (including all disclosures within this Annual Report) rests with the administration of the Town of Montreat. To ensure reliability of the information, Town management has established a comprehensive framework of internal control. Internal controls protect the Town's assets from loss, theft, and misuse and help ensure that information is reliable for the preparation of this report. The administration has gone to great lengths to analyze and strengthen our internal controls to minimize any material misstatements in the

TOWN OF MONTREAT, NORTH CAROLINA

financial statements. We believe that this Annual Report is accurate and reliable in all material respects. The financial statements and supplemental schedules contained herein have been audited by the independent certified public accounting firm of Carter, P.C. Their unmodified opinion is included in the financial section of this Annual Report.

In this Annual Report and the audited financial statements contained herein, we are reporting on the financial accounts and activities considered to be controlled by or dependent upon the Town's Board of Commissioners, as defined by the Governmental Accounting Standards Board (GASB.) The Town of Montreat is a small municipality and provides a substantial but limited range of services to our citizens. Our General Fund accounts for the Police, Building Inspections and Zoning, Streets, Sanitation, and Open Space programs undertaken by the Town, as well as its general governmental activities. Our Water Fund accounts for the activities associated with operating, maintaining, and expanding the Town's water system. Our Capital Projects Funds include new buildings and infrastructure storm repair. Some other functions that might be typically provided by municipal governments, such as fire protection or wastewater treatment, are provided in Montreat by other governmental entities (i.e., the East Buncombe Fire District and the Metropolitan Sewer District of Buncombe County,) which service a wider region and thus are not included within the purview of this Annual Report.

An obvious question that any reader of a document such as this one will ask immediately is: How are we doing? What is the financial condition of the Town? The administration of the Town of Montreat can confidently report that our Town is in good financial condition. With the measures taken by the Town's Board of Commissioners to counteract the effects of the pandemic and prior reduction in the General Fund's fund balance, our revenues and expenditures have been roughly in balance with each other, remaining adequate to meet our operational needs. We provide a more complete review of the Town's financial condition in the Management's Discussion and Analysis (MD&A) section of the audited financial statements, immediately following the auditor's opinion letter below. That document and this letter are intended to be read together. Combined, it is anticipated that the reader will derive a comprehensive overview of the Town's present condition.

Profile of the Town

The Town of Montreat is situated on the Southern slopes of the Black Mountains of the Appalachian Range, including Mount Mitchell, the tallest peak East of the Mississippi River, and the Eastern Continental Divide. Our community is placed entirely within a narrow box canyon bisected by the rapidly running clear water of Flat Creek, a tributary of the Swannanoa River. It is a heavily wooded, rugged mountainous terrain and enjoys four distinct seasons of natural beauty. Our healthy natural environment teams with wildlife, including the black bears that are symbolic of our community and are commonly seen by our residents and visitors.

Montreat is a small community with an official population of 991 people according to the state demographer in the North Carolina Office of State Budget and Management. This number is somewhat deceptive as far more people than that live in Montreat temporarily over the course of the year,

TOWN OF MONTREAT, NORTH CAROLINA

especially during the summer months, while there is a different population of Montreat College students during the school year.

While the community of Montreat is over a century old, the Town has only been incorporated since 1967. Montreat is predominantly a residential community. While some of our residents live here year-round, many have their primary residence elsewhere and come here only seasonally or for vacation. There are also a mix of single family, multi-family, and group seasonal rental units in Montreat. Our community is home to two large institutions: The Montreat Conference Center and Montreat College. These two institutions, along with the town's residences and the Town government, all have an intertwined history and continue to cooperate together to the present day. The Town exercises direct jurisdiction over 2.78 square miles, and exercises limited extraterritorial jurisdiction for land use regulation over much of the remaining territory within our cove up the ridgelines.

There are no industrial and only a bare minimum of commercial entities within the Montreat Town limits, although there are a wider range of such entities within the immediately adjacent Town of Black Mountain. While a large portion of our population (disregarding conferees and vacationers) are either college students or retirees, many of our working-age population commute to employment in Black Mountain, Asheville, or other nearby communities.

Montreat operates under a recently adopted Council-Manager form of government. The Town Board of Commissioners consists of a mayor and five commissioners, all elected at large to staggered four-year terms. The Town provides police, water, solid waste collection, streets, and code enforcement services to its residents. Fire protection, sanitary sewer, and public education are provided by other governmental entities serving part or all of Buncombe County.

Local Economic Conditions

As indicated above, Montreat is a small residential community with no industry and, excepting the two large not-for-profit institutions, a trivial commercial sector. Most of our residents are either college students or retirees living here for part of, or all of the year. Only a minority of our population is employed, and most of these people commute to jobs in Black Mountain, Asheville, or other nearby communities. In turn, most of the employees of the Town, the Montreat Conference Center, and Montreat College do not live in Montreat but rather commute in from other nearby communities. An estimate of 203 people over the age of 16 were employed in Montreat, with a median income of \$99,583 according to the 2020 United States Census data. Also, the Town has a median household income of \$190,750. Most of the income received by Montreat residents thus comes from either wages and salaries earned elsewhere, or from pension, investment, and government transfer payments that all derive from outside the community. With the exception of the payment of property taxes, water bills, and, in the case of college students, tuition, most of the income received by Montreat residents is expended outside of our town limits. The Montreat Conference Center also receives fees paid by conferees that live outside of the area. In consequence of all of this, the local Montreat economy is extremely integrated with and dependent upon the wider regional and national economy, and there is

TOWN OF MONTREAT, NORTH CAROLINA

very little that can or does happen here that has an impact upon the flow of funds through our community.

The Asheville Metropolitan Statistical Area (MSA) and the entire Southern Highlands region have become attractive destinations for retirees over the past several decades. As a consequence, the median age for the Asheville MSA is 44.4 years vs. 38.6 years nationally, according to United States Census data. The source of household income within the entire region is skewed more toward unearned income (investment income, rents, pensions, government transfer payments) and away from earned income (salaries and wages) than the national average. The advantage of this is that the unearned income tends to be more stable than is the case with earned income subject to cyclical fluctuations in employment. This in turn means that the regional economy has been more stable and less vulnerable to the extremes of the boom-and-bust cycles that have been inflicted upon the national economy as a whole. The unemployment rate in the Asheville MSA reached 3.2 % in August 2022.

The regional employment market offers limited opportunities for job seekers even during good times, especially for those who are highly educated or skilled, and as a consequence individual and household incomes in this area have generally been below the national averages. For example, the median household income, per the 2020 United States Census data in Buncombe County is \$64,532 vs. a national average of \$67,521. Montreat is a more affluent community than is typical for our area, and our residents thus enjoy higher incomes: the median income for Montreat is \$99,583.

The Asheville region has experienced a history of being a center for healthcare going back to the large concentration of tuberculosis sanitariums located in the area over a century ago. More recently, the large influx of retirees settling in the region, with their increasing needs for healthcare as part of the natural aging process, has led to the development of an extensive healthcare industry serving the local population, mostly in Asheville and Black Mountain.

In addition to Montreat College, whose main campus is located within our Town's municipal limits, the area is also served by several other institutions of higher learning. The famous Black Mountain College closed a half-century ago, but Warren Wilson College is still operating nearby. Asheville is home to both the Asheville-Buncombe Technical Community College and the University of North Carolina at Asheville. In addition to the Buncombe County and Asheville City public school systems, several private primary and secondary schools operate in the area; none of these have facilities within the boundaries of the Town of Montreat, and all of our K-12 students must be transported to schools in Black Mountain or elsewhere.

The growth of the professional and business services sectors in our area reflects the nationwide trend and the United States continues its transition to a post-industrial economy. In our area, this trend appears to be driven not by a few large employers but rather by the growth of a myriad of smaller firms. The area, with its exceptional quality of life, is an attractive location for entrepreneurs to set up small businesses, especially ones that are able to deliver services nationally and even locally over the internet.

TOWN OF MONTREAT, NORTH CAROLINA

Tourism has been a strong regional industry going back over a century. People have always been drawn to the beautiful scenery, comfortable climate, and abundant recreational opportunities offered by our mountains. Tourism is an industry in which Montreat participates directly through the Montreat Conference Center. Though the tourism industry was hit hard by the COVID pandemic, we are already seeing positive signs of recovery.

Local government, represented by the Town of Montreat, is itself an important industry in the local economy, both because of our General and Water fund budgets, and because the Town employs a full-time staff of 13 individuals.

Long-Term Financial Planning and Major Initiatives

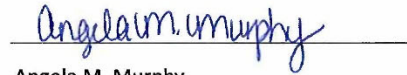
The Town's Board of Commissioners and staff are dedicated to managing the Town's financial affairs in a professional and prudent manner, and to maintaining the Town in sound financial condition. To this end, we avoid running operating deficits and funding operations with appropriated fund balance unless absolutely necessary. Our indebtedness is far below the maximums mandated by the North Carolina General Statutes. We strive to manage the Town's operations efficiently. The Water Fund is operated as much as possible on a self-supporting basis. We also attempt to establish water rates that are fair and considerate to all users.

The Board of Commissioners, in collaboration with Town staff, produces a set of goals as part of the annual budget and Capital Improvement Plan (CIP) process. Both documents may be found on the Town's website (<https://townofmontreat.org/>.)

The preparation of this Comprehensive Annual Financial Report was made possible with the assistance of Carter, P.C., and with the aid of the Town of Montreat staff members, to whom we express our appreciation. We also acknowledge the support of the Mayor, Board of Commissioners, and members of the Audit Committee of the Town of Montreat in our efforts to improve the professionalism and quality of our management and reporting of the Town's financial affairs.



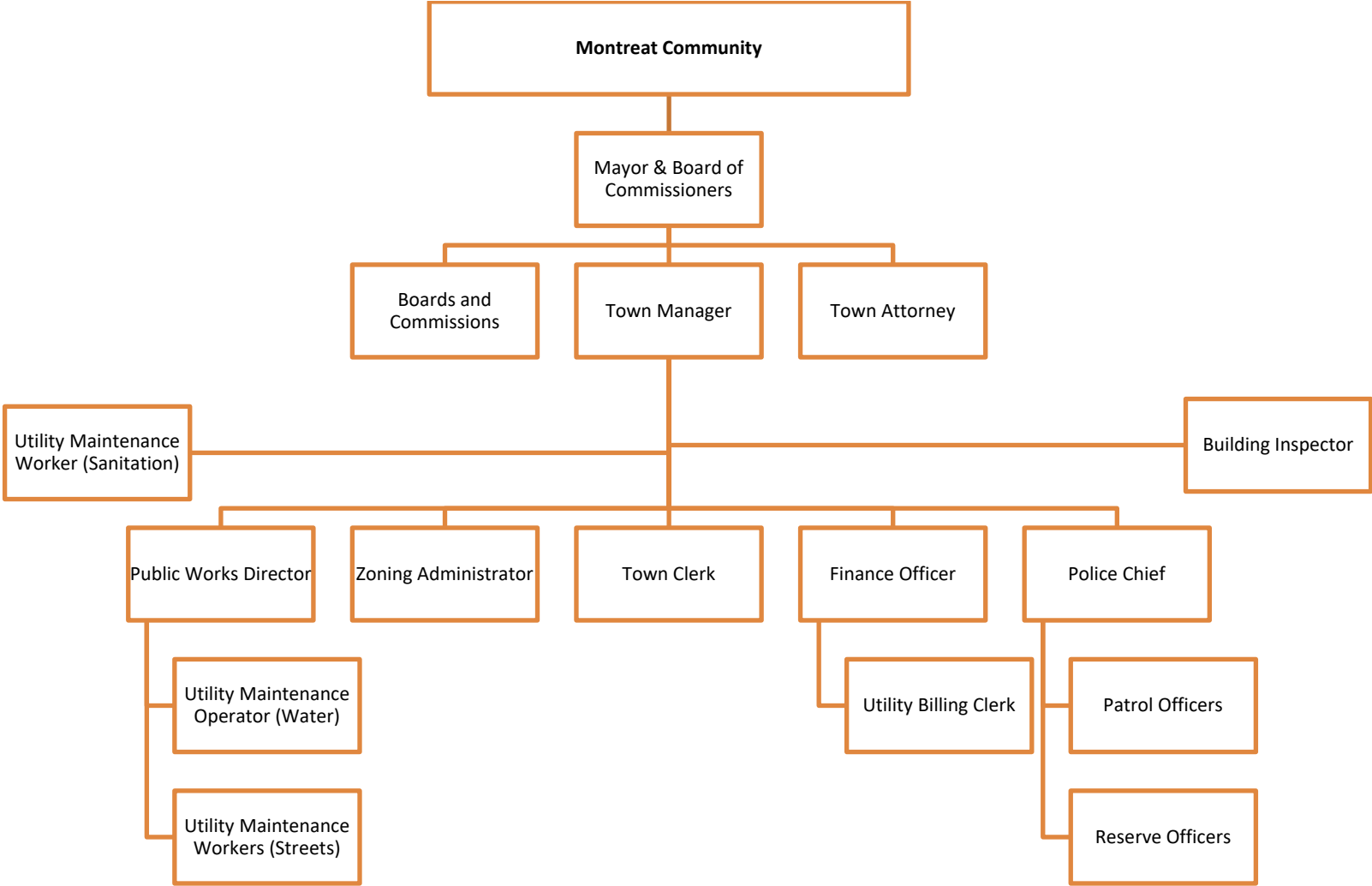
Ben T. Blackburn
Town Manager (Interim)



Angela M. Murphy
Town Clerk

TOWN OF MONTREAT, NORTH CAROLINA

ORGANIZATIONAL CHART



TOWN OF MONTREAT, NORTH CAROLINA

LIST OF PRINCIPAL OFFICIALS

Town Council Members

Honorable Tim Helms, Mayor
Tom Widmer, Mayor Pro Tem
Jane Alexander
Katheryn Fouche
Mason Blake
Kent Otto

Audit Committee

Hugh Alexander, Chair
Philip Arnold, Vice Chair
Angela Murphy, Secretary
Jane Alexander
Katheryn Fouche
Tom Widmer

Administrative and Financial Staff

Ben Blackburn, Town Manager
Darlene Carrasquillo, Finance Officer
Angela Murphy, Town Clerk
David Arrant, Chief of Police
Barry Creasman, Director of Public Works

FINANCIAL SECTION

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of the Board of Commissioners
Town of Montreat, North Carolina

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Montreat, North Carolina (the Town) as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, based on our audit, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Montreat, North Carolina as of June 30, 2022, and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Montreat, North Carolina, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Audit of the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raises substantial doubt about the Town's ability to continue as a going concern for the twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free of material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect material statement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we

- exercised professional judgement and maintained professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of Montreat's internal control. Accordingly, no such opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Montreat's ability to continue as a going concern for a reasonable period of time.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis on pages 4 through 12, the Local Government Employees' Retirement System's Schedules of the Proportionate Share of Net Pension Liability and Contributions, on pages 48 and 49, respectively, the Law Enforcement Officers' Special Separation Allowance Schedules of the Changes in Total Pension Liability and Total Pension Liability as a Percentage of Covered Payroll on pages 50 and 51, respectively, be presented to supplement the basic financial statements. Such information is the responsibility of management, although not a required part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consist of inquiries of management

Required Supplementary Information (continued)

about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Montreat's basic financial statements. The individual fund statements, budgetary schedules, and other schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. This information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion the individual fund statements, budgetary schedules, and other schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory information and the statistical sections but does not include the basic financial statements and our auditors' report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance on thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report

CARTER, P.C.

Asheville, North Carolina
October 31, 2022

TOWN OF MONTREAT, NORTH CAROLINA

Management's Discussion and Analysis

As management of the Town of Montreat (the "Town"), we offer readers of the Town of Montreat's financial statements this narrative overview and analysis of the financial activities of the Town of Montreat for the fiscal year ended June 30, 2022. We encourage readers to read the information presented here in conjunction with additional information that we have furnished in the Town's financial statements, which follow this narrative.

Financial Highlights

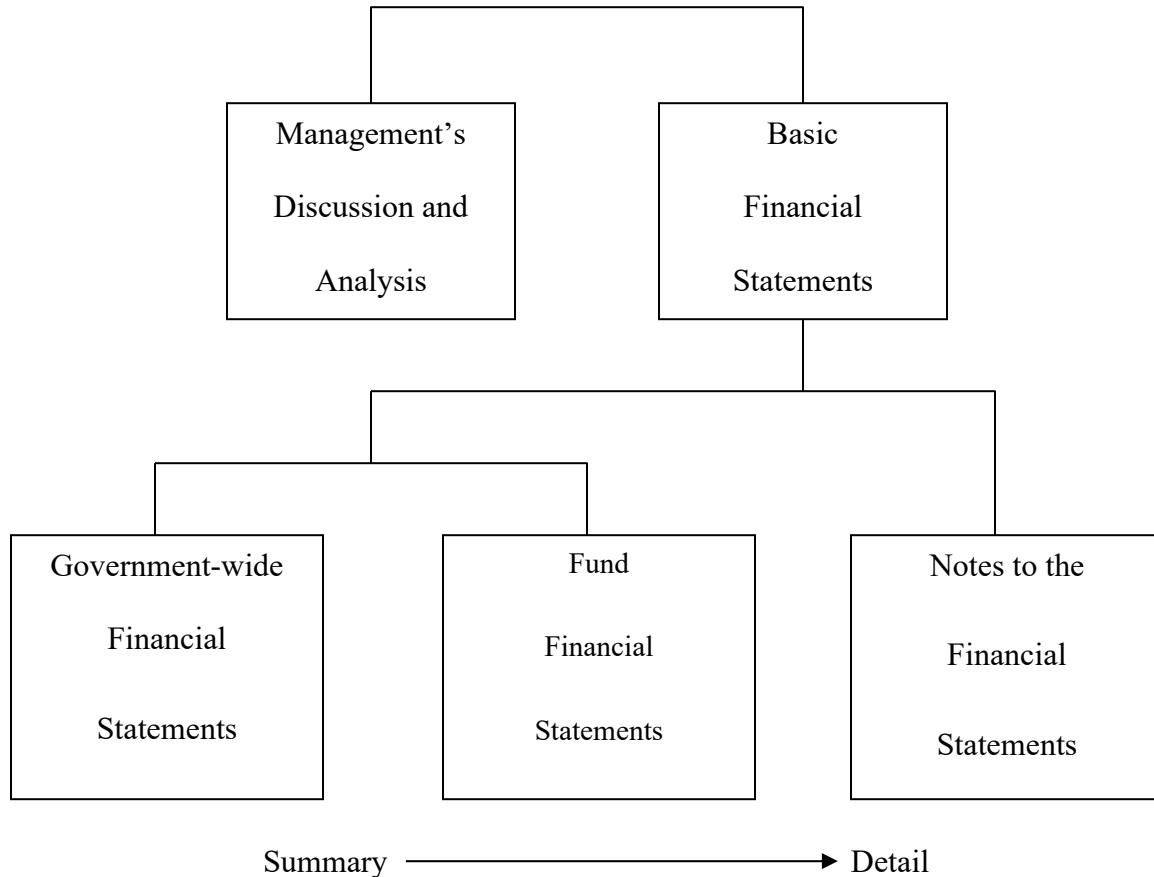
- The assets and deferred outflows of resources of the Town exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$8,408,718 (*net position*).
- The government's total net position increased by \$482,919, primarily due to increases in tax revenues.
- As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of \$1,441,922, with a net increase of \$566,452 in fund balance. Approximately 17.32% of this total amount, or \$249,692 is non-spendable or restricted.
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$893,598 or 55.20% of total general fund expenditures and transfers out for the fiscal year.
- The Town's total debt decreased by \$383,782 (20.11%) during the current fiscal year, primarily due to scheduled debt service payments and decrease in pension related debt.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the Town of Montreat's basic financial statements. The Town's basic financial statements consist of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements (see Figure 1). The basic financial statements present two different views of the Town through the use of government-wide statements and fund financial statements. In addition to the basic financial statements, this report contains other supplemental information that will enhance the reader's understanding of the financial condition of the Town of Montreat.

TOWN OF MONTREAT, NORTH CAROLINA

Required Components of Annual Financial Report Figure 1



Basic Financial Statements

The first two statements (Exhibits 1 and 2) in the basic financial statements are the **government-wide financial statements**. They provide both short and long-term information about the Town's financial status.

The next statements (Exhibits 3 through 9) are **fund financial statements**. These statements focus on the activities of the individual parts of the Town's government. These statements provide more detail than the government-wide statements. There are three parts to the Fund Financial Statements: 1) the governmental funds statements; 2) the budgetary comparison statements; and 3) the proprietary fund statements.

The next section of the basic financial statements is the **notes**. The notes to the financial statements explain in detail some of the data contained in those statements. After the notes, **supplemental information** is provided to show details about the Town's individual funds. Budgetary information required by the North Carolina General Statutes also can be found in this part of the statements.

TOWN OF MONTREAT, NORTH CAROLINA

Government-Wide Financial Statements

The government-wide financial statements are designed to provide the reader with a broad overview of the Town's finances, similar in format to a financial statement of a private-sector business. The government-wide statements provide short and long-term information about the Town's financial status as a whole.

The two government-wide statements report the Town's net position and how it has changed. Net position is the difference between the Town's total assets and deferred outflows of resources and total liabilities and deferred inflows of resources. Measuring net position is one way to gauge the Town's financial condition.

The government-wide statements are divided into two categories: 1) governmental activities and 2) business-type activities. The governmental activities include most of the Town's basic services such as public safety, transportation, and general administration. Property taxes and State and federal grant funds finance most of these activities. The business-type activities are those that the Town charges customers to provide. These include the water services offered by the Town.

The government-wide financial statements are Exhibits 1 and 2 of this report.

Fund Financial Statements

The fund financial statements (see Figure 1) provide a more detailed look at the Town's most significant activities. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town of Montreat, like all other governmental entities in North Carolina, uses fund accounting to ensure and reflect compliance (or non-compliance) with finance-related legal requirements, such as the General Statutes or the Town's budget ordinance. All of the funds of the Town can be divided into three categories: governmental funds, and proprietary funds.

Governmental Funds - Governmental funds are used to account for those functions reported as governmental activities in the government-wide financial statements. Most of the Town's basic services are accounted for in governmental funds. These funds focus on how assets can readily be converted into cash flow in and out, and what monies are left at year-end that will be available for spending in the next year. Governmental funds are reported using an accounting method called *modified accrual accounting* which provides a short-term spending focus. As a result, the governmental fund financial statements give the reader a detailed short-term view that helps him or her determine if there are more or fewer financial resources available to finance the Town's programs. The relationship between government activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

TOWN OF MONTREAT, NORTH CAROLINA

The Town of Montreat adopts an annual budget for its General Fund, as required by the General Statutes. The budget is a legally adopted document that incorporates input from the citizens of the Town, the management of the Town, and the decisions of the Board about which services to provide and how to pay for them. It also authorizes the Town to obtain funds from identified sources to finance these current period activities. The budgetary statement provided for the General Fund demonstrates how well the Town complied with the budget ordinance and whether the Town succeeded in providing the services as planned when the budget was adopted. The budgetary comparison statement uses the budgetary basis of accounting and is presented using the same format, language, and classifications as the legal budget document. The statement shows four columns: 1) the original budget as adopted by the board; 2) the final budget as amended by the board; 3) the actual resources, charges to appropriations, and ending balances in the General Fund; and 4) the difference or variance between the final budget and the actual resources and charges.

Proprietary Funds - The Town of Montreat has one kind of proprietary fund. *Enterprise Funds* are used to report the same functions presented as business-type activities in the government-wide financial statements. The Town of Montreat uses an enterprise fund to account for its water activity. The fund is the same as those functions shown in the business-type activities in the Statement of Net Position and the Statement of Activities. In accordance with *GASB 84 Fiduciary Activities*, the Town of Montreat reports custodial assets and the related liability in its proprietary fund.

Notes to the Financial Statements - The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements begin on page 22 of this report.

Other Information - In addition to the basic financial statements and accompanying notes, this report includes certain required supplementary information concerning the Town's progress in funding its obligation to provide pension benefits to its employees. Required supplementary information can be found beginning on page 48 of this report.

Interdependence with Other Entities The Town depends on financial resources flowing from, or associated with, both the federal government and the State of North Carolina. Because of this dependency, the Town is subject to changes in specific flows of intergovernmental revenues based on modifications to federal and State laws and federal and State appropriations. It is also subject to changes in investment earnings and asset values associated with U.S. Treasury Securities because of actions by foreign governments and other holders of publicly held U.S. Treasury Securities.

TOWN OF MONTREAT, NORTH CAROLINA

Government-Wide Financial Analysis

Town of Montreat's Net Position
Figure 2

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>
Current and other assets	\$ 1,458,856	\$ 933,475	\$ 930,207	\$ 885,537	\$ 2,389,063	\$ 1,819,012
Capital assets	<u>6,206,504</u>	<u>6,392,562</u>	<u>1,360,232</u>	<u>1,432,032</u>	<u>7,566,736</u>	<u>7,824,594</u>
Total assets	<u>7,665,360</u>	<u>7,326,037</u>	<u>2,290,439</u>	<u>2,317,569</u>	<u>9,955,799</u>	<u>9,643,606</u>
Total deferred outflows of resources	<u>254,707</u>	<u>268,590</u>	<u>17,286</u>	<u>13,053</u>	<u>271,993</u>	<u>281,643</u>
Long-term liabilities outstanding	1,128,965	1,454,190	272,936	325,493	1,401,901	1,779,683
Other liabilities	<u>102,761</u>	<u>143,018</u>	<u>51,262</u>	<u>54,743</u>	<u>154,023</u>	<u>197,761</u>
Total liabilities	<u>1,231,726</u>	<u>1,597,208</u>	<u>324,198</u>	<u>380,236</u>	<u>1,555,924</u>	<u>1,977,444</u>
Total deferred inflows of resources	<u>245,357</u>	<u>20,621</u>	<u>17,793</u>	<u>1,385</u>	<u>263,150</u>	<u>22,006</u>
Net position:						
Net investment in capital assets	5,341,705	5,444,896	1,058,751	1,084,229	6,400,456	6,529,125
Restricted	249,692	239,171			249,692	239,171
Unrestricted	<u>851,587</u>	<u>292,731</u>	<u>906,983</u>	<u>864,772</u>	<u>1,758,570</u>	<u>1,157,503</u>
Total net position	<u>\$ 6,442,984</u>	<u>\$ 5,976,798</u>	<u>\$ 1,965,734</u>	<u>\$ 1,949,001</u>	<u>\$ 8,408,718</u>	<u>\$ 7,925,799</u>

As noted earlier, net position may serve over time as one useful indicator of a government's financial condition. The assets and deferred outflows of the Town of Montreat exceeded liabilities and deferred inflows by \$8,408,718 as of June 30, 2022. The Town's net position increased by \$482,919 for the fiscal year ended June 30, 2022. However, the largest portion reflects the Town's net investment in capital assets (e.g. land, buildings, machinery, and equipment). The Town of Montreat uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Town of Montreat's net investment in capital assets is reported net of the outstanding related debt, the resources needed to repay that debt must be provided by other sources, since the capital assets cannot be used to liquidate these liabilities. An additional portion of the Town's net position, \$249,692, represents resources that are subject to external restrictions on how they may be used.

Several particular aspects of the Town's financial operations positively influenced the total unrestricted governmental net position:

- Continued diligence in the collection of property taxes by maintaining a tax collection percentage of 99.96%. The statewide average in fiscal year 2022 was 99.12%.
- Increased tax revenues of approximately \$17,000 due to growth of the Town and increased sales tax revenues of approximately \$87,000.
- Continued efforts in cost savings by Town management.

TOWN OF MONTREAT, NORTH CAROLINA

Town of Montreat's Changes in Net Position
Figure 3

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>
Revenues:						
Program revenues:						
Charges for services	\$ 112,415	\$ 68,427	\$ 347,544	\$ 340,336	\$ 459,959	\$ 408,763
Operating grants and contributions	195,269	257,147			195,269	257,147
Capital grants and contributions	19	2,705			19	2,705
General revenues:						
Property taxes	1,244,477	1,079,096			1,244,477	1,079,096
Sales taxes	544,354	457,847			544,354	457,847
Other taxes	93,730	93,117			93,730	93,117
Investment earnings	796	487	45	35	841	522
Other	<u>7,207</u>	<u>5,133</u>			<u>7,207</u>	<u>5,133</u>
Total revenues	<u>2,198,267</u>	<u>1,963,959</u>	<u>347,589</u>	<u>340,371</u>	<u>2,545,856</u>	<u>2,304,330</u>
Expenses:						
General government	632,590	539,937			632,590	539,937
Public safety	385,378	460,939			385,378	460,939
Transportation	520,124	505,964			520,124	505,964
Environmental protection	130,640	134,919			130,640	134,919
Cultural and recreation	34,221	26,657			34,221	26,657
Interest on long-term debt	29,128	31,588			29,128	31,588
Water			<u>330,856</u>	<u>276,722</u>	<u>330,856</u>	<u>276,722</u>
Total expenses	<u>1,732,081</u>	<u>1,700,004</u>	<u>330,856</u>	<u>276,722</u>	<u>2,062,937</u>	<u>1,976,726</u>
Increase in net position	466,186	263,955	16,733	63,649	482,919	327,604
Net position, beginning	<u>5,976,798</u>	<u>5,712,843</u>	<u>1,949,001</u>	<u>1,885,352</u>	<u>7,925,799</u>	<u>7,598,195</u>
Net position, ending	<u>\$6,442,984</u>	<u>\$5,976,798</u>	<u>\$1,965,734</u>	<u>\$1,949,001</u>	<u>\$8,408,718</u>	<u>\$7,925,799</u>

Governmental activities. Governmental activities increased the Town's net position by \$466,186, accounting for 97% of the total increase in the net position of the Town of Montreat. The increase net position was the result of additional grants received by the Town. The Town continued efforts to control costs and manage expenditures and Town management continued to reduce non-essential programs to a minimum and implemented cost saving strategies across departments. Town management believes that healthy investment in the Town will result in additional revenues, adding to the Town's net position. Capital projects over the past few years, which were largely funded by governmental activities, resulted in negative impacts on net position of governmental activities. Town management acknowledges that 2022 was a significant improvement but plans on continuing a long-term strategy to realize continued fiscal health.

Business-type activities. Business-type activities increased the Town of Montreat's net position by \$16,733 accounting for 3% of the total increase of the government's net position. A key element of this increase was water fund billings. Cost-saving measures are being taken to continue reduce operating costs in the Water Fund and improve fiscal health.

TOWN OF MONTREAT, NORTH CAROLINA

Financial Analysis of the Town's Funds

As noted earlier, the Town of Montreat uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. The focus of the Town of Montreat's governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing the Town of Montreat's financing requirements.

The general fund is the chief operating fund of the Town. At the end of the current fiscal year, the Town's fund balance available in the General Fund was \$893,598, while total fund balance reached \$1,163,405. The Governing Body of the Town of Montreat has determined that the Town should maintain an available fund balance of at least 35% of general fund budgeted expenditures in case of unforeseen needs or opportunities, in addition to meeting the cash flow needs of the Town. The Town currently has an available fund balance of 52.77% of general fund expenditures, and total fund balance represents 68.70% of the same amount.

At June 30, 2022, governmental funds reported a combined fund balance of \$1,441,922, with a net increase in fund balance of \$566,452. Included in this change in fund balance is an increase in fund balance in the general fund of \$438,169.

General Fund Budgetary Highlights. During the fiscal year, the Town revised the budget on several occasions. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget ordinance once exact information is available; 2) amendments made to recognize new funding amounts from external sources, such as federal and State grants; and 3) increases in appropriations that become necessary to maintain services.

There were several reasons the Town revised its budget throughout the year. Amendments were made for unplanned expenses and additional transfers to other funds.

Proprietary Fund. The Town of Montreat's proprietary fund provides the same type of information found in the government-wide statements but in more detail. Unrestricted net position of the Water Fund at the end of the fiscal year amounted to \$906,983. The total change in net position for the Water Fund was \$16,733. The change in net position in the Water Fund is primarily a result increased water billings in the fund. Custodial assets and liabilities in the proprietary fund total \$22,445 as of June 30, 2022.

Capital Asset and Debt Administration

Capital assets. The Town of Montreat's investment in capital assets for its governmental and business-type activities as of June 30, 2022, totals \$7,566,736 (net of accumulated depreciation). These assets include land, construction on progress, buildings, building improvements, infrastructure, equipment, IT equipment, and vehicles. Major capital asset transactions during the year include the following: construction project on Greybeard. There was no construction in progress at June 30, 2022.

TOWN OF MONTREAT, NORTH CAROLINA

Town of Montreat's Capital Assets (net of depreciation)

Figure 4

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Land	\$ 1,057,505	\$ 1,057,505	\$ 367,968	\$ 367,968	\$ 1,425,473	\$ 1,425,473
Buildings	2,330,612	2,379,140	60,415	63,968	2,391,027	2,443,108
Building improvements	3,897	5,710	418,084	437,993	421,981	443,703
Infrastructure	2,676,902	2,753,640	494,204	549,352	3,171,106	3,302,992
Equipment	91,507	108,988	19,561	12,751	111,068	121,739
Vehicles	46,081	87,579			46,081	87,579
Total	<u>\$ 6,206,504</u>	<u>\$ 6,392,562</u>	<u>\$ 1,360,232</u>	<u>\$ 1,432,032</u>	<u>\$ 7,566,736</u>	<u>\$ 7,824,594</u>

Additional information on the Town's capital assets can be found in Note 3.A.4 of the Basic Financial Statements.

Long-term Debt. As of June 30, 2022, The Town of Montreat's debt consisted of installment notes, compensated absences, and pension related debt.

Town of Montreat's Outstanding Debt

Figure 5

	Governmental Activities		Business-type Activities		Total	
	2022	2021	2022	2021	2022	2021
Bonds payable	\$	\$	\$	\$ 6,000	\$	\$ 6,000
Installment purchases	864,799	947,666	301,481	341,803	1,166,280	1,289,469
Compensated absences	93,106	86,217			93,106	86,217
Pension related debt (LGERS)	134,221	306,530	11,777	24,012	145,998	330,542
Pension related debt (LEOSSA)	119,706	196,644			119,706	196,644
Total	<u>\$ 1,211,832</u>	<u>\$ 1,537,057</u>	<u>\$ 313,258</u>	<u>\$ 371,815</u>	<u>\$ 1,525,090</u>	<u>\$ 1,908,872</u>

Town of Montreat's Outstanding Debt. The Town of Montreat's total long-term obligations decreased by \$383,782 (20.11%) during the current fiscal year. The key factors in the decrease were planned debt service principal payments and decreases in pension related debt.

North Carolina General Statutes limit the amount of general obligation debt that a unit of government can issue to 8% of the total assessed value of taxable property located within that government's boundaries. The legal debt margin for the Town of Montreat is \$22,243,795.

Additional information regarding the Town of Montreat's long-term debt can be found in Note 3.B.6 of this report.

TOWN OF MONTREAT, NORTH CAROLINA

Economic Factors and Next Year's Budgets and Rates

The following key economic indicators reflect the growth and prosperity of the Town.

- Consistent property values in the current fiscal year.
- Continued effort by the Town to limit excess costs.

Budget Highlights for the Fiscal Year Ending June 30, 2023

Governmental Activities: Property taxes and other tax revenues are expected to increase during 2023. Revenues from fees and permits are expected to increase slightly during the next fiscal year. Town will use these increases in revenues to finance programs currently in place. Management has seen some improvement in areas that were affected by COVID-19 and anticipates more growth in coming years.

Budgeted expenditures in the General Fund are expected to increase approximately 23% to \$2,074,556. The budgeted increases are in response to an overall general increase in costs.

Business-type Activities: Budgeted Water Fund revenues for the fiscal year ending June 30, 2023, have been estimated at \$359,734. This represents an increase of \$12,145, or 4%, from the final actual revenues of \$347,589 for the fiscal year ended June 30, 2022. Generally, water revenues are expected to be consistent for the next fiscal year.

Budgeted Water Fund expenditures and debt service for the fiscal year ending June 30, 2023, equal \$359,734. This is an increase of \$28,878, or 9%, from the final actual expenditures of \$330,856 for fiscal year ended June 30, 2022. This is primarily due an increase in residents and rentals during 2023, hence more water usage.

Requests for Information

This report is designed to provide an overview of the Town's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Town Manager, Town of Montreat, P.O. Box 423 Montreat, North Carolina, 28757. One can also call (828) 669-8002, visit our website www.townofmontreat.org, or send an email to bblackburn@townofmontreat.org for more information.

BASIC FINANCIAL STATEMENTS

Exhibit 1**TOWN OF MONTREAT, NORTH CAROLINA**Statement of Net Position
June 30, 2022

	Primary Government		
	Governmental Activities	Business-type Activities	Total
Assets			
Current assets:			
Cash and cash equivalents	\$ 1,140,508	\$ 880,436	\$ 2,020,944
Taxes receivable, net	187,276		187,276
Accounts receivable, net		25,845	25,845
Inventories		16,540	16,540
Restricted cash and cash equivalents	131,072	7,386	138,458
Total current assets	<u>1,458,856</u>	<u>930,207</u>	<u>2,389,063</u>
Noncurrent assets:			
Capital assets:			
Land, non-depreciable improvements, and constructions in process	1,057,505	367,968	1,425,473
Other capital assets, net of depreciation	<u>5,148,999</u>	<u>992,264</u>	<u>6,141,263</u>
Total non-current assets	<u>6,206,504</u>	<u>1,360,232</u>	<u>7,566,736</u>
Total assets	<u>\$ 7,665,360</u>	<u>\$ 2,290,439</u>	<u>\$ 9,955,799</u>
Deferred outflows of resources	<u>\$ 254,707</u>	<u>\$ 17,286</u>	<u>\$ 271,993</u>
Liabilities			
Current liabilities:			
Accounts payable and accrued liabilities	\$ 19,894	\$ 3,554	\$ 23,448
Liabilities payable from restricted assets		7,386	7,386
Current portion of long-term liabilities	<u>82,867</u>	<u>40,322</u>	<u>123,189</u>
Total current liabilities	<u>102,761</u>	<u>51,262</u>	<u>154,023</u>
Long-term liabilities:			
Total pension liability	119,706		119,706
Net pension liability	134,221	11,777	145,998
Due in more than one year	<u>875,038</u>	<u>261,159</u>	<u>1,136,197</u>
Total long-term liabilities	<u>1,128,965</u>	<u>272,936</u>	<u>1,401,901</u>
Total liabilities	<u>\$ 1,231,726</u>	<u>\$ 324,198</u>	<u>\$ 1,555,924</u>
Deferred inflows of resources	<u>\$ 245,357</u>	<u>\$ 17,793</u>	<u>\$ 263,150</u>
Net position			
Net investment in capital assets	\$ 5,341,705	\$ 1,058,751	\$ 6,400,456
Restricted:			
Stabilization by State Statute	186,980		186,980
Streets	47,844		47,844
Open Space	14,868		14,868
Unrestricted	<u>851,587</u>	<u>906,983</u>	<u>1,758,570</u>
Total net position	<u>\$ 6,442,984</u>	<u>\$ 1,965,734</u>	<u>\$ 8,408,718</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 2

TOWN OF MONTREAT, NORTH CAROLINA

Statement of Activities
For the Year Ended June 30, 2022

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Govern- mental Activities	Business- type Activities	Total
Primary government:							
Governmental activities:							
General government	\$ 632,590	\$ 94,433	\$ 145,971	\$ 19	\$ (392,167)	\$	\$ (392,167)
Public safety	385,378	3,371	1,716		(380,291)		(380,291)
Transportation	520,124		45,900		(474,224)		(474,224)
Environmental protection	130,640	14,611			(116,029)		(116,029)
Cultural and recreation	34,221		1,682		(32,539)		(32,539)
Interest on long-term debt	29,128				(29,128)		(29,128)
Total governmental activities	<u>1,732,081</u>	<u>112,415</u>	<u>195,269</u>	<u>19</u>	<u>(1,424,378)</u>		<u>(1,424,378)</u>
Business-type activities:							
Water	<u>330,856</u>	<u>347,544</u>				<u>16,688</u>	<u>16,688</u>
Total business-type activities	<u>330,856</u>	<u>347,544</u>				<u>16,688</u>	<u>16,688</u>
Total primary government	<u>\$ 2,062,937</u>	<u>\$ 459,959</u>	<u>\$ 195,269</u>	<u>\$ 19</u>	<u>(1,424,378)</u>	<u>16,688</u>	<u>(1,407,690)</u>
General revenues:							
Taxes:							
Property taxes, levied for general purpose					1,244,477		1,244,477
Sales taxes					544,354		544,354
Other taxes					93,730		93,730
Unrestricted investment earnings					796	45	841
Gain on sale of capital assets					1,140		1,140
Miscellaneous					6,067		6,067
Total general revenues					<u>1,890,564</u>	<u>45</u>	<u>1,890,609</u>
Change in net position					466,186	16,733	482,919
Net position, beginning					5,976,798	1,949,001	7,925,799
Net position, ending					<u>\$ 6,442,984</u>	<u>\$ 1,965,734</u>	<u>\$ 8,408,718</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 3**TOWN OF MONTREAT, NORTH CAROLINA**

Balance Sheet
Governmental Funds
June 30, 2022

	<u>Major Funds</u>		
	General Fund	Total Nonmajor Funds	Total Governmental Funds
Assets			
Cash and cash equivalents	\$ 943,913	\$ 279,823	\$ 1,223,736
Taxes receivable, net	187,276		187,276
Other receivables, net			
Restricted cash	<u>47,844</u>		<u>47,844</u>
Total assets	<u>\$ 1,179,033</u>	<u>\$ 279,823</u>	<u>\$ 1,458,856</u>
Liabilities			
Accounts payable and accrued liabilities	<u>\$ 15,332</u>	<u>\$ 1,306</u>	<u>\$ 16,638</u>
Deferred inflows of resources	<u>296</u>		<u>296</u>
Fund balances			
Restricted:			
Stabilization by State statute	186,980		186,980
Streets	47,844		47,844
Open Space	14,868		14,868
Committed	20,115	194,383	214,498
Unassigned	<u>893,598</u>	<u>84,134</u>	<u>977,732</u>
Total fund balances	<u>1,163,405</u>	<u>278,517</u>	<u>1,441,922</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 1,179,033</u>	<u>\$ 279,823</u>	
Amounts reported for governmental activities in the Statement of Net Position (Exhibit 1) are different because:			
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.			
Gross capital assets at historical cost			7,810,508
Accumulated depreciation			(1,604,004)
Deferred outflows of resources related to pensions are not reported in the funds			254,707
Long-term liabilities used in governmental activities are not financial uses and therefore are not reported in the funds:			
Long-term debt included as net position below (includes the addition of long-term debt and principal payments during the year)			(82,867)
Net pension liability			(134,221)
Total pension liability			(119,706)
Installment purchases			(875,038)
Deferred inflows of resources related to pensions are not reported in the funds			(245,061)
Other long-term liabilities (accrued interest) are not due and payable in the current period and therefore are not reported in the funds			<u>(3,256)</u>
Net position of governmental activities			<u>\$ 6,442,984</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 4**TOWN OF MONTREAT, NORTH CAROLINA**

Statement of Revenues, Expenditures, and Changes in Fund Balances
 Governmental Funds
 For the Year Ended June 30, 2022

	<u>Major Fund</u>		
	General Fund	Total Nonmajor Funds	Total Governmental Funds
Revenues			
Ad valorem taxes	\$ 1,245,291	\$	\$ 1,245,291
Other taxes and licenses	544,354		544,354
Unrestricted intergovernmental	93,730		93,730
Restricted intergovernmental	50,463	1,716	52,179
Permits and fees	112,415		112,415
Investment earnings	778		778
Miscellaneous	<u>8,842</u>	<u>140,352</u>	<u>149,194</u>
Total revenues	<u>2,055,873</u>	<u>142,068</u>	<u>2,197,941</u>
Expenditures			
Current:			
General government	530,407	59,342	589,749
Public safety	379,016		379,016
Transportation	404,223	5,843	410,066
Environmental protection	119,119		119,119
Cultural and recreation	22,684		22,684
Debt service:			
Principal	16,200	66,667	82,867
Interest and other charges	<u>1,741</u>	<u>27,387</u>	<u>29,128</u>
Total expenditures	<u>1,473,390</u>	<u>159,239</u>	<u>1,632,629</u>
Excess (deficiency) of revenues over expenditures	<u>582,483</u>	<u>(17,171)</u>	<u>565,312</u>
Other financing sources			
Sale of capital assets	1,140		1,140
Transfers from (to) other funds	<u>(145,454)</u>	<u>145,454</u>	
Total other financing sources (uses)	<u>(144,314)</u>	<u>145,454</u>	<u>1,140</u>
Net change in fund balance	438,169	128,283	566,452
Fund balances, beginning	<u>725,236</u>	<u>150,234</u>	<u>875,470</u>
Fund balances, ending	<u>\$ 1,163,405</u>	<u>\$ 278,517</u>	<u>\$ 1,441,922</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 4 (cont.)**TOWN OF MONTREAT, NORTH CAROLINA**

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances
 Governmental Funds
 For the Year Ended June 30, 2022

Amounts reported for governmental activities in the statement of activities are different because:

Net changes in fund balances - total governmental funds	\$ 566,452
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period	
Capital outlay expenditures which were capitalized	32,500
Depreciation expense for governmental assets	(218,558)
Contributions to the pension plan in the current fiscal year are not included on the Statement of Activities	69,816
Benefit payments paid and administrative expense for the LEOSSA are not included on the Statement of Activities	6,416
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds	
Decrease in unavailable revenue for tax revenues	(814)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction has any effect on net position. This amount is the net affect of these differences in the treatment of long-term debt and related items	
Principal payments on long-term debt	82,867
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	
Compensated absences	6,889
Pension expense	(79,382)
Total changes in net position of governmental activities	<u>\$ 466,186</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 5**TOWN OF MONTREAT, NORTH CAROLINA**

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Year Ended June 30, 2022

	Original Budget	Final Budget	Actual Amounts	Variance with final budget- positive (negative)
Revenues				
Ad valorem taxes	\$ 1,202,733	\$ 1,202,733	\$ 1,245,291	\$ 42,558
Other taxes and licenses	421,500	421,500	544,354	122,854
Unrestricted intergovernmental	92,515	92,515	93,730	1,215
Restricted intergovernmental	37,000	45,899	50,463	4,564
Permits and fees	55,289	71,013	112,415	41,402
Investment earnings	480	480	778	298
Miscellaneous	<u>1,435</u>	<u>2,775</u>	<u>8,842</u>	<u>6,067</u>
Total revenues	<u>1,810,952</u>	<u>1,836,915</u>	<u>2,055,873</u>	<u>218,958</u>
Expenditures				
Current:				
General government	541,541	626,594	530,407	96,187
Public safety	438,373	432,117	379,016	53,101
Transportation	415,280	458,880	404,223	54,657
Environmental protections	102,096	128,897	119,119	9,778
Cultural and recreation	22,900	24,240	22,684	1,556
Debt service:				
Principal	16,200	16,200	16,200	
Interest and other charges	1,742	1,742	1,741	1
Capital outlay	<u>132,602</u>	<u>4,767</u>	<u></u>	<u>4,767</u>
Total expenditures	<u>1,670,734</u>	<u>1,693,437</u>	<u>1,473,390</u>	<u>220,047</u>
Revenues over (under) expenditures	<u>140,218</u>	<u>143,478</u>	<u>582,483</u>	<u>439,005</u>
Other financing sources (uses)				
Sale of capital assets		1,140	1,140	
Transfer to other funds	<u>(140,218)</u>	<u>(144,618)</u>	<u>(145,454)</u>	<u>(836)</u>
Total other financing sources (uses)	<u>(140,218)</u>	<u>(143,478)</u>	<u>(144,314)</u>	<u>(836)</u>
Net change in fund balance	<u>\$</u>	<u>\$</u>	438,169	<u>\$ 438,169</u>
Fund balance, beginning			<u>725,236</u>	
Fund balance, ending			<u>\$ 1,163,405</u>	

The notes to the financial statements are an integral part of this statement.

Exhibit 6**TOWN OF MONTREAT, NORTH CAROLINA**

Statement of Fund Net Position
 Proprietary Fund
 June 30, 2022

	Major Enterprise Fund <u>Water Fund</u>
Assets	
Current assets:	
Cash and cash equivalents	\$ 880,436
Accounts receivable (net)	25,845
Inventories	16,540
Restricted cash and cash equivalents	<u>7,386</u>
Total current assets	<u>930,207</u>
Noncurrent assets:	
Land and construction in process	367,968
Capital assets, net of depreciation	<u>992,264</u>
Total noncurrent assets	<u>1,360,232</u>
Total assets	<u>\$ 2,290,439</u>
Deferred outflows of resources	<u>\$ 17,286</u>
Liabilities	
Current liabilities:	
Accounts payable and accrued liabilities	\$ 3,554
Installment purchases, current	40,322
Liabilities payable from restricted assets:	
Customer deposits	<u>7,386</u>
Total current liabilities	<u>51,262</u>
Noncurrent liabilities:	
Installment purchases	261,159
Net pension liability	<u>11,777</u>
Total noncurrent liabilities	<u>272,936</u>
Total liabilities	<u>\$ 324,198</u>
Deferred inflows of resources	<u>\$ 17,793</u>
Net position	
Net investment in capital assets	\$ 1,058,751
Unrestricted	<u>906,983</u>
Total net position	<u>\$ 1,965,734</u>

The notes to the financial statements are an integral part of this statement.

Exhibit 7**TOWN OF MONTREAT, NORTH CAROLINA**

Statement of Revenues, Expenses, and Changes in Fund Net Position
Proprietary Fund
For the Year Ended June 30, 2022

	Major Enterprise Fund <u>Water Fund</u>
Operating revenues	
Charges for services	\$ 298,891
Other operating revenues	<u>48,653</u>
Total operating revenues	<u>347,544</u>
Operating expenses	
Water operations	243,876
Depreciation	<u>81,997</u>
Total operating expenses	<u>325,873</u>
Operating income	<u>21,671</u>
Nonoperating revenues (expenses)	
Investment earnings	45
Interest expense	<u>(4,983)</u>
Total non-operating expenses	<u>(4,938)</u>
Change in net position	16,733
Beginning net position	<u>1,949,001</u>
Total net position, ending	<u>\$ 1,965,734</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF MONTREAT, NORTH CAROLINA

Statement of Cash Flows
 Proprietary Fund
 For the Year Ended June 30, 2022

	Major Enterprise Fund <u>Water Fund</u>
Cash flows from operating activities	
Cash received from customers	\$ 358,111
Cash paid for goods and services	(170,410)
Cash paid to or on behalf of employees for services	<u>(72,370)</u>
Net cash provided by operating activities	<u>115,331</u>
Cash flows from capital and related financing activities	
Acquisition and construction of capital assets	(10,197)
Principal payment on long-term debt	(46,322)
Interest payment on long-term debt	<u>(4,983)</u>
Net cash used by capital and related financing activities	<u>(61,502)</u>
Cash flows from investing activities	
Interest received	<u>45</u>
Net increase in cash and cash equivalents	53,874
Balances, beginning	<u>833,948</u>
Balances, ending	<u>\$ 887,822</u>
Reconciliation of operating loss to net cash provided by operating activities:	
Operating income	\$ 21,671
Depreciation	81,997
Changes in assets and liabilities:	
Decrease in accounts receivable	9,204
Increase in accounts payable and accrued liabilities	1,156
Increase in customer deposits	1,363
Decrease in net pension liability	(12,235)
Increase in deferred outflows of resources - pensions	(4,233)
Increase in deferred inflows of resources - pensions	<u>16,408</u>
Net cash provided by operating activities	<u>\$ 115,331</u>

The notes to the financial statements are an integral part of this statement.

TOWN OF MONTREAT, NORTH CAROLINA

Notes to the Financial Statements For the Fiscal Year Ended June 30, 2022

Note 1 - Summary of Significant Accounting Policies

The accounting policies of the Town of Montreat conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies:

A. Reporting Entity

The Town of Montreat (the “Town”) is a municipal corporation that is governed by an elected mayor and a five-member board of commissioners.

B. Basis of Presentation

Government-wide Statements: The statement of net position and the statement of activities display information about the primary government. These statements include the financial activities of the overall government. Eliminations have been made to minimize the double counting of internal activities. These statements distinguish between the *governmental* and *business-type activities* of the Town. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for the different business-type activities of the Town and for each function of the Town’s governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a specific function. Indirect expense allocations that have been made in the funds have been reversed for the statement of activities. Program revenues include (a) fees and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Town’s funds. Separate statements for each fund category – *governmental and proprietary* - are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as non-major funds.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Non-operating revenues, such as subsidies, result from non-exchange transactions. Other non-operating revenues are ancillary activities such as investment earnings.

Note 1 - Summary of Significant Accounting Policies (continued)

The Town reports the following major governmental funds:

General Fund. The General Fund is the general operating fund of the Town. The General Fund accounts for all financial resources except those that are required to be accounted for in another fund. The primary revenue sources are ad valorem taxes, State grants, and various other taxes and licenses. The primary expenditures are for administration, public safety, and street maintenance.

The Town reports the following major enterprise fund:

Water Fund. This fund is used to account for the Town's water operations. The Town reports custodial assets and liabilities within the water fund. The Town collects sewer charges that are required to be remitted to the Metropolitan Sewerage District (MSD). These funds are typically held for less than three months.

C. Measurement Focus and Basis of Accounting

In accordance with North Carolina General Statutes, all funds of the Town are maintained during the year using the modified accrual basis of accounting.

Government-wide and Proprietary Financial Statements. The government-wide, proprietary, and fiduciary fund financial statements are reported using the economic resources measurement focus. The government-wide, proprietary, and fiduciary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non-exchange transactions, in which the Town gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principle ongoing operations. The principle operating revenues of the Town's enterprise fund are charges to customers for sales and services. The Town also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the water and sewer system.

Note 1 - Summary of Significant Accounting Policies (continued)

Operating expenses for the enterprise fund include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

Governmental Fund Financial Statements. Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of general long-term debt and acquisitions under capital leases are reported as other financing sources.

The Town considers all revenues available if they are collected within 90 days after year-end, except for property taxes. Ad valorem taxes receivable are not accrued as revenue because the amount is not susceptible to accrual. At June 30, taxes receivable for property other than motor vehicles are materially past due and are not considered to be an available resource to finance the operations of the current year. Also, as of September 1, 2013, state law altered the procedures for the assessment and collection of property taxes on registered motor vehicles in North Carolina. Effective with this change in the law, the State of North Carolina is responsible for billing and collecting the property taxes on registered motor vehicles on behalf of all municipalities and special tax districts. Property taxes are due when the vehicles are registered. The billed taxes are applicable to the fiscal year in which they are received.

Sales taxes and certain intergovernmental revenues, such as the beer and wine tax, collected and held by the State at year-end on behalf of the Town are recognized as revenue. Sales taxes are considered a shared revenue for the Town because the tax is levied by Buncombe County and then remitted to and distributed by the State. Most intergovernmental revenues and sales and services are not susceptible to accrual because generally they are not measurable until received in cash. All taxes, including those dedicated for specific purposes are reported as general revenues rather than program revenues. Under the terms of grant agreements, the Town funds certain programs by a combination of specific cost-reimbursement grants, categorical block grants, and general revenues. Thus, when program expenses are incurred, there is both restricted and unrestricted net position available to finance the program. It is the Town's policy to first apply cost-reimbursement grant resources to such programs, followed by categorical block grants, and then general revenues.

D. Budgetary Data

The Town's budgets are adopted as required by the North Carolina General Statutes. An annual budget is adopted for the General Fund and the Enterprise Fund. All annual appropriations lapse at the fiscal year-end. Project ordinances are adopted for all capital project funds and special revenue funds.

Note 1 - Summary of Significant Accounting Policies (continued)

All budgets are prepared using the modified accrual basis of accounting. Expenditures may not legally exceed appropriations at the functional level for all annually budgeted funds and at the project level for the multi-year funds. Amendments are required for any revisions that alter total expenditures of any fund or that change functional appropriations by more than \$2,500. All amendments must be approved by the governing board and the Board must adopt an interim budget that covers that time until the annual ordinance can be adopted. During the year, several amendments to the original budget were necessary.

E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity

1. Deposits and Investments

All deposits of the Town are made in board-designated official depositories and are secured as required by State law [G.S. 159-31]. The Town may designate, as an official depository, any bank or savings association whose principal office is located in North Carolina. Also, the Town may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts, and certificates of deposit.

State law [G.S. 159-30I] authorizes the Town to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States, obligations of the State of North Carolina, bonds and notes of any North Carolina local government or public authority, obligations of certain non-guaranteed federal agencies, certain high quality issues of commercial paper and bankers' acceptances, and the North Carolina Capital Management Trust (NCCMT). The Town's investments are generally reported at fair value. The NCCMT Government Portfolio, a SEC-registered (2a-7) money market mutual fund, is measured at fair value. Because the NCCMT Government Portfolio has a weighted average maturity of less than 90 days, it is presented as an investment with a maturity of less than 6 months.

2. Cash and Cash Equivalents

The Town pools money from several funds to facilitate disbursement and investment and to maximize investment income and considers all cash and investments to be cash and cash equivalents.

3. Restricted Assets

Customer deposits held by the Town before any services are supplied are restricted to the service for which the deposit was collected. Powell Bill funds are also classified as restricted cash because they can be expended only for the purposes outlined in G.S. 136-41.1 through 136-41.4.

Note 1 - Summary of Significant Accounting Policies (continued)

Restricted cash at June 30, 2022 consists of the following:

Governmental activities:

General Fund:

Streets \$ 47,844

ARPA Fund 83,228

Business-type activities:

Water Fund:

Customer deposits 7,386

Total restricted cash \$ 138,458

4. Ad Valorem Taxes Receivable

In accordance with State law [G.S. 105-347 and G.S. 159-13(a)], the Town levies ad valorem taxes on property other than motor vehicles on July 1st, the beginning of the fiscal year. The taxes are due on September 1st (lien date); however, interest does not accrue until the following January 6th. These taxes are based on the assessed values as of January 1, 2021. As allowed by State law, the Town has established a schedule of discounts that apply to taxes that are paid prior to the due date. In the Town's General Fund, ad valorem tax revenues are reported net of such discounts.

5. Allowances for Doubtful Accounts

All receivables that historically experience uncollectible accounts are shown net of an allowance for doubtful accounts. This amount is estimated by analyzing the percentage of receivables that were written off in prior years.

6. Inventory and Prepaid Items

The inventories of the Town are valued at cost (first-in, first-out), which approximates market. The Town's General Fund inventory consists of expendable supplies that are recorded as expenditures as used rather than when purchased. The inventories of the Town's enterprise fund consist of materials and supplies held for subsequent use. The cost of these inventories is expensed when consumed rather than when purchased.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements and expensed as the items are used.

Note 1 - Summary of Significant Accounting Policies (continued)

7. Capital Assets

Capital assets are defined by the government as assets with an initial, individual cost of more than a certain cost and an estimated useful life in excess of two years. Minimum capitalization costs are as follows: land, \$10,000; buildings, improvements, substations, lines, and other plant and distribution systems, \$15,000; infrastructure, \$20,000; equipment and furniture, \$5,000; vehicles and motorized equipment, \$10,000; \$5,000 computer software and computer equipment \$500. Donated capital assets received prior to June 30, 2015 are recorded at their estimated fair value at the date of donation. Donated capital assets received after June 30, 2015 are recorded at acquisition value. All other purchased or constructed capital assets are reported at cost or estimated historical cost. General infrastructure assets acquired prior to July 1, 2003, consist of the road network and water system assets that were acquired or that received substantial improvements subsequent to July 1, 1980, and are reported at estimated historical cost using deflated replacement cost. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset Class</u>	<u>Estimated Useful Lives</u>
Infrastructure	30
Buildings	50
Improvements	25
Equipment and furniture	10
Vehicles	6
Computer equipment	3

8. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *Deferred Outflows of Resources*, represents a consumption of net position that applies to a future period and so will not be recognized as an expense or expenditure until then. The Town has one item that meets this criterion, pension deferrals for the 2022 fiscal year. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *Deferred Inflows of Resources*, represents an acquisition of net position that applies to a future period and so will not be recognized as revenue until then. The Town has several items that meet the criterion for this category - prepaid taxes, property taxes receivable, and pension deferrals.

9. Long-Term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position.

Note 1 - Summary of Significant Accounting Policies (continued)

10. Compensated Absences

The vacation policy of the Town provides for the accumulation of up to thirty days earned vacation leave with such leave being fully vested when earned. For the Town's governmentwide and proprietary funds, an expense and a liability for compensated absences and the salary-related payments are recorded as the leave is earned. The Town has assumed a first-in, first-out method of using accumulated compensated time.

The Town's sick leave policy provides for an unlimited accumulation of earned sick leave. Sick leave does not vest, but any unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement benefit purposes. Since the Town does not have any obligation for the accumulated sick leave until it is taken, no accrual for sick leave has been made.

11. Net Position/Fund Balances

Net Position

Net position in government-wide and proprietary fund financial statements are classified as net investment in capital assets, restricted, and unrestricted. Restricted net position represents constraints on resources that are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through state statute.

Fund Balances

In the governmental fund financial statements, fund balance is composed of five classifications designed to disclose the hierarchy of constraints placed on how fund balance can be spent.

The governmental fund types classify fund balances as follows:

Nonspendable Fund Balance - This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Inventories - portion of fund balance that is not an available resource because it represents the year-end balance of ending inventories, which are not spendable resources.

Note 1 - Summary of Significant Accounting Policies (continued)

Restricted Fund Balance - This classification includes amounts that are restricted to specific purposes externally imposed by creditors or imposed by law.

Restricted for Stabilization by State Statute - North Carolina G.S. 159-8 prohibits units of government from budgeting or spending a portion of their fund balance. This is one of several statutes enacted by the North Carolina State Legislature in the 1930's that were designed to improve and maintain the fiscal health of local government units. Restricted by State statute (RSS), is calculated at the end of each fiscal year for all annually budgeted funds. The calculation in G.S. 159-8(a) provides a formula for determining what portion of fund balance is available for appropriation. The amount of fund balance not available for appropriation is what is known as "restricted by State statute." Appropriated fund balance in any fund shall not exceed the sum of cash and investments minus the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts, as those figures stand at the close of the fiscal year next preceding the budget. Per GASB guidance, RSS is considered a resource upon which a restriction is "imposed by law through constitutional provisions or enabling legislation." RSS is reduced by inventories and prepaids as they are classified as non-spendable. Outstanding Encumbrances are included within RSS. RSS is included as a component of Restricted Net position and Restricted fund balance on the face of the balance sheet.

Restricted for Streets - Powell Bill portion of fund balance that is restricted by revenue source for street construction and maintenance expenditures. This amount represents the balance of unexpended Powell Bill funds.

Committed Fund Balance - portion of fund balance that can only be used for specific purposes imposed by majority vote by quorum of Town of Montreat's governing body (highest level of decision-making authority). The governing body can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Committed for General Government - portion of fund balance that is committed by the Board for the Town Hall building project.

Committed for Transportation - portion of fund balance that is committed by the Board for road projects.

Committed for Culture and Recreation - portion of fund balance that is committed by the Board for forestry and landscape projects.

Assigned Fund Balance - portion of fund balance that the Town intends to use for specific purposes.

Subsequent year's expenditures - the portion of fund balance that is appropriated in the next year's budget that is not already classified in restricted or committed. The governing body approves the appropriation; however, the budget ordinance authorizes the manager to modify the appropriations by resource or appropriations withing funds up to \$2,500.

Note 1 - Summary of Significant Accounting Policies (continued)

Unassigned Fund Balance - the portion of fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

The Town of Montreat has a revenue spending policy that provides guidance for programs with multiple revenue sources. The Finance Officer will use resources in the following hierarchy: bond proceeds, federal funds, State funds, local non-Town funds, Town funds. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in order by committed fund balance, assigned fund balance and lastly unassigned fund balance. The Finance Officer has the authority to deviate from this policy if it is in the best interest of the Town.

The Town of Montreat has also adopted a minimum fund balance policy for the General Fund, which instructs management to conduct the business of the Town in such a manner that remaining fund balance is at least equal to or greater than 35% of budgeted expenditures. Any portion of the General Fund balance in excess of 35% of budgeted expenditures may be appropriated for one-time expenditures and may not be used for any purpose that would obligate the Town in a future budget.

12. Defined Benefit Cost-Sharing Plans

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Local Governmental Employees' Retirement System (LGERS) and additions to/deductions from LGERS fiduciary net position have been determined on the same basis as they are reported by LGERS. For this purpose, plan member contributions are recognized in the period in which the contributions are due. The Town of Montreat's employer contributions are recognized when due and the Town has a legal requirement to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of LGERS. Investments are reported at fair value.

Note 2 - Stewardship, Compliance, and Accountability

The Town does not have any instances of stewardship, compliance, or accountability violations to report for the fiscal year ended June 30, 2022.

Note 3 - Detail Notes on All Funds

A. Assets

1. Deposits

All the deposits of the Town are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Town's agents in the Town's name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Town, these deposits are considered to be held by the Town's agents in Town's name. The amount of the pledged collateral is based on an approved averaging method for non-interest-bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Town or the escrow agent. Because of the inability to measure the exact amount of collateral pledged for the Town under the Pooling Method, the potential exists for under-collateralization. This risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The Town has no formal policy regarding custodial credit risk for deposits, but relies on the State Treasurer to enforce standards of minimum capitalization for all pooling method financial institutions and to monitor them for compliance. The Town complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.

At June 30, 2022, the Town's deposits had a carrying amount of \$2,181,847 and a bank balance of \$2,122,510. Of the bank balance, \$513,865 was covered by federal depository insurance and the remainder was covered by collateral held under the pooling method. At June 30, 2022, the Town's petty cash fund totaled \$250.

2. Investments

At June 30, 2022, the Town had \$13,865 invested with the North Carolina Capital Management Trust's Government Portfolio which carried a credit rating of AAAM by Standard and Poor's. The Town has no policy regarding credit risk.

3. Receivables - Allowances for Doubtful Accounts

The amounts presented in the Balance Sheet and the Statement of Net Position for the year ended June 30, 2022 are net of the following allowances for doubtful accounts:

Water fund - accounts receivable	\$ <u>1,748</u>
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Note 3 - Detail Notes on All Funds (continued)

4. Capital Assets

Capital asset activity for the Primary Government for the year ended June 30, 2022, was as follows:

	<u>Beginning Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balances</u>
Governmental activities:				
Capital assets not being depreciated:				
Land	\$ 1,057,505	\$	\$	\$ 1,057,505
Capital assets being depreciated:				
Buildings	2,425,927			2,425,927
Improvements	59,507			59,507
Infrastructure	3,517,184	32,500		3,549,684
Equipment	188,001			188,001
IT equipment	63,995			63,995
Vehicles	465,889			465,889
Total capital assets being depreciated	<u>6,720,503</u>	<u>\$ 32,500</u>	<u>\$</u>	<u>6,753,003</u>
Less accumulated depreciation for:				
Buildings	46,787	\$ 48,528	\$	95,315
Improvements	53,797	1,813		55,610
Infrastructure	763,544	109,238		872,782
Equipment	87,423	13,202		100,625
IT equipment	55,585	4,279		59,864
Vehicles	378,310	41,498		419,808
Total accumulated depreciation	<u>1,385,446</u>	<u>\$ 218,558</u>	<u>\$</u>	<u>1,604,004</u>
Total capital assets being depreciated, net	<u>5,335,057</u>			<u>5,148,999</u>
Governmental activity capital assets, net	<u>\$ 6,392,562</u>			<u>\$ 6,206,504</u>

Depreciation expense was charged to functions/programs of the primary government as follows:

General government	\$ 61,308
Public safety	12,980
Transportation	120,172
Environmental protection	12,561
Cultural and recreation	11,537
Total depreciation expense	<u>\$ 218,558</u>

Note 3 - Detail Notes on All Funds (continued)

	<u>Beginning Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balances</u>
Business-type activities:				
Capital assets not being depreciated:				
Land	\$ 367,968	\$	\$	\$ 367,968
Capital assets being depreciated:				
Buildings	142,110			142,110
Improvements	601,155			601,155
Infrastructure	2,064,611			2,064,611
Equipment	106,438	10,197		116,635
IT equipment	29,453			29,453
Vehicles	26,514			26,514
Total capital assets being depreciated	<u>2,970,281</u>	<u>\$ 10,197</u>	<u>\$</u>	<u>2,980,478</u>
Less accumulated depreciation for:				
Buildings	78,142	\$ 3,553	\$	81,695
Improvements	163,162	19,909		183,071
Infrastructure	1,515,259	55,146		1,570,405
Equipment	99,206	1,496		100,702
IT equipment	23,934	1,893		25,827
Vehicles	26,514			26,514
Total accumulated depreciation	<u>1,906,217</u>	<u>\$ 81,997</u>	<u>\$</u>	<u>1,988,214</u>
Total capital assets being depreciated, net	<u>1,064,064</u>			<u>992,264</u>
Water fund capital assets, net	<u>\$ 1,432,032</u>			<u>\$ 1,360,232</u>

B. Liabilities

1. Pension Plan and Postemployment Obligations

a. Local Governmental Employees' Retirement System

Plan Description. The Town of Montreat is a participating employer in the state-wide Local Governmental Employees' Retirement System (LGERS), a cost-sharing, multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS membership is comprised of general employees and local law enforcement officers (LEOs) of participating local governmental entities. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly.

Management of the plan is vested in the LGERS Board of Trustees, which consists of 13 members – nine appointed by the Governor, one appointed by the State Senate, one appointed by the State House of Representatives, and the State Treasurer and State Superintendent, who serve as ex-officio members

Note 3 - Detail Notes on All Funds (continued)

The Local Governmental Employees' Retirement System is included in the Annual Comprehensive Financial Report (ACFR) for the State of North Carolina. The state's ACFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, by calling (919) 981-5454, or at www.osc.nc.gov.

Benefits Provided. LGERS provides retirement and survivor benefits. Retirement benefits are determined at 1.85% of the member's average final compensation times the member's years of creditable service. A member's average final compensation is calculated as the average of a member's four highest consecutive years of compensation. Plan members are eligible to retire with full retirement benefits at age 65 with five years of creditable service, at age 60 with 25 years of creditable service, or at any age with 30 years of creditable service. Plan members are eligible to retire with partial retirement benefits at age 50 with 20 years of creditable service or at age 60 with five years of creditable service (age 55 for firefighters). Survivor benefits are available to eligible beneficiaries of members who die while in active service or within 180 days of their last day of service and who have either completed 20 years of creditable service regardless of age (15 years of creditable service for firefighters or rescue squad members who are killed in the line of duty) or have completed five years of service and have reached age 60. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions. The plan does not provide for automatic post-retirement benefit increases. Increases are contingent upon actuarial gains of the plan.

LGERS plan members who are LEOs are eligible to retire with full retirement benefits at age 55 with five years of creditable service as an officer, or at any age with 30 years of creditable service. LEO plan members are eligible to retire with partial retirement benefits at age 50 with 15 years of creditable service as an officer. Survivor benefits are available to eligible beneficiaries of LEO members who die while in active service or within 180 days of their last day of service and who also have either completed 20 years of creditable service regardless of age, or have completed 15 years of service as a LEO and have reached age 50, or have completed five years of creditable service as a LEO and have reached age 55, or have completed 15 years of creditable service as a LEO if killed in the line of duty. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions.

Contributions Contribution provisions are established by General Statute 128-30 and may be amended only by the North Carolina General Assembly. Town of Montreat employees are required to contribute 6% of their compensation. Employer contributions are actuarially determined and set annually by the LGERS Board of Trustees

Refunds of Contributions. Town employees who have terminated service as a contributing member of LGERS, may file an application for a refund of their contributions. By state law, refunds to members with at least five years of service include 4% interest. State law requires a 60 day waiting period after service termination before the refund may be paid. The acceptance of a refund payment cancels the individual's right to employer contributions, or any other benefit provided by LGERS.

Note 3 - Detail Notes on All Funds (continued)

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2022, the Town reported a liability of \$145,998 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2021. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2020. The total pension liability was then rolled forward to the measurement date of June 30, 2021, utilizing update procedures incorporating the actuarial assumptions. The Town's proportion of the net pension liability was based on a projection of the Town's long-term share of future payroll covered by the pension plan, relative to the projected future payroll covered by the pension plan of all participating LGERS employers, actuarially determined. At June 30, 2021, (measurement date), the Town's proportion was 0.00952%, which was an increase of 0.00027% from its proportion measured as of June 30, 2020.

For the year ended June 30, 2022, the Town recognized pension expense of \$52,233. At June 30, 2022, the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 46,447	\$
Changes of assumptions	91,724	
Net difference between projected and actual earnings on pension plan investments		208,588
Changes in proportion and differences between Town contributions and proportionate share of contributions	6,296	11,986
Town contributions subsequent to the measurement date	69,816	
Total	<u>\$ 214,283</u>	<u>\$ 220,574</u>

\$69,816 reported as deferred outflows of resources related to pensions resulting from Town contributions subsequent to the measurement date will be recognized as a decrease of the net pension liability in the year ended June 30, 2023.

Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended June 30:

2023	\$ (6,232)
2024	(15,624)
2025	(63,829)
2026	-
2027	-
Thereafter	-

Note 3 - Detail Notes on All Funds (continued)

Actuarial Assumptions. The total pension liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	3.0 percent
Salary increases	3.50 to 8.10 percent, including inflation and productivity factor
Investment rate of return	7.00 percent, net of pension plan investment expense, including inflation

The Plan currently uses mortality tables that vary by age, gender, employee group (i.e. general, law enforcement officer) and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2020 valuation were based on the results of an actuarial experience study for the period January 1, 2010, through December 31, 2014.

Future ad hoc COLA amounts are not considered to be substantively automatic and are therefore not included in the measurement.

The projected long-term investment returns, and inflation assumptions are developed through review of current and historical capital markets data, sell-side investment research, consultant whitepapers, and historical performance of investment strategies. Fixed income return projections reflect current yields across the U.S. Treasury yield curve and market expectations of forward yields projected and interpolated for multiple tenors and over multiple year horizons. Global public equity return projections are established through analysis of the equity risk premium and the fixed income return projections. Other asset categories and strategies' return projections reflect the foregoing and historical data analysis. These projections are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

The target allocation and best estimates of arithmetic real rates of return for each major asset class as of June 30, 2021, are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Fixed Income	29.0%	1.4%
Global Equity	42.0%	5.3%
Real Estate	8.0%	4.3%
Alternatives	8.0%	8.9%
Credit	7.0%	6.0%
Inflation Protection	6.0%	4.0%
Total	<u>100%</u>	

Note 3 - Detail Notes on All Funds (continued)

This information above is based on 30-year expectations developed with the consulting actuary for the 2019 asset, liability, and investment policy study for the North Carolina Retirement Systems, including LGERS. The long-term nominal rates of return underlying the real rates of return are arithmetic annualized figures. The real rates of return are calculated from nominal rates by multiplicatively subtracting a long-term inflation assumption of 3.00%. All rates of return and inflation are annualized.

Discount rate. The discount rate used to measure the total pension liability was 6.50%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Town's proportionate share of the net pension liability to changes in the discount rate. The following presents the Town's proportionate share of the net pension liability calculated using the discount rate of 6.50 percent, as well as what the Town's proportionate share of the net pension asset or net pension liability would be if it were calculated using a discount rate that is one percentage point lower (5.50percent) or one percentage point higher (7.50 percent) than the current rate:

	1% Decrease <u>(5.50%)</u>	Discount Rate <u>(6.50%)</u>	1% Increase <u>(7.50%)</u>
Town's proportionate share of the net pension liability (asset)	\$ 566,753	\$ 145,998	\$ (200,259)

Pension plan fiduciary net position. Detailed information about the pension plan's fiduciary net position is available in the separately issued Annual Comprehensive Financial Report (ACFR) for the State of North Carolina.

Note 3 - Detail Notes on All Funds (continued)

b. Law Enforcement Officers Special Separation Allowance

(1) Plan Description

The Town administers a public employee retirement system (the *Separation Allowance*), a single employer defined benefit pension plan that provides retirement benefits to the Town's qualified sworn law enforcement officers under the age of 62 who have completed at least 30 years of creditable service or have attained 55 years of age and have completed five or more years of creditable service. The Separation Allowance is equal to 0.85 percent of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The retirement benefits are not subject to any increases in salary or retirement allowances that may be authorized by the General Assembly. Article 12D of G.S. Chapter 143 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly.

All full time Town law enforcement officers are covered by the Separation Allowance. At December 31, 2020, the Separation Allowance's membership consisted of:

Retirees receiving benefits	2
Active plan members	<u>5</u>
Total	<u><u>7</u></u>

(2) Summary of Significant Accounting Policies

Basis of Accounting. The Town has chosen to fund the Separation Allowance on a pay as you go basis. Pension expenditures are made from the General Fund, which is maintained on the modified accrual basis of accounting. Benefits are recognized when due and payable in accordance with the terms of the plan.

The Separation Allowance has no assets accumulated in a trust that meets the criteria which are outlined in GASB Statement 73.

(3) Actuarial Assumptions

The entry age actuarial cost method was used in the December 31, 2020 valuation. The total pension liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.5 percent
Salary increases	3.25 to 7.75 percent, including inflation and productivity factor
Discount rate	2.25 percent

The discount rate is based on the yield of the S&P Municipal Bond 20 Year High Grade Rate Index as of December 31, 2020.

Note 3 - Detail Notes on All Funds (continued)

Mortality rates are based on the RP-2000 Mortality tables with adjustments for mortality improvements based on Scale AA.

(4) Contributions

The Town is required by Article 12D of G.S. Chapter 143 to provide these retirement benefits and has chosen to fund the amounts necessary to cover the benefits earned on a pay as you go basis through appropriations made in the General Fund operating budget. There were no contributions made by employees. The Town's obligation to contribute to this plan is established and may be amended by the North Carolina General Assembly. Administration costs of the Separation Allowance are financed through investment earnings. The Town paid \$6,416 as benefits became due for the reporting period.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2022, the Town reported a total pension liability of \$119,706. The total pension liability was measured as of December 31, 2021, based on a December 31, 2020, actuarial valuation. The total pension liability was then rolled forward to the measurement date of December 31, 2021, utilizing update procedures incorporating the actuarial assumptions. For the year ended June 30, 2022, the Town recognized pension expense of \$30,408.

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 17,537	\$ 40,969
Changes of assumptions	33,757	1,607
Town benefit payments and plan administrative expense made subsequent to the measurement date	6,416	
Total	<u>\$ 57,710</u>	<u>\$ 42,576</u>

\$6,416 paid as benefits came due subsequent to the measurement date have been reported as deferred outflows of resources. Other amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended June 30:

2023	\$ 6,365
2024	5,729
2025	3,320
2026	(6,696)
2027	-
Thereafter	-

Note 3 - Detail Notes on All Funds (continued)

Sensitivity of the Town's total pension liability to changes in the discount rate. The following presents the Town's total pension liability calculated using the discount rate of 2.25 percent, as well as what the Town's total pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.25 percent) or 1-percentage-point higher (3.25 percent) than the current rate:

	1% Decrease (1.25%)	Discount Rate (2.25%)	1% Increase (3.25%)
Total pension liability	\$ 126,252	\$ 119,706	\$ 113,502

**Schedule of Changes in Total Pension Liability
Law Enforcement Officers' Special Separation Allowance**

	2022
Beginning balance	\$ 196,644
Service Cost	7,555
Interest on the total pension liability	3,473
Difference between expected and actual experience	(52,477)
Changes of assumptions or other inputs	(2,059)
Benefit payments	(33,430)
Ending balance of the total pension liability	<u>\$ 119,706</u>

The plan currently uses mortality tables that vary by age and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

The actuarial assumptions used in the December 31, 2020, valuation were based on the results of an actuarial experience study for the period January 1, 2010 through December 31, 2014.

Total Expense, Liabilities, and Deferred Outflows and Inflows of Resources of Related to Pensions

Following is information related to the proportionate share and pension expense for all pension plans:

	LGERS	LEOSSA	Total
Pension Expense	\$ 52,233	\$ 30,408	\$ 82,641
Pension Liability	145,998	119,706	265,704
Proportionate share of net pension liability	0.00952%	n/a	

Note 3 - Detail Notes on All Funds (continued)

	<u>LGERS</u>	<u>LEOSSA</u>	<u>Total</u>
Deferred Outflows of Resources:			
Differences between expected and actual experience	\$ 46,447	\$ 17,537	\$ 63,984
Changes of assumptions	91,724	33,757	125,481
Net difference between projected and actual earnings on plan investments			
Changes in proportion and differences between contributions and proportionate share of contributions	6,296		6,296
Benefit payments and administrative costs paid subsequent to the measurement date	69,816	6,416	76,232
Deferred Inflows of Resources:			
Differences between expected and actual experience		40,969	40,969
Changes of assumptions		1,607	1,607
Net difference between projected and actual earnings on plan investments	208,588		208,588
Changes in proportion and differences between contributions and proportionate share of contributions	11,986		11,986

c. Supplemental Retirement Income Plan for Law Enforcement Officers

Plan Description. The Town contributes to the Supplemental Retirement Income Plan (Plan), a defined contribution pension plan administered by the Department of State Treasurer and a Board of Trustees. The Plan provides retirement benefits to law enforcement officers employed by the Town. Article 5 of G.S. Chapter 135 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Supplemental Retirement Income Plan for Law Enforcement Officers is included in the Annual Comprehensive Financial Report for the State of North Carolina. The State's ACFR includes the pension trust fund financial statements for the Internal Revenue Code Section 401(k) plan that includes the Supplemental Retirement Income Plan for Law Enforcement Officers. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 981-5454.

Funding Policy. Article 12E of G.S. Chapter 143 requires the Town to contribute each month an amount equal to 5% of each officer's salary, and all amounts contributed are vested immediately. The law enforcement officers may also make voluntary contributions to the plan. The Town made contributions of \$10,240 for the reporting year. No amounts were forfeited.

d. Supplemental Retirement Income Plan for General Employees

Plan Description. The Town also contributes each month an amount equal to 5% of each non-law enforcement employee's salary, and all amounts contributed are vested immediately. Also, the employees may make voluntary contributions to the plan. The Town made contributions of \$20,041 for the reporting year. No amounts were forfeited.

Note 3 - Detail Notes on All Funds (continued)

2. Other Employment Benefits

Plan Description. The Town has elected to provide death benefits to employees through the Death Benefit Plan for members of the Local Governmental Employees' Retirement System (Death Benefit Plan), a multiple-employer, State-administered, cost-sharing plan funded on a one-year term cost basis. The beneficiaries of those employees who die in active service after one year of contributing membership in the System, or who die within 180 days after retirement or termination of service and have at least one year of contributing membership service in the System at the time of death are eligible for death benefits. Lump sum death benefit payments to beneficiaries are equal to the employee's 12 highest months' salary in a row during the 24 months prior to the employee's death, but the benefit may not exceed \$50,000 or be less than \$25,000. Because all death benefit payments are made from the Death Benefit Plan and not by the Town, the Town does not determine the number of eligible participants. The Town has no liability beyond the payment of monthly contributions. The contributions to the Death Benefit Plan cannot be separated between the post-employment benefit amount and the other benefit amount. Contributions are determined as a percentage of monthly payroll based upon rates established annually by the state. Separate rates are set for employees not engaged in law enforcement and for law enforcement officers. The Town considers these contributions to be immaterial.

3. Deferred Outflows and Inflows of Resources

Deferred outflows of resources in the Statement of Net Position are comprised of the following:

Contributions to pension plan in the current fiscal year	\$	69,816
Benefit payments and administrative expense for LEOSSA made subsequent to the measurement date		6,416
Differences between expected and actual experience		63,984
Changes of assumptions		125,481
Changes in proportion and differences between contributions and proportionate share of contributions		6,296
Total	\$	<u>271,993</u>

Deferred inflows of resources at year-end are comprised of the following:

	<u>Statement of Net Position</u>	<u>General Fund Balance Sheet</u>
Property tax receivable	\$	\$ 296
Differences between expected and actual experience	40,969	
Changes of assumptions	1,607	
Net difference between projected and actual earnings on plan investments	208,588	
Changes in employer contributions and proportionate	11,986	
Total	<u>\$ 263,150</u>	<u>\$ 296</u>

Note 3 - Detail Notes on All Funds (continued)

4. Risk Management

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Town participates in three self-funded risk-financing pools administered by the North Carolina League of Municipalities. Through these pools, the Town obtains general liability and auto liability coverage of \$1 million per occurrence, property coverage up to the total insured values of the property policy, workers' compensation coverage up to statutory limits, and employee health coverage. The liability of property exposures are reinsured through commercial carriers for claims in excess of retentions as selected by the Board of Trustees each year. Excess insurance coverage is purchased by the Board of Trustees to protect against large workers' compensation claims that exceed certain dollar cost levels. Medical stop loss insurance is purchased by the Board of Trustees to protect against large medical claims that exceed certain dollar cost levels. Specific information on the limits of the reinsurance, excess and stop loss policies purchased by the Board of Trustees can be obtained by contacting the Risk Management Services Department of the NC League of Municipalities. The pools are audited annually by certified public accountants, and the audited financial statements are available to the Town upon request.

The Town carries commercial coverage for all other risks of loss. There have been no significant reductions in insurance coverage in the prior year and settled claims have not exceeded coverage in any of the past three fiscal years.

The Town does not carry flood insurance due to its geographic location.

In accordance with G.S. 159-29, the Town's employees that have access to \$100 or more at any given time of the Town's funds are performance bonded through a commercial surety bond. The Town Administrator and the Finance Officer are each individually bonded for \$50,000. The Town Clerk is bonded for \$10,000.

5. Claims, Judgments, and Contingent Liabilities

At June 30, 2022, the Town was not a defendant to any lawsuits.

Note 3 - Detail Notes on All Funds (continued)

6. Long-Term Obligations

a. Installment Purchases

The Town's installment purchases serviced by the General Fund at June 30, 2022 are comprised of the following individual issues:

In November 2015, the Town entered into a note with a private banking institution for \$162,000, to finance the construction of the Upper Kentucky Road Water Extension Project. The note bears interest at 2.12% and is payable in 10 annual installments beginning in November 2016. Secured by a deed of trust. \$ 64,799

In June 2019, the Town entered into a note with a private banking institution for \$1,000,000, to finance the construction of a Town Hall. The note bears interest at 3.16% and is payable in 15 annual installments beginning in June 2020. Secured by a deed of trust. 800,000

Total installment purchases - General Fund \$ 864,799

Annual debt service requirements to maturity for installment purchases serviced by the General Fund are as follows:

Years Ending June 30	<u>Governmental Activities</u>	
	Principal	Interest
2023	\$ 82,867	\$ 29,128
2024	82,867	26,673
2025	82,867	24,218
2026	82,867	21,765
2027	66,667	18,960
2028-2032	333,333	63,200
2033-2037	<u>133,331</u>	<u>12,640</u>
Total	<u>\$ 864,799</u>	<u>\$ 196,584</u>

Note 3 - Detail Notes on All Funds (continued)

The Town's installment purchases serviced by the Water Fund at June 30, 2022, are comprised of the following individual issues:

In November 2015, the Town entered into a note with a private banking institution for \$138,000, to finance the construction of the Upper Kentucky Road Water Extension Project. The note bears interest at 2.12% and is payable in 10 annual installments beginning in November 2016. Secured by a deed of trust. \$ 55,200

Drinking Water State Revolving Loan principal forgiveness loan for the construction of two water-related projects. The loan has a maximum amount of \$492,995, of which \$246,947 could be debt. The loan has three parts: parts one and two are interest free, and part three bears interest at a 2.22%. The notes are payable in 20 annual installments beginning at the time the project is completed. Unsecured. 246,281

Total installment purchases - Water Fund \$ 301,481

Annual debt service requirements to maturity for installment purchases serviced by the Water Fund are as follows:

<u>Years Ending June 30</u>	<u>Business-Type Activities</u>	
	<u>Principal</u>	<u>Interest</u>
2023	\$ 40,322	\$ 4,683
2024	40,322	4,096
2025	40,322	3,508
2026	40,322	2,922
2027	26,522	2,036
2028-2032	<u>113,671</u>	<u>5,818</u>
Total	<u>\$ 301,481</u>	<u>\$ 23,063</u>

Note 3 - Detail Notes on All Funds (continued)

b. Changes in Long-Term Liabilities

Compensated absences for governmental activities have typically been liquidated in the General Fund.

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>	<u>Current Portion of Balance</u>
Governmental activities:					
Installment purchases	\$ 947,666	\$	\$ 82,867	\$ 864,799	\$ 82,867
Total pension liability (LEO)	196,644		76,938	119,706	
Net pension liability (LGERS)	306,530		172,309	134,221	
Compensated absences	<u>86,217</u>	<u>6,889</u>		<u>93,106</u>	
Governmental activities long-term liabilities	<u>\$ 1,537,057</u>	<u>\$ 6,889</u>	<u>\$ 332,114</u>	<u>\$ 1,211,832</u>	<u>\$ 82,867</u>
Business-type activities:					
Bonds payable	\$ 6,000	\$	\$ 6,000	\$	\$
Installment purchases	341,803		40,322	301,481	40,322
Net pension liability (LGERS)	<u>24,012</u>		<u>12,235</u>	<u>11,777</u>	
Business-type activities long-term liabilities	<u>\$ 371,815</u>	<u>\$</u>	<u>\$ 58,557</u>	<u>\$ 313,258</u>	<u>\$ 40,322</u>

C. Interfund Balances and Activity

Transfers to/from other funds for the year ended June 30, 2022, consist of the following:

From the General Fund to the Town Hall Capital Project Fund for capital project expenditures	\$ 94,890
From the General Fund to the Miscellaneous Capital Project Fund for capital project expenditures	46,164
From the General Fund to the Lower Graybeard Wall Capital Project Fund for capital project expenditures	<u>4,400</u>
Total	<u>\$ 145,454</u>

D. Net Investment in Capital Assets

The Town's net investment in capital assets at June 30, 2022, is calculated as follows:

	<u>Governmental</u>	<u>Business-type</u>
Capital assets	\$ 6,206,504	\$ 1,360,232
Less: installment purchases	<u>(864,799)</u>	<u>(301,481)</u>
Net investment in capital assets	<u>\$ 5,341,705</u>	<u>\$ 1,058,751</u>

Note 3 - Detail Notes on All Funds (continued)

E. Fund Balance

The following schedule provides management and citizens with information on the portion of General fund balance that is available for appropriation:

Total fund balance - General Fund	\$ 1,163,405
Less:	
Stabilization by State Statute	(186,980)
Restricted for streets	(47,844)
Restricted for open space	(14,868)
Committed	(20,115)
Working capital / fund balance policy	<u>(592,703)</u>
Remaining fund balance	<u>\$ 300,895</u>

The Town has adopted a minimum fund balance policy for the General Fund which instructs management to conduct the business of the Town in such a manner that available fund balance is at least equal to or greater than 35% of final budgeted expenditures. The Town is in compliance with this policy at June 30, 2022.

The outstanding encumbrances are amounts needed to pay any commitments related to purchase orders and contracts that remain unpaid at year-end.

<u>Encumbrances</u>	<u>General Fund</u>	<u>Non-major funds</u>
	\$6,739	\$1,797

Note 4 - Summary Disclosure of Significant Contingencies

Federal and State Assisted Programs

The Town has received proceeds from several federal and State grants. Periodic audits of these grants are required, and certain costs may be questioned as not being appropriate expenditures under the grant agreements. Such audits could result in the refund of grant monies to the grantor agencies. Management believes that any required refunds will be immaterial. No provision has been made in the accompanying financial statements for the refund of grant moneys.

The Town has paid legal fees of approximately \$130,000 during the fiscal year ended June 30, 2022. These fees have been incurred in responding to issues related to the construction of a new hotel within town limits. Management has evaluated the risk of loss and has determined that the Town is not a risk.

Note 5 - Significant Effects of Subsequent Events

Management has evaluated subsequent events through October 31, 2022, which is the date the financial statements were available to be issued.

REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF MONTREAT, NORTH CAROLINA

Schedule of the Proportionate Share of Net Pension Liability Local Government Employees' Retirement System Last Eight Fiscal Years*

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Montreat's proportion of the net pension liability (asset) (%)	0.00952%	0.00925%	0.01051%	0.00797%	0.00926%	0.00946%	0.01067%	0.00934%
Montreat's proportion of the net pension liability (asset) (\$)	\$ 145,998	\$ 330,542	\$ 287,020	\$ 189,076	\$ 141,467	\$ 200,773	\$ 47,886	\$ (55,082)
Montreat's covered payroll	\$ 601,834	\$ 605,136	\$ 656,351	\$ 546,381	\$ 595,751	\$ 623,948	\$ 631,711	\$ 587,628
Montreat's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	24.26%	54.62%	43.73%	34.61%	23.75%	32.18%	7.58%	(9.37%)
Plan fiduciary net position as a percentage of the total pension liability**	95.51%	88.61%	90.86%	91.63%	94.18%	91.47%	98.09%	99.07%

* The amounts presented for each fiscal year were determined as of the prior fiscal year ending June 30.

** This will be the same percentage for all participant employers in the LGERS plan.

TOWN OF MONTREAT, NORTH CAROLINA

Schedule of Contributions Local Government Employees' Retirement System Last Eight Fiscal Years*

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Contractually required contribution	\$ 69,816	\$ 62,244	\$ 60,543	\$ 43,456	\$ 42,845	\$ 45,161	\$ 43,897	\$ 45,387
Contributions in relation to the contractually required contribution	<u>69,816</u>	<u>62,244</u>	<u>60,543</u>	<u>43,456</u>	<u>42,845</u>	<u>45,161</u>	<u>43,897</u>	<u>45,387</u>
Contribution deficiency	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
Covered payroll	<u>\$ 601,834</u>	<u>\$ 605,136</u>	<u>\$ 656,351</u>	<u>\$ 546,381</u>	<u>\$ 595,751</u>	<u>\$ 623,948</u>	<u>\$ 631,711</u>	<u>\$ 587,628</u>
Contributions as a percentage of covered payroll	11.60%	10.29%	9.22%	8.08%	7.84%	7.58%	7.04%	7.18%

* The amounts presented for each fiscal year were determined as of the prior year ending December 31.

TOWN OF MONTREAT, NORTH CAROLINA

Schedule of Changes in Total Pension Liability Law Enforcement Officers' Special Separation Allowance Last Five Fiscal Years*

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Beginning balance	\$ 196,644	\$ 145,236	\$ 154,885	\$ 59,532	\$ 77,602
Service cost	7,555	4,244	4,168	2,736	5,494
Interest on the total pension liability	3,473	4,190	5,029	1,353	2,635
Difference between expected and actual experience	(52,477)	21,634	12,192	127,434	(15,203)
Changes of assumptions or other inputs	(2,059)	54,770	2,392	(2,740)	7,661
Benefit payments	<u>(33,430)</u>	<u>(33,430)</u>	<u>(33,430)</u>	<u>(33,430)</u>	<u>(18,657)</u>
Ending balance of the total pension liability	<u>\$ 119,706</u>	<u>\$ 196,644</u>	<u>\$ 145,236</u>	<u>\$ 154,885</u>	<u>\$ 59,532</u>

* The amounts presented for each fiscal year were determined as of the prior year ending December 31.

TOWN OF MONTREAT, NORTH CAROLINA

Schedule of Total Pension Liability as a Percentage of Covered Payroll Law Enforcement Officers' Special Separation Allowance Last Five Fiscal Years

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Total pension liability	\$ 119,706	\$ 196,644	\$ 145,236	\$ 154,885	\$ 59,532
Covered payroll	247,445	233,551	237,346	181,374	240,642
Total pension liability as a percentage of covered payroll	48.38%	84.20%	61.19%	85.40%	24.74%

Notes to the schedule

The Town of Montreat has no assets accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement 73 to pay related benefits.

The pension schedules are intended to show information for ten years; additional years' information will be displayed as it becomes available.

**INDIVIDUAL FUND STATEMENTS
AND SCHEDULES**

TOWN OF MONTREAT, NORTH CAROLINA

General Fund Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual For the Year Ended June 30, 2022

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Revenues			
Ad valorem taxes:			
Current year taxes	\$ 1,202,733	\$ 1,245,291	\$ 42,558
Total	<u>1,202,733</u>	<u>1,245,291</u>	<u>42,558</u>
Other taxes and licenses:			
Local sales tax	<u>421,500</u>	<u>544,354</u>	<u>122,854</u>
Unrestricted intergovernmental			
Utility franchise tax	88,200	89,636	1,436
Solid waste disposal	665	523	(142)
Beer and wine tax	<u>3,650</u>	<u>3,571</u>	<u>(79)</u>
Total	<u>92,515</u>	<u>93,730</u>	<u>1,215</u>
Restricted intergovernmental:			
Grant proceeds		4,563	4,563
Powell Bill allocation	<u>45,899</u>	<u>45,900</u>	<u>1</u>
Total	<u>45,899</u>	<u>50,463</u>	<u>4,564</u>
Permits and fees:			
Community service fees	19,457	31,461	12,004
Building permits	38,600	57,544	18,944
Public safety charges	3,371	3,371	
Sanitation fees	3,740	6,499	2,759
Zoning permits	2,892	5,328	2,436
Other	<u>2,953</u>	<u>8,212</u>	<u>5,259</u>
Total	<u>71,013</u>	<u>112,415</u>	<u>41,402</u>
Investment earnings	<u>480</u>	<u>778</u>	<u>298</u>
Other income:			
Miscellaneous		6,067	6,067
Contributions	<u>2,775</u>	<u>2,775</u>	
Total	<u>2,775</u>	<u>8,842</u>	<u>6,067</u>
Total revenues	<u>1,836,915</u>	<u>2,055,873</u>	<u>218,958</u>
Expenditures			
General government:			
Governing Body:			
Salaries and employee benefits	10,550	10,550	
Operating expenses	34,310	29,725	4,585
Reimbursement - proprietary funds	<u>(4,389)</u>	<u>(4,389)</u>	
Total	<u>40,471</u>	<u>35,886</u>	<u>4,585</u>

TOWN OF MONTREAT, NORTH CAROLINA

General Fund Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual (continued) For the Year Ended June 30, 2022

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Administration:			
Salaries and employee benefits	\$ 334,859	\$ 303,533	\$ 31,326
Operating expenses	245,593	209,577	36,016
Capital outlay	812		812
Reimbursement - proprietary funds	<u>(38,832)</u>	<u>(38,832)</u>	
Total	<u>542,432</u>	<u>474,278</u>	<u>68,154</u>
Public Buildings:			
Operating expenses	56,377	32,117	24,260
Reimbursement - proprietary funds	<u>(11,874)</u>	<u>(11,874)</u>	
Total	<u>44,503</u>	<u>20,243</u>	<u>24,260</u>
Total general government	<u>627,406</u>	<u>530,407</u>	<u>96,999</u>
Public safety:			
Police Department:			
Salaries and employee benefits	381,899	335,968	45,931
Operating expenses	50,218	43,048	7,170
Capital outlay	<u>3,955</u>		<u>3,955</u>
Total public safety	<u>436,072</u>	<u>379,016</u>	<u>57,056</u>
Transportation:			
Planning and zoning:			
Operating expenses	<u>117,506</u>	<u>102,508</u>	<u>14,998</u>
Public Works:			
Salaries and employee benefits	99,600	95,163	4,437
Operating expenses	35,400	27,430	7,970
Reimbursement - proprietary funds	<u>(9,480)</u>	<u>(9,480)</u>	
Total	<u>125,520</u>	<u>113,113</u>	<u>12,407</u>
Streets:			
Salaries and employee benefits	128,200	121,146	7,054
Operating expenses	118,925	98,727	20,198
Reimbursement - proprietary funds	<u>(31,271)</u>	<u>(31,271)</u>	
Total	<u>215,854</u>	<u>188,602</u>	<u>27,252</u>
Total transportation	<u>458,880</u>	<u>404,223</u>	<u>54,657</u>

TOWN OF MONTREAT, NORTH CAROLINA

General Fund

Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual (continued) For the Year Ended June 30, 2022

	<u>Budget</u>	<u>Actual</u>	<u>Variance Positive (Negative)</u>
Environmental protection:			
Sanitation:			
Salaries and employee benefits	\$ 53,200	\$ 52,887	\$ 313
Operating expenses	<u>75,697</u>	<u>66,232</u>	<u>9,465</u>
Total environmental protection	<u>128,897</u>	<u>119,119</u>	<u>9,778</u>
Cultural and recreation:			
Recreation Commission:			
Operating expenses	<u>24,240</u>	<u>22,684</u>	<u>1,556</u>
Debt service			
Principal retirement	16,200	16,200	
Interest and fees	<u>1,742</u>	<u>1,741</u>	<u>1</u>
Total debt services	<u>17,942</u>	<u>17,941</u>	<u>1</u>
Total expenditures	<u>1,693,437</u>	<u>1,473,390</u>	<u>220,047</u>
Revenues over (under) expenditures	<u>143,478</u>	<u>582,483</u>	<u>439,005</u>
Other financing sources (uses)			
Sale of capital assets	1,140	1,140	
Transfer to other funds	<u>(144,618)</u>	<u>(145,454)</u>	<u>836</u>
Total other financing sources (uses)	<u>(143,478)</u>	<u>(144,314)</u>	<u>836</u>
Net change in fund balance	<u>\$</u>	438,169	<u>\$ 438,169</u>
Fund balance, beginning		<u>725,236</u>	
Fund balance, ending		<u>\$ 1,163,405</u>	

TOWN OF MONTREAT, NORTH CAROLINA

Nonmajor Governmental Funds Combining Balance Sheet For the Year Ended June 30, 2022

	<u>Culvert Project</u>	<u>Public Works</u>	<u>Urban Forestry 2018</u>	<u>Urban Forestry 2019</u>	<u>Landscape</u>
Assets					
Cash and cash equivalents	\$ 525	\$ 5,992	\$ 4,159	\$ 7,762	\$ 2,064
Liabilities and fund balances					
Liabilities:					
Accounts payable and accrued expenses	\$	\$ 496	\$	\$	\$ 810
Fund balances:					
Committed:					
Culture and recreation			4,159	7,762	2,064
Transportation	525	5,496			
Unassigned					(810)
Total fund balances	<u>525</u>	<u>5,496</u>	<u>4,159</u>	<u>7,762</u>	<u>1,254</u>
Total liabilities and fund balances	<u>\$ 525</u>	<u>\$ 5,992</u>	<u>\$ 4,159</u>	<u>\$ 7,762</u>	<u>\$ 2,064</u>

TOWN OF MONTREAT, NORTH CAROLINA

Nonmajor Governmental Funds Combining Balance Sheet (continued) For the Year Ended June 30, 2022

	Greybeard Project	Misc. Projects	CARES Act	ARPA	Total
Assets					
Cash and cash equivalents	<u>\$ 4,400</u>	<u>\$ 169,977</u>	<u>\$ 1,716</u>	<u>\$ 83,228</u>	<u>\$ 279,823</u>
Liabilities and fund balances					
Liabilities:					
Accounts payable and accrued expenses	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$ 1,306</u>
Fund balances:					
Committed:					
Culture and recreation					13,985
Transportation	4,400	169,977			180,398
Unassigned	<u></u>	<u></u>	<u>1,716</u>	<u>83,228</u>	<u>84,134</u>
Total fund balances	<u>4,400</u>	<u>169,977</u>	<u>1,716</u>	<u>83,228</u>	<u>278,517</u>
Total liabilities and fund balances	<u>\$ 4,400</u>	<u>\$ 167,997</u>	<u>\$ 1,716</u>	<u>\$ 83,228</u>	<u>\$ 279,823</u>

TOWN OF MONTREAT, NORTH CAROLINA

Nonmajor Governmental Funds Combining Statement of Revenues, Expenditures, and Changes in Fund Balance For the Year Ended June 30, 2022

	<u>Culvert Project</u>	<u>Public Works</u>	<u>Urban Forestry 2018</u>	<u>Urban Forestry 2019</u>	<u>Landscape</u>
Revenues					
Restricted intergovernmental	\$	\$	\$	\$	\$
Miscellaneous					1,682
Total revenues					1,682
Expenditures					
General government		2,254			810
Transportation					
Public safety					
Cultural and recreation					
Total expenditures		2,254			810
Revenues over (under) expenditures		(2,254)			872
Other financing sources (uses)					
Transfers from General Fund					
Net change in fund balances		(2,254)			872
Fund balances					
Beginning of year - July 1	525	7,750	4,159	7,762	382
End of year - June 30	<u>\$ 525</u>	<u>\$ 5,496</u>	<u>\$ 4,159</u>	<u>\$ 7,762</u>	<u>\$ 1,254</u>

TOWN OF MONTREAT, NORTH CAROLINA

Nonmajor Governmental Funds Combining Statement of Revenues, Expenditures, and Changes in Fund Balance (continued) For the Year Ended June 30, 2022

	Greybeard Project	Misc. Projects	CARES Act	ARPA	Town Hall	Total
Revenues						
Restricted intergovernmental	\$	\$	\$ 1,716	\$	\$	\$ 1,716
Miscellaneous				138,651	19	140,352
Total revenues			1,716	138,651	19	142,068
Expenditures						
General government				55,423	855	59,342
Transportation		5,843				5,843
Principal					66,667	66,667
Interest					27,387	27,387
Total expenditures		5,843		55,423	94,909	159,239
Revenues over (under) expenditures		(5,843)	1,716	83,228	(94,890)	(17,171)
Other financing sources (uses)						
Transfers from General Fund	4,400	46,164			94,890	145,454
Net change in fund balances	4,400	40,321	1,716	83,228		128,283
Fund balances						
Beginning of year - July 1		129,656				150,234
End of year - June 30	\$ 4,400	\$ 169,977	\$ 1,716	\$ 83,228	\$	\$ 278,517

TOWN OF MONTREAT, NORTH CAROLINA

Public Works Capital Projects Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	<u>Project Authorization</u>	<u>Prior Years</u>	<u>Actual Current Year</u>	<u>Total to Date</u>	<u>Variance Positive (Negative)</u>
Expenditures					
Transportation:					
Professional services	\$ 82,975	\$ 27,243	\$ 2,254	\$ 29,497	\$ 53,478
Capital outlay	<u>320,914</u>	<u>368,896</u>	<u> </u>	<u>368,896</u>	<u>(47,982)</u>
Total expenditures	<u>403,889</u>	<u>396,139</u>	<u> </u>	<u>398,393</u>	<u>5,496</u>
Other financing sources					
Transfers from General Fund	<u>403,889</u>	<u>403,889</u>	<u> </u>	<u>403,889</u>	<u> </u>
Net change in fund balance	<u>\$</u>	<u>\$ 7,750</u>	<u>(2,254)</u>	<u>\$ 5,496</u>	<u>\$ 5,496</u>
Fund balance, beginning			<u>7,750</u>		
Fund balance, ending			<u>\$ 5,496</u>		

TOWN OF MONTREAT, NORTH CAROLINA

Culvert Project Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Expenditures					
General Government	\$ 865	\$ 865	\$	\$ 865	\$
Transportation	<u>38,935</u>	<u>38,410</u>		<u>38,410</u>	<u>525</u>
Total expenditures	<u>39,800</u>	<u>39,275</u>		<u>39,275</u>	<u>525</u>
Revenues over (under) expenditures	(39,800)	(39,275)		(39,275)	525
Other financing sources (uses)					
Transfers from General Fund	<u>39,800</u>	<u>39,800</u>		<u>39,800</u>	
Net change in fund balance	<u>\$</u>	<u>\$ 525</u>		<u>\$ 525</u>	<u>\$ 525</u>
Fund balance, beginning			<u>525</u>		
Fund balance, ending			<u>\$ 525</u>		

TOWN OF MONTREAT, NORTH CAROLINA

CARES Act Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ 9,697	\$ 3,420	\$ 1,716	\$ 5,136	\$ (4,561)
Expenditures					
Public safety	<u>9,697</u>	<u>5,136</u>	<u></u>	<u>5,136</u>	<u>4,561</u>
Revenues over (under) expenditures		(1,716)	1,716		
Other financing sources (uses)					
Transfers from General Fund	<u></u>	<u>1,716</u>	<u></u>	<u>1,716</u>	<u>1,716</u>
Net change in fund balance	<u>\$</u>	<u>\$</u>	1,716	<u>\$ 1,716</u>	<u>\$ 1,716</u>
Fund balance, beginning			<u></u>		
Fund balance, ending			<u>\$ 1,716</u>		

TOWN OF MONTREAT, NORTH CAROLINA

Urban Forestry 2018 Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ 7,397	\$ 6,131	\$	\$ 6,131	\$ (1,266)
Expenditures					
Environmental Projection:					
Salaries and employee benefits	5,433				5,433
Operating	2,317	841		841	1,476
Professional services	2,250				2,250
Total expenditures	10,000	841		841	9,159
Revenues over (under) expenditures	(2,603)	5,290		5,290	7,893
Other financing sources (uses)					
Transfers (to) from General Fund	2,603	(1,131)		(1,131)	(3,734)
Net change in fund balance	\$	\$ 4,159		\$ 4,159	\$ 4,159
Fund balance, beginning			4,159		
Fund balance, ending			\$ 4,159		

TOWN OF MONTREAT, NORTH CAROLINA

Urban Forestry 2019 Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ (18,081)	\$	\$	\$	\$ 18,081
Expenditures					
Environmental Projection:					
Salaries and employee benefits	4,113	1,589		1,589	2,524
Operating	5,112	763		763	4,349
Professional services	889				889
Total expenditures	<u>10,114</u>	<u>2,352</u>		<u>2,352</u>	<u>7,762</u>
Revenues over (under) expenditures	(28,195)	(2,352)		(2,352)	25,843
Other financing sources (uses)					
Transfers (to) from General Fund	<u>28,195</u>	<u>10,114</u>		<u>10,114</u>	<u>(18,081)</u>
Net change in fund balance	<u>\$</u>	<u>\$ 7,762</u>		<u>\$ 7,762</u>	<u>\$ 7,762</u>
Fund balance, beginning			<u>7,762</u>		
Fund balance, ending			<u>\$ 7,762</u>		

TOWN OF MONTREAT, NORTH CAROLINA

Landscape Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ 1,475	\$ 1,475	\$ 1,682	\$ 3,157	\$ 1,682
Expenditures					
Culture and recreation:					
Operating	750	368	810	1,178	(428)
Revenues over (under) expenditures	725	1,107	872	1,979	1,254
Other financing sources (uses)					
Transfers (to) from General Fund	(725)	(725)		(725)	
Net change in fund balance	\$	\$ 382	872	\$ 1,254	\$ 382
Fund balance, beginning			382		
Fund balance, ending			\$ 1,254		

TOWN OF MONTREAT, NORTH CAROLINA

Miscellaneous Projects Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ 12,290	\$	\$	\$	\$ (12,290)
Expenditures					
Infrastructure:					
Capital outlay	214,747	39,927	5,843	45,770	168,977
Revenues over (under) expenditures	(202,457)	(39,927)	(5,843)	(45,770)	(156,687)
Other financing sources (uses)					
Transfers (to) from General Fund	202,457	169,583	46,164	215,747	(13,290)
Net change in fund balance	\$	\$ 129,656	40,321	\$ 169,977	\$ 169,977
Fund balance, beginning			129,656		
Fund balance, ending			\$ 169,977		

TOWN OF MONTREAT, NORTH CAROLINA

Greybeard Projects Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Restricted intergovernmental	\$ 7,988	\$	\$	\$	\$ (7,988)
Expenditures					
Infrastructure:					
Capital outlay	242,760	234,696		234,696	8,064
Revenues over (under) expenditures	(234,772)	(234,696)		(234,696)	(76)
Other financing sources (uses)					
Transfers (to) from General Fund	234,772	234,696	4,400	239,096	(4,324)
Net change in fund balance	\$	\$	4,400	\$ 4,400	\$ 4,400
Fund balance, beginning					
Fund balance, ending			\$ 4,400		

TOWN OF MONTREAT, NORTH CAROLINA

ARPA Special Revenue Fund Schedule of Revenues and Expenditures and Changes in Fund Balances - Budget and Actual From Inception and for the Fiscal Year Ended June 30, 2022

	Project Authorization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues					
Grant proceeds	\$ 138,633	\$	\$ 138,633	\$ 138,633	\$
Interest			18	18	18
Total revenues	<u>138,633</u>		<u>138,651</u>	<u>138,651</u>	<u>18</u>
Expenditures					
General government:					
Contract services	<u>96,000</u>		<u>55,423</u>	<u>55,423</u>	<u>40,577</u>
Revenues over (under) expenditures	42,633		83,228	83,228	40,595
Other financing sources (uses)					
Transfers (to) from General Fund	<u>(42,633)</u>				<u>(42,633)</u>
Net change in fund balance	<u>\$</u>	<u>\$</u>	83,228	<u>\$</u>	<u>\$</u>
Fund balance, beginning					
Fund balance, ending			<u>\$ 83,228</u>		

TOWN OF MONTREAT, NORTH CAROLINA

Water Fund Schedule of Revenues and Expenditures - Budget and Actual (Non-GAAP) For the Year Ended June 30, 2022

	Budget	Actual	Variance Positive (Negative)
Revenues			
Operating revenues:			
Charges for services	\$ 292,000	\$ 298,891	\$ 6,891
Other	<u>52,005</u>	<u>48,653</u>	<u>(3,352)</u>
Total operating revenues	344,005	347,544	3,539
Non-operating revenues:			
Investment earnings	<u>36</u>	<u>45</u>	<u>9</u>
Total revenues	<u>344,041</u>	<u>347,589</u>	<u>3,548</u>
Expenditures			
Operating expenditures:			
Salaries and related	72,800	72,310	490
Repairs and maintenance	51,135	21,201	29,934
Other operating expenditures	<u>158,604</u>	<u>150,365</u>	<u>8,239</u>
Total expenditures	<u>282,539</u>	<u>243,876</u>	<u>38,663</u>
Debt services:			
Principal retirement	46,322	46,322	
Interest and fees	<u>4,983</u>	<u>4,983</u>	
Total debt services	<u>51,305</u>	<u>51,305</u>	
Capital outlay	<u>10,197</u>	<u>10,197</u>	
Total expenditures	<u>344,041</u>	<u>305,378</u>	<u>38,663</u>
Revenues over (under) expenditures	<u>\$</u>	42,211	<u>\$ 42,211</u>
Reconciliation from budgetary basis (modified accrual) to full accrual:			
Reconciling items:			
Principal retirement		46,322	
Capital outlay		10,197	
Increase in deferred outflows of resources - pensions		4,173	
Increase in deferred inflows of resources - pensions		(16,408)	
Decrease in net pension liability		12,235	
Depreciation		<u>(81,997)</u>	
Total reconciling items		<u>(25,478)</u>	
Change in net position		<u>\$ 16,733</u>	

OTHER SCHEDULES

TOWN OF MONTREAT, NORTH CAROLINA

Schedule of Ad Valorem Taxes Receivable June 30, 2022

<u>Fiscal Year</u>	<u>Uncollected Balance June 30, 2021</u>	<u>Additions</u>	<u>Collections and Credits</u>	<u>Uncollected Balance June 30, 2022</u>
2021 - 2022	\$	\$ 1,242,087	\$ 1,241,622	\$ 465
2020 - 2021	1,436		1,244	192
2019 - 2020				
2018 - 2019				
2017 - 2018				
2016 - 2017				
2015 - 2016				
2014 - 2015				
2013 - 2014				
2012 - 2013				
2011 - 2012				
	<u>\$ 1,436</u>	<u>\$ 1,242,087</u>	<u>\$ 1,242,866</u>	<u>657</u>
Ad valorem taxes receivable - net				<u>\$ 657</u>
<u>Reconciliation to revenues:</u>				
Ad valorem taxes - General Fund				\$ 1,245,291
Reconciling items:				
Interest collected				(2,384)
Taxes written off				<u>(42)</u>
Total tax collections and credits				<u>\$ 1,242,865</u>

TOWN OF MONTREAT, NORTH CAROLINA

Analysis of Current Tax Levy Town-Wide Levy June 30, 2022

	Town-Wide			Total Levy	
	Property Valuation	Rate	Total Levy	Property Excluding Registered Motor Vehicles	Registered Motor Vehicles
Original levy:					
Property taxed at current rate	\$ 288,676,613	0.43	\$ 1,216,776	\$ 1,216,776	\$ 24,532
Exemptions	(10,009)		(43)	(43)	
Discoveries	191,114		822	822	
Total property valuation	<u>\$ 288,857,421</u>		<u>1,217,555</u>	<u>1,217,555</u>	<u>24,532</u>
Net levy			1,242,087	1,217,555	24,532
Uncollected taxes at June 30, 2022			(465)	(296)	(169)
Current year's taxes collected			<u>\$ 1,241,622</u>	<u>\$ 1,217,259</u>	<u>\$ 24,363</u>
Current levy collection percentage			<u>99.96%</u>	<u>99.98%</u>	<u>99.31%</u>

STATISTICAL SECTION

TOWN OF MONTREAT, NORTH CAROLINA

Statistical Section

This part of the Town of Montreat's Annual Comprehensive Financial Report presents detailed and historical information as a context for understanding what the information in the financial statements, notes, and disclosures, and required supplementary information says about the Town's overall financial health.

<u>Contents</u>	<u>Page</u>
Financial Trends Information	72
These tables contain trend information to help the reader understand how the Town's financial performance and well-being have changed over time	
Revenue Capacity Information	79
These tables contain information to help the reader assess the Town's most significant local revenue source, the property tax.	
Debt Capacity Information	83
These tables present information to help the reader assess the affordability of the Town's current levels of outstanding debt and the Town's ability to issue additional debt in the future.	
Demographic and Economic Information	86
These tables offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.	
Operating Information	89
These schedules contain service and infrastructure data to help the reader understand how the information in the Town's financial report relates to the services the Town provides and the activities it performs.	

Sources: unless otherwise noted, the information in these tables is derived from the financial reports for the relevant year.

TOWN OF MONTREAT, NORTH CAROLINA

Table 1

Net Position by Activity Governmental and Business-Type Functions

	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Governmental Activities										
Net position:										
Net investment in capital assets	\$ 5,341,705	\$ 5,444,896	\$ 5,236,070	\$ 3,933,973	\$ 3,695,360	\$ 3,749,519	\$ 3,707,773	\$ 3,731,572	\$ 3,394,389	\$ 2,794,719
Restricted	249,692	239,171	212,689	405,906	390,961	330,586	294,400	267,742	255,216	249,671
Unrestricted	<u>851,587</u>	<u>292,731</u>	<u>264,084</u>	<u>1,355,034</u>	<u>1,526,914</u>	<u>1,353,386</u>	<u>1,267,022</u>	<u>910,515</u>	<u>1,016,240</u>	<u>990,917</u>
Subtotal, Governmental net position	<u>6,442,984</u>	<u>5,976,798</u>	<u>5,712,843</u>	<u>5,694,913</u>	<u>5,613,235</u>	<u>5,433,491</u>	<u>5,269,195</u>	<u>4,909,829</u>	<u>4,665,845</u>	<u>4,035,307</u>
Business-Type Activities										
Net position:										
Net investment in capital assets	1,058,751	1,084,229	1,082,388	1,070,467	1,038,682	1,032,219	1,020,541	1,180,864	1,036,410	982,912
Restricted										
Unrestricted	<u>906,983</u>	<u>864,772</u>	<u>802,964</u>	<u>825,684</u>	<u>881,868</u>	<u>822,641</u>	<u>754,721</u>	<u>391,634</u>	<u>597,996</u>	<u>595,469</u>
Subtotal, Business-Type net position	<u>1,965,734</u>	<u>1,949,001</u>	<u>1,885,352</u>	<u>1,896,151</u>	<u>1,920,550</u>	<u>1,854,860</u>	<u>1,775,262</u>	<u>1,572,498</u>	<u>1,634,406</u>	<u>1,578,381</u>
Total Primary Government										
Net position:										
Net investment in capital assets	6,400,456	6,529,125	6,318,458	5,004,440	4,734,042	4,781,738	4,728,314	4,912,436	4,430,799	3,777,631
Restricted	249,692	239,171	212,689	405,906	390,961	330,586	294,400	267,742	255,216	249,671
Unrestricted	<u>1,758,570</u>	<u>1,157,503</u>	<u>1,067,048</u>	<u>2,180,718</u>	<u>2,408,782</u>	<u>2,176,027</u>	<u>2,021,743</u>	<u>1,302,149</u>	<u>1,614,236</u>	<u>1,586,386</u>
Total net position	<u>\$ 8,408,718</u>	<u>\$ 7,925,799</u>	<u>\$ 7,598,195</u>	<u>\$ 7,591,064</u>	<u>\$ 7,533,785</u>	<u>\$ 7,288,351</u>	<u>\$ 7,044,457</u>	<u>\$ 6,482,327</u>	<u>\$ 6,300,251</u>	<u>\$ 5,613,688</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 2

Change in Net Position Governmental Functions

	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Revenues										
Program revenues:										
Charges for services:										
General government	\$ 94,433	\$ 54,549	\$ 92,100	\$ 99,068	\$ 88,002	\$ 89,095	\$ 86,153	\$ 79,484	\$ 102,254	\$ 94,897
Public safety	3,371	3,371	4,218	3,408	1,673	3,371	3,371	3,090	3,846	3,396
Environmental	<u>14,611</u>	<u>10,507</u>	<u>10,491</u>	<u>7,516</u>	<u>5,109</u>	<u>6,521</u>	<u>14,472</u>	<u>447</u>	<u>388</u>	<u>325</u>
Charges for services	112,415	68,427	106,809	109,992	94,784	98,987	103,996	83,021	106,488	98,618
Operating grants and contributions	195,269	257,147	48,479	262,302	152,413	147,450	164,985	135,379	108,380	105,034
Capital grants and contributions	19	2,705	2,600	79,504	2,787	3,694	155,346	36,977	360,088	584,932
General revenues:										
Taxes:										
Property taxes	1,244,477	1,079,096	1,015,155	1,008,941	1,000,700	974,695	962,972	968,042	970,716	892,839
Sales taxes	544,354	457,847	412,785							
Other taxes and licenses	93,730	93,117	95,091	414,136	406,038	402,651	390,699	356,952	332,403	313,951
Gain on sale of assets		2,111	33,417							
Investment earnings	796	487	1,582	4,263	4,395	3,643	1,709	1,073	1,629	1,850
Miscellaneous	<u>7,207</u>	<u>3,022</u>	<u>54</u>	<u>2,212</u>	<u>5,453</u>	<u>6,115</u>	<u>2,116</u>	<u>10,362</u>	<u>194</u>	<u>20</u>
Total revenues	<u>2,198,267</u>	<u>1,963,959</u>	<u>1,715,972</u>	<u>1,881,350</u>	<u>1,666,570</u>	<u>1,637,235</u>	<u>1,781,823</u>	<u>1,591,806</u>	<u>1,879,898</u>	<u>1,997,244</u>
Expenses										
General government	632,590	539,937	563,874	552,607	337,182	604,294	479,543	551,016	347,272	403,785
Public safety	385,378	460,939	491,583	440,675	358,436	439,093	450,926	415,119	418,288	417,698
Transportation	520,124	505,964	511,804	549,008	473,469	380,618	362,962	107,255	214,513	137,836
Environmental protection	130,640	134,919	129,150	126,867	117,305	96,173	12,343	1,587	162,683	203,889
Cultural and recreation	34,221	26,657	43,774	17,685	26,265	20,419	116,083	109,206	60,993	102,532
Interest on long-term debt	<u>29,128</u>	<u>31,588</u>	<u>34,037</u>	<u>2,021</u>	<u>3,278</u>	<u>6,221</u>	<u>600</u>			
Total expenses	<u>1,732,081</u>	<u>1,700,004</u>	<u>1,774,222</u>	<u>1,688,863</u>	<u>1,315,935</u>	<u>1,546,818</u>	<u>1,422,457</u>	<u>1,184,183</u>	<u>1,203,749</u>	<u>1,265,740</u>
Increase (decrease) in net position before transfers and special items	466,186	263,955	(58,250)	192,487	350,635	90,417	359,366	407,623	676,149	731,504
Special item					(170,891)					
Transfers									(45,614)	14,868
Increase (decrease) in net position	<u>\$ 466,186</u>	<u>\$ 263,955</u>	<u>\$ (58,250)</u>	<u>\$ 192,487</u>	<u>\$ 179,744</u>	<u>\$ 90,417</u>	<u>\$ 359,366</u>	<u>\$ 407,623</u>	<u>\$ 630,535</u>	<u>\$ 746,372</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 3

	Change in Net Position Business-Type Functions									
	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Revenues										
Program revenues:										
Charges for services:										
Water	\$ 347,544	\$ 340,336	\$ 325,553	\$ 346,654	\$ 333,751	\$ 351,697	\$ 450,882	\$ 320,392	\$ 346,006	\$ 281,712
Capital grants and contributions										
General revenues:										
Investment earnings	45	35	251	321	284	244	152	75	102	231
Miscellaneous					3,602					
Total revenues	<u>347,589</u>	<u>340,371</u>	<u>325,804</u>	<u>346,975</u>	<u>337,637</u>	<u>351,941</u>	<u>451,034</u>	<u>320,467</u>	<u>346,108</u>	<u>281,943</u>
Expenses										
Water	<u>330,856</u>	<u>276,722</u>	<u>336,603</u>	<u>313,067</u>	<u>271,947</u>	<u>272,343</u>	<u>251,345</u>	<u>382,375</u>	<u>335,697</u>	<u>171,006</u>
Total expenses	<u>330,856</u>	<u>276,722</u>	<u>336,603</u>	<u>313,067</u>	<u>271,947</u>	<u>272,343</u>	<u>251,345</u>	<u>382,375</u>	<u>335,697</u>	<u>171,006</u>
Increase (decrease) in net position before transfers	16,733	63,649	(10,799)	33,908	65,690	79,598	199,689	(61,908)	10,411	110,937
Transfers							3,075		45,614	(14,868)
Increase (decrease) in net position	<u>\$ 16,733</u>	<u>\$ 63,649</u>	<u>\$ (10,799)</u>	<u>\$ 33,908</u>	<u>\$ 65,690</u>	<u>\$ 79,598</u>	<u>\$ 202,764</u>	<u>\$ (61,908)</u>	<u>\$ 56,025</u>	<u>\$ 96,069</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 4

Change in Net Position Total Primary Government

	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Revenues										
Program revenues:										
Charges for services:										
General government	\$ 94,433	\$ 54,549	\$ 92,100	\$ 99,068	\$ 88,002	\$ 89,095	\$ 86,153	\$ 79,484	\$ 102,254	\$ 94,897
Public safety	3,371	3,371	4,218	3,408	1,673	3,371	3,371	3,090	3,846	3,396
Environmental protection	14,611	10,507	10,491	7,516	5,109	6,521	14,472	447	388	325
Water	<u>347,544</u>	<u>340,336</u>	<u>325,553</u>	<u>346,654</u>	<u>333,751</u>	<u>351,697</u>	<u>450,882</u>	<u>320,392</u>	<u>346,006</u>	<u>281,712</u>
Charges for services	459,959	408,763	432,362	456,646	428,535	450,684	554,878	403,413	452,494	380,330
Operating grants and contributions	195,269	257,147	48,479	262,302	152,413	147,450	164,985	135,379	108,380	105,034
Capital grants and contributions	19	2,705	2,600	79,504	2,787	3,694	155,346	36,977	360,088	584,932
General revenues:										
Taxes:										
Property taxes	1,244,477	1,079,096	1,015,155	1,008,941	1,000,700	974,695	962,972	968,042	970,716	892,839
Sales taxes	544,354	457,847	412,785							
Other taxes and licenses	93,730	93,117	95,091	414,136	406,038	402,651	390,699	356,952	332,403	313,951
Gain on sale of assets	1,140	2,111	33,417							
Investment earnings	841	522	1,833	4,584	4,679	3,887	1,861	1,148	1,731	2,081
Miscellaneous	<u>6,067</u>	<u>3,022</u>	<u>54</u>	<u>2,212</u>	<u>9,055</u>	<u>6,115</u>	<u>2,116</u>	<u>10,362</u>	<u>194</u>	<u>20</u>
Total revenues	<u>2,545,856</u>	<u>2,304,330</u>	<u>2,041,776</u>	<u>2,228,325</u>	<u>2,004,207</u>	<u>1,989,176</u>	<u>2,232,857</u>	<u>1,912,273</u>	<u>2,226,006</u>	<u>2,279,187</u>
Expenses										
General government	632,590	539,937	563,874	552,607	337,182	604,294	479,543	551,016	347,272	403,785
Public safety	385,378	460,939	491,583	440,675	358,436	439,093	450,926	415,119	418,288	417,698
Transportation	520,124	505,964	511,804	549,008	473,469	380,618	362,962	107,255	214,513	137,836
Environmental protection	130,640	134,919	129,150	126,867	117,305	96,173	12,343	1,587	162,683	203,889
Cultural and recreation	34,221	26,657	43,774	17,685	26,265	20,419	116,083	109,206	60,993	102,532
Interest on long-term debt	29,128	31,588	34,037	2,021	3,278	6,221	600			
Water	<u>330,856</u>	<u>276,722</u>	<u>336,603</u>	<u>313,067</u>	<u>271,947</u>	<u>272,343</u>	<u>251,345</u>	<u>382,375</u>	<u>335,697</u>	<u>171,006</u>
Total expenses	<u>2,062,937</u>	<u>1,976,726</u>	<u>2,110,825</u>	<u>2,001,930</u>	<u>1,587,882</u>	<u>1,819,161</u>	<u>1,673,802</u>	<u>1,566,558</u>	<u>1,539,446</u>	<u>1,436,746</u>
Increase (decrease) in net position before transfers and special items	482,919	327,604	(69,049)	226,395	416,325	170,015	559,055	345,715	686,560	842,441
Special item					(170,891)					
Transfers							3,075			
Increase (decrease) in net position	<u>\$ 482,919</u>	<u>\$ 327,604</u>	<u>\$ (69,049)</u>	<u>\$ 226,395</u>	<u>\$ 245,434</u>	<u>\$ 170,015</u>	<u>\$ 562,130</u>	<u>\$ 345,715</u>	<u>\$ 686,560</u>	<u>\$ 842,441</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 5

Fund Balances / Net Position All Funds

	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Governmental Activities										
Nonspendable	\$	\$	\$	\$ 7,098	\$ 2,688	\$ 10,767	\$ 15,394	\$ 9,986	\$ 4,872	\$
Restricted	249,692	239,171	212,689	1,400,012	390,961	330,586	294,400	267,742	255,216	249,671
Committed	214,498	170,349	83,400	299,712	389,655	34,983	34,932	34,710	30,193	26,854
Assigned			135,308		32,876	182,297	177,192	382,322	419,290	54,177
Unassigned	<u>977,732</u>	<u>465,950</u>	<u>327,068</u>	<u>1,319,196</u>	<u>1,292,561</u>	<u>1,364,487</u>	<u>1,309,516</u>	<u>762,256</u>	<u>697,978</u>	<u>1,115,891</u>
Total governmental funds fund balances	1,441,922	875,470	758,465	3,026,018	2,108,741	1,923,120	1,831,434	1,457,016	1,407,549	1,446,593
Reconcile to net position	<u>5,001,062</u>	<u>5,101,328</u>	<u>4,954,378</u>	<u>2,668,895</u>	<u>3,504,494</u>	<u>3,510,371</u>	<u>3,437,761</u>	<u>3,452,813</u>	<u>3,258,293</u>	<u>2,588,714</u>
Governmental net position	<u>\$ 6,442,984</u>	<u>\$ 5,976,798</u>	<u>\$ 5,712,843</u>	<u>\$ 5,694,913</u>	<u>\$ 5,613,235</u>	<u>\$ 5,433,491</u>	<u>\$ 5,269,195</u>	<u>\$ 4,909,829</u>	<u>\$ 4,665,842</u>	<u>\$ 4,035,307</u>
Business-Type Activities										
Unrestricted	<u>\$ 906,983</u>	<u>\$ 864,772</u>	<u>\$ 802,964</u>	<u>\$ 825,684</u>	<u>\$ 881,868</u>	<u>\$ 822,641</u>	<u>\$ 754,721</u>	<u>\$ 391,634</u>	<u>\$ 597,996</u>	<u>\$ 595,469</u>
Total water fund balance	906,983	864,772	802,964	825,684	881,868	822,641	754,721	391,634	597,996	595,469
Net investment in capital assets	<u>1,058,751</u>	<u>1,084,229</u>	<u>1,082,388</u>	<u>1,070,467</u>	<u>1,038,682</u>	<u>1,032,219</u>	<u>1,020,541</u>	<u>1,180,864</u>	<u>1,036,410</u>	<u>982,912</u>
Business-type net position	<u>\$ 1,965,734</u>	<u>\$ 1,949,001</u>	<u>\$ 1,885,352</u>	<u>\$ 1,896,151</u>	<u>\$ 1,920,550</u>	<u>\$ 1,854,860</u>	<u>\$ 1,775,262</u>	<u>\$ 1,572,498</u>	<u>\$ 1,634,406</u>	<u>\$ 1,578,381</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 6

	Changes in Fund Balance General Fund									
	<u>FYE 2022</u>	<u>FYE 2021</u>	<u>FYE 2020</u>	<u>FYE 2019</u>	<u>FYE 2018</u>	<u>FYE 2017</u>	<u>FYE 2016</u>	<u>FYE 2015</u>	<u>FYE 2014</u>	<u>FYE 2013</u>
Revenues										
Ad valorem taxes	\$ 1,245,291	\$ 1,079,524	\$ 1,013,719	\$ 1,008,840	\$ 1,000,700	\$ 974,703	\$ 966,124	\$ 968,685	\$ 973,858	\$ 895,333
Other taxes and licenses	544,354	457,847	412,785	414,136	406,038	402,651	390,699	356,952	332,403	313,951
Unrestricted intergovern- mental revenues	93,730	93,117	95,091	99,793	93,385	94,995	98,336	86,869	59,392	41,756
Restricted intergovern- mental revenues	50,463	242,986	42,053	41,699	46,875	47,438	205,259	76,307	300,024	97,902
Permits and fees	112,415	68,427	106,809	99,068	88,002	89,095	86,153	79,467	102,255	94,898
Sales and services				127,908	18,935	14,909	29,879	12,158	13,784	28,129
Investment earnings	778	486	1,550	4,257	4,395	3,643	1,709	1,073	1,629	1,850
Miscellaneous	8,842	14,081	2,700	5,141	8,240	9,809	6,816	10,939	1,396	2,020
Total revenues	<u>2,055,873</u>	<u>1,956,468</u>	<u>1,674,707</u>	<u>1,800,842</u>	<u>1,666,570</u>	<u>1,637,243</u>	<u>1,784,975</u>	<u>1,592,450</u>	<u>1,784,741</u>	<u>1,475,839</u>
Expenditures										
General government	530,407	517,869	553,453	451,845	363,348	409,101	479,832	560,520	652,473	393,828
Public safety	379,016	432,316	454,198	428,067	397,494	449,767	434,507	432,969	390,135	468,435
Transportation	404,223	374,265	774,971	658,186	389,954	486,518	576,811	452,875	478,599	477,526
Environmental protection	119,119	119,678	112,602	109,040	104,362	158,977	103,308	96,431	95,994	101,260
Cultural and recreation	22,684	14,584	31,701	2,633	13,490	7,644	10,945	188	160,970	202,022
Debt service:										
Principal	16,200	16,200	16,200	23,061	29,677	29,308	6,429			
Interest	1,741	2,095	2,437	517	3,505	4,242	600			
Total expenditures	<u>1,473,390</u>	<u>1,477,007</u>	<u>1,945,562</u>	<u>1,673,349</u>	<u>1,301,830</u>	<u>1,545,557</u>	<u>1,612,432</u>	<u>1,542,983</u>	<u>1,778,171</u>	<u>1,643,071</u>
Other financing sources										
Transfers from Water Fund										66,000
Transfers to Water Fund									(45,614)	(51,132)
Transfers to Capital Funds	145,454	(451,516)	(970,887)	(138,038)	(525,000)					
Sale of capital assets		2,111	145,917							
Debt/installment purchase obligations issued							201,875			
Total other financing sources (uses)	<u>145,454</u>	<u>(449,405)</u>	<u>(824,970)</u>	<u>(138,038)</u>	<u>(525,000)</u>		<u>201,875</u>		<u>(45,614)</u>	<u>14,868</u>
Net change in fund balance	438,169	30,056	(1,095,825)	(10,545)	(160,260)	91,686	374,418	49,467	(39,044)	(152,364)
Prior period adjustment			38,690							
Fund balance, beginning	<u>725,236</u>	<u>695,180</u>	<u>1,752,315</u>	<u>1,762,860</u>	<u>1,923,120</u>	<u>1,831,434</u>	<u>1,457,016</u>	<u>1,407,549</u>	<u>1,446,593</u>	<u>1,598,957</u>
Fund balance, ending	<u>\$ 1,163,405</u>	<u>\$ 725,236</u>	<u>\$ 695,180</u>	<u>\$ 1,752,315</u>	<u>\$ 1,762,860</u>	<u>\$ 1,923,120</u>	<u>\$ 1,831,434</u>	<u>\$ 1,457,016</u>	<u>\$ 1,407,549</u>	<u>\$ 1,446,593</u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 7

General Governmental Expenditure by Function (GAAP basis, Table 2)

Fiscal Year Ended June 30	General Government	Public Safety	Transportation	Environmental Protection	Cultural and Recreation	Interest on Long-term Debt	Total
2022	\$ 632,590	\$ 385,378	\$ 520,124	\$ 130,640	\$ 34,221	\$ 29,128	\$ 1,732,081
2021	539,937	460,939	505,964	134,919	26,657	31,588	1,700,004
2020	563,874	491,583	511,804	129,150	43,774	34,037	1,774,222
2019	552,607	440,675	549,008	126,867	17,685	2,021	1,688,863
2018	337,182	358,436	473,469	117,305	26,265	3,278	1,315,935
2017	604,294	439,093	380,618	96,173	20,419	6,221	1,546,818
2016	479,543	450,926	362,962	12,343	116,083	600	1,422,457
2015	551,016	415,119	107,255	1,587	109,206		1,184,183
2014	347,272	418,288	214,513	162,683	60,993		1,203,749
2013	403,785	417,698	137,836	203,889	102,532		1,265,740

TOWN OF MONTREAT, NORTH CAROLINA

Table 8

General Governmental Revenue by Source (GAAP basis, Table 2)

<u>Fiscal Year Ended June 30</u>	<u>Ad Valorem Taxes</u>	<u>Other Taxes and Licenses</u>	<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Investment Earnings</u>	<u>Miscellaneous</u>	<u>Total</u>
2022	\$ 1,244,477	\$ 638,084	\$ 112,415	\$ 195,269	\$ 19	\$ 796	\$ 7,207	\$ 2,198,267
2021	1,079,096	550,964	68,427	257,147	2,705	487	5,133	1,963,959
2020	1,015,155	507,879	106,806	48,479	2,600	1,582	33,471	1,715,975
2019	1,008,941	414,136	109,992	262,302	79,504	4,263	2,212	1,881,350
2018	1,000,700	406,038	94,784	152,413	2,787	4,395	5,453	1,666,570
2017	974,695	402,651	98,987	147,450	3,694	3,643	6,115	1,637,235
2016	962,972	390,699	103,996	164,985	155,346	1,709	2,116	1,781,823
2015	968,042	356,952	83,021	135,379	36,977	1,073	10,362	1,591,806
2014	970,716	332,403	106,488	108,380	360,088	1,629	194	1,879,898
2013	892,839	313,951	98,618	105,034	584,932	1,850	20	1,997,244
2012	886,345	307,211	40,195	134,045	385,151	5,915	15,931	1,774,793

TOWN OF MONTREAT, NORTH CAROLINA

Table 9

Property Tax Levies and Collections General Fund

Fiscal Year Ended June 30	Total Tax Levy	Current Tax Collections	Percent of Levy Collected	Delinquent Collections, Credits and Write-offs	Total Tax Collections	Ratio of Total Tax Collections to Tax Levy	Total Direct Tax Rate
2022	\$ 1,242,087	\$ 1,241,622	99.96%	\$	\$ 1,242,866	100.01%	0.43
2021	1,078,912	1,077,082	99.90%	2,258	1,079,340	100.04%	0.43
2020	1,014,714	1,013,278	99.86%		1,013,278	99.86%	0.41
2019	1,037,530	1,037,428	99.99%	1	1,037,429	100.00%	0.41
2018	1,036,520	1,036,520	100.00%		1,036,520	100.00%	0.41
2017	1,007,190	1,007,190	100.00%		1,007,190	100.00%	0.41
2016	961,948	961,941	100.00%	3,159	965,100	100.33%	0.41
2015	963,203	961,143	99.79%	2,703	963,846	100.07%	0.41
2014	972,675	969,735	99.70%	6,083	975,818	100.32%	0.41
2013	905,262	898,808	99.29%	2,262	901,070	99.54%	0.37

Note: Ratio of Total Collections to Levy sometimes exceeds 100% due to receipt of delinquent prior year taxes.

TOWN OF MONTREAT, NORTH CAROLINA

Table 10

Assessed Value of Taxable Property

Fiscal Year Ended June 30	TR-2 Calendar Tax Year	Real Property	Personal Property	Public Service Company Property	Total Assessed Value
2022	2021	\$ **	\$ **	\$ **	\$ 283,152,235
2021	2020	242,828,141	566,967	1,464,981	244,860,089
2020	2019	245,114,091	593,736	1,682,253	247,390,080
2019	2018	251,082,413	700,741	1,272,944	253,056,098
2018	2017	250,837,992	700,059	1,271,705	252,809,756
2017	2016	243,527,907	815,827	1,312,364	245,656,098
2016	2015	232,735,307	877,970	1,008,186	234,621,463
2015	2014	230,269,600	1,289,222	939,831	232,498,653
2014	2013	230,421,550	1,082,225	932,493	232,436,268
2013	2012	236,135,700	898,184	955,716	237,989,600
2012	2011	233,103,700	689,425	982,902	234,776,027

** Breakdown unavailable as of October 31, 2022

TOWN OF MONTREAT, NORTH CAROLINA

Table 11

Property Tax Rates - Town of Montreat and Overlapping Jurisdictions
(Per \$100.00 of Assessed Value)

<u>Fiscal Year Ended June 30</u>	<u>Town of Montreat</u>	<u>East Buncombe Fire District</u>	<u>Buncombe County</u>	<u>Total Tax Rate</u>
2022	0.4300	0.1200	0.5290	1.0790
2021	0.4300	0.1200	0.5290	1.0790
2020	0.4100	0.1200	0.5290	1.0590
2019	0.4100	0.1200	0.5290	1.0590
2018	0.4100	0.1200	0.5290	1.0590
2017	0.4100	0.0990	0.6040	1.1130
2016	0.4100	0.0990	0.6040	1.1130
2015	0.4100	0.0990	0.6040	1.1130
2014	0.4100	0.0990	0.6040	1.1130
2013	0.3700	0.0900	0.5250	0.9850

Source: Buncombe County Tax Department

TOWN OF MONTREAT, NORTH CAROLINA

Table 12

Ratio of Net General Obligation Bonded Debt to Assessed Value and
Net General Obligation Bonded Debt per Capita

Fiscal Year Ended June 30	Assessed Value	General Obligation Bonded Debt	Ratio of Net General Obligation Bonded Debt to Assessed Value	Population	Net General Obligation Bonded Debt per Capita
2022	\$ 283,152,235	\$ -	0.00%	867	0.00%
2021	244,860,089	-	0.00%	868	0.00%
2020	247,390,080	-	0.00%	870	0.00%
2019	253,056,098	-	0.00%	903	0.00%
2018	252,809,756	-	0.00%	868	0.00%
2017	245,656,098	-	0.00%	798	0.00%
2016	234,621,463	-	0.00%	792	0.00%
2015	232,498,653	-	0.00%	728	0.00%
2014	232,436,268	-	0.00%	704	0.00%
2013	237,989,600	-	0.00%	690	0.00%
2012	234,776,027	-	0.00%	688	0.00%

TOWN OF MONTREAT, NORTH CAROLINA

Table 13

Computation of Legal Debt Margin June 30, 2022

Assessed value of taxable property	\$ 283,152,235
Multiplied by 8% of assessed value	<u>0.08</u>
Debt limit	22,652,179
Gross debt:	
Installment purchases	1,166,280
Less: Water Fund debts	<u>(301,481)</u>
Total amount of debt applicable to debt limit	<u>864,799</u>
Legal debt margin	<u><u>\$ 21,787,380</u></u>

TOWN OF MONTREAT, NORTH CAROLINA

Table 14

Ratio of Annual Debt Service Expenditures for General Obligation Bonded Debt
to Total General Governmental Expenditures

<u>Fiscal Year Ended June 30</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service</u>	<u>Total General Governmental Expenditures</u>	<u>Ratio of Debt Service to Total General Governmental Expenditures</u>
2022	\$ -	\$ -	\$ -	\$ 1,732,081	0.00%
2021	-	-	-	1,700,004	0.00%
2020	-	-	-	1,774,222	0.00%
2019	-	-	-	1,688,863	0.00%
2018	-	-	-	1,315,935	0.00%
2017	-	-	-	1,546,818	0.00%
2016	-	-	-	1,422,457	0.00%
2015	-	-	-	1,184,183	0.00%
2014	-	-	-	1,203,749	0.00%
2013	-	-	-	1,265,740	0.00%

Note: The Town of Montreat has no General Obligation Bonded Debt at present.

TOWN OF MONTREAT, NORTH CAROLINA

Table 15

Demographic Statistics

<u>Fiscal Year Ended June 30</u>	<u>Population</u>	<u>Per Capita Income</u>	<u>Median Age</u>	<u>School Enrollment</u>	<u>Unemployment Rate % (June)*</u>
2022	867	N/A	N/A	18	2.9
2021	868	N/A	N/A	18	4.9
2020	870	N/A	N/A	18	8.0
2019	903	N/A	N/A	18	3.2
2018	868	N/A	N/A	18	3.5
2017	798	N/A	N/A	6	3.9
2016	792	N/A	N/A	6	4.1
2015	728	N/A	N/A	6	5.0
2014	704	N/A	N/A	6	5.3
2013	690	\$ 20,075	24.3	6	6.7

N/A = Data not available

* Unemployment rate data is for all of Buncombe County, Montreat-only data is not available.

Source: NC Office of State Budget and Management, State Data Center, Buncombe County Schools, Employment Security Commission.

TOWN OF MONTREAT, NORTH CAROLINA

Table 16

Ten Largest Tax Payers
June 30, 2022

Taxpayer	Classification	Assessed Valuation	Percentage of Total Assessed Valuation
2022			
MOUNTAIN RETREAT ASSOCIATION	Institutional	\$ 2,208,424	0.78%
BENNETT, GEORGE ROBERT	Residential	1,485,800	0.52%
CLARK, JACQUELINE F	Residential	1,403,700	0.49%
SHORTIDGE, KENNETH W JR	Residential	1,217,400	0.43%
SCHEU, WILLIAM E REVOCABLE TRUST	Residential	1,178,900	0.41%
GREGORY, H SCOTT	Residential	1,168,000	0.41%
BES-LU LLC	Residential	1,136,400	0.40%
MCCASKILL, WM C	Residential	1,121,030	0.39%
EVANS, E CRAIG	Residential	1,109,400	0.39%
MANDEVILLE LLC	Residential	1,089,100	0.38%
2021			
MOUNTAIN RETREAT ASSOCIATION	Institutional	\$ 2,208,472	0.78%
BURNS, WADE F	Residential	1,485,800	0.52%
CLARK, JACQUELINE F	Residential	1,403,700	0.50%
SHORTIDGE, KENNETH W JR	Residential	1,217,400	0.43%
SCHEU, WILLIAM E REVOCABLE TRUES	Residential	1,178,900	0.42%
GREGORY, H SCOTT	Residential	1,168,000	0.41%
BES-LU LLC	Residential	1,136,400	0.40%
MCCASKILL, WM C	Residential	1,121,030	0.38%
MANDEVILLE LLC	Residential	1,089,100	0.38%
EVANS, E CRAIG	Residential	1,080,600	0.38%
2020			
MOUNTAIN RETREAT ASSOCIATION	Institutional	\$ 2,558,924	1.03%
NEALE, HENRY W & MARGARET C	Residential	1,772,800	0.72%
LEGERTON, CLARENCE W	Residential	1,194,100	0.48%
CLARK, JACQUELINE F	Residential	1,168,200	0.47%
SCHEU, WILLIAM E	Residential	1,068,500	0.43%
BURRISS, FRANCIS M	Residential	1,054,900	0.43%
SHORTIDGE, KENNETH W JR	Residential	1,023,000	0.41%
HANNAH, WALTER W	Residential	979,000	0.40%
MCCASKILL, WM C	Residential	968,400	0.39%
COLLIE, MICHAEL R	Residential	950,900	0.38%

Note: Comparative data from ten years ago is not available.

Source: Buncombe County Tax Department.

TOWN OF MONTREAT, NORTH CAROLINA

Table 17

Largest Employers June 30, 2022

Montreat is a predominately residential community. There are only two major employers, the Town of Montreat, and a few smaller organizations. The following is the data that is available:

<u>Year</u>	<u>Montreat College</u>	<u>Montreat Conference Center</u>	<u>Town of Montreat</u>	<u>Total</u>
2022	138	62	13	213
2021	200	59	13	272
2020	131	50	15	196
2019	129	67	13	209
2018	128	60	13	201
2017	127	60	14	201
2016	125	60	14	199
2015	127	60	13	200
2014	187	60	14	261
2013	194	70	14	278

Source: Montreat College, Montreat Conference Center.

TOWN OF MONTREAT, NORTH CAROLINA

Table 18

Miscellaneous Statistics June 30, 2022

Date of establishment	1967
Form of Government	Mayor-Council
Employees:	
Full-time permanent	13
Vacancies	0
Other (police reserve)	7
Area	2.78 sq. miles
<u>Town Facilities and Services:</u>	
Miles of streets	15.6
Number of street lights	0
Police Protection:	
Number of full-time officers	5
Number of reserve officers	7
Inspections:	
Building permits issued	99
Water Service:	
Number of customers	680
Average daily consumption	101,341 gal
Miles of water mains	18
Number of wells	11
<u>Facilities and Services Provided by Other Entities:</u>	
Fire Protection:	
Provided by Black Mountain/East Buncombe Fire District	
Education:	
Public K-12 school system operated by Buncombe County Schools	
Cultural and Recreational:	
All recreational facilities owned and operated by Montreat Conference Center	
Sewers:	
Sanitary sewer system operated by the Municipal Sewer District of Buncombe County	

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

OFFER OF DEDICATION

THIS OFFER OF DEDICATION is entered into this the ___ day of _____ 20___, by and from VISTA AT MONTREAT ASSOCIATION, INC, a North Carolina corporation (hereinafter referred to as "Association") to and in favor of the TOWN OF MONTREAT, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as the "Town").

WITNESS ETH

WHEREAS, Longmeadow Homes (hereinafter referred to as "Developer") developed a subdivision known as Vista at Montreat and recorded a subdivision plat at Deed Book 120 at Page 122 in the Office of the Register of Deeds for Buncombe County, North Carolina; and

WHEREAS, the Developer constructed a stormwater system within the right-of-way of Chapman Road, and;

WHEREAS, at the time the right-of way was dedicated to the Town, the Town did not have a stormwater ordinance approved by Buncombe County, and;

WHEREAS, the Developer created the Association to operate the stormwater system until such time as the Town had a stormwater ordinance approved by Buncombe County, and;

WHEREAS, the Association created and recorded an OPERATIONS AND MAINTENANCE AGREEMENT FOR STORMWATER FACILITIES (hereinafter referred to as "Manual") at Deed Book 4600 at Pages 721-739 in the Office of the Register of Deeds for Buncombe County, North Carolina for the maintenance and operation of the stormwater system and conducts routine inspections; and,

WHEREAS, the most recent inspection was completed on January 24, 2022, and such inspection is attached as Exhibit A, and;

WHEREAS, the Town now has an approved stormwater ordinance and has included the Chapman Road stormwater system in its stormwater inventory, and;

WHEREAS the Association now wishes to dedicate this stormwater system to the Town;
NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the

Association hereby offers for dedication the stormwater system located in the right-of-way of Chapman Road.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed by its duly authorized officer the day and year first above written.

VISTA AT MONTREAT ASSOCIATION,
INC, a North Carolina corporation

Robert L. Sulaski, Jr., its President

STATE OF NORTH CAROLINA

COUNTY OF _____

I, a Notary Public of said _____ County and State, do hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Robert L. Sulaski, Jr. in his capacity as President of Vista at Montreat Association, Inc., North Carolina corporation, by authority duly granted by the company.

Witness my hand and official stamp or seal, this ____ day of November, 2022

Notary Public

Printed Name of Notary: _____

My commission expires: _____

[notarial seal]



TO: Mr. Alex Carmichael
Town of Montreat, Town Administrator

FROM: Michael R. Goforth, PE
High Country Engineering, PC (NC Firm No.: C-3347)

DATE: 1/24/2022

RE: Chapman Road Stormwater Improvements

At the request of the developer, an inspection was performed on the installed stormwater infrastructure for the Chapman Road Development. The stormwater infrastructure consists of 6 stormwater boxes and various HDPE pipes in sizes from 12" to 18".

I, the undersigned, hereby certify:

That the stormwater improvements for the above referenced project comply with the original design drawings and operate according to that design.

That the stormwater improvements are clean and properly functioning for the development.



DocuSigned by:

Michael R. Goforth

3D9A10D97A8B42E...

1/24/2022

Attached are pictures of the interior of each stormwater inlet.





Inlet #1



Inlet #2





Inlet #3



Inlet #4



Inlet #5



Inlet #6



**TOWN OF MONTREAT BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
Meeting Date: December 8th, 2022**

SUBJECT: New “No Parking” Signage on Appalachian Way

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Police
Contact: David Arrant
Presenter: David Arrant

BRIEF SUMMARY:

In recent weeks there has been an ongoing problem with roadside parking on Appalachian Way, between Arkansas and Florida Terrace.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Move to approve/ deny the installation of new “No Parking” signage in the affected area.

FUNDING SOURCE:

Signs and posts are already in Public Works inventory

ATTACHMENTS:

Map of proposed area

STAFF COMMENTS AND RECOMMENDATIONS:

As stated above, the ongoing problem of parking on Appalachian Way may warrant addressing. Currently, vehicles parked in the area are not in violation of existing parking ordinances; but their presence could constitute evolving damage to the right of way. The most efficient remedy would be the installation of “No Parking” signage in the area between Arkansas and Florida Terrace.



**NEW "NO PARKING"
SIGNS LOCATION**







TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828)669-8002, ext. 3030

Fax: (828)669-3810

www.townofmontreat.org

SUBDIVISION ORDINANCE AMENDMENT REQUEST – APPLICATION

Fee: \$50

Applications for Subdivision Ordinance amendments must be complete, accompanied by an application fee as set forth by the Town of Montreat Fee Schedule for Zoning Ordinance Amendments and submitted to the Town Clerk. The application fee should be made payable to the Town of Montreat and is non-refundable except where an application is withdrawn prior to its consideration by the Planning and Zoning Commission. You will be notified of the meeting date that the Planning and Zoning Commission and Board of Commissioners will hear this matter and of any action taken or any decision made concerning your request.

All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

Applicant Name: Planning Staff (on behalf of BOC – Mayor PT Widmer) Date of Request: 9/28/22
Mailing Address: 1210 Montreat Road
City: Black Mountain State: NC ZIP: 28711
Daytime Phone: 828-669-8002 ext. 3030 E-mail: zoning@townofmontreat.org

Subdivision Ordinance Chapter and Article to be amended: See attached.

Proposed text in full (attach additional sheets if necessary): See attached.

Briefly state the reason(s) for this request: Staff initiated a text amendment on behalf of Mayor PT Widmer to revise the Subdivision Ordinance to comply with State Statute, clarify sections, and correct staff titles.

List any attached supporting documents: Staff report & draft amended Subdivision Ordinance



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Applicant's Acknowledgement

I, Kayla Dicristina, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Date: 9/28/22 Applicant's Signature: Kayla Dicristina

Applicant's Name (PLEASE PRINT): Kayla Dicristina

FOR OFFICE USE ONLY

☒ Deemed Complete by Zoning Administrator

☐ Denied

Date: 9/28/22 Zoning Administrator's Signature: Kayla Dicristina

Zoning Administrator's Name (PLEASE PRINT): Kayla Dicristina

Permit Fee: \$ N/A Cash: \$ — Check #: — Date Paid: —

Date Item to be Considered by Planning and Zoning Commission: 10/13/22

Date Item to be Considered by Board of Commissioners: 11/10/22

FW: Ordinance change

Angela Murphy <amurphy@townofmontreat.org>

Wed 9/28/2022 8:36 AM

To: Kayla DiCristina <kayla@landofsky.org>

Cc: Ben Blackburn <bblackburn@townofmontreat.org>

Be Advised: This email originated from outside Land of Sky

Kayla-

See the email from Tom below.

Thanks

Angie

From: Tom Widmer

Sent: Tuesday, September 27, 2022 9:23 PM

To: Angela Murphy <amurphy@townofmontreat.org>

Cc: Ben Blackburn <bblackburn@townofmontreat.org>; Tim Helms <thelms@townofmontreat.org>

Subject: Ordinance change

Angie- As a member of the **Board of Commissioners, I wish to initiate text amendments to the Town of Subdivision Ordinance and Wireless Communications Ordinance** to revise sections so as to comply with State Statute revisions, add clarification, and correct staff titles.

My language is slightly different than recommended bc I cannot speak for all 5 commissioners.

Tom

Tom Widmer

Mayor Pro Tem

Town of Montreat

804.441.3679



TOWN OF MONTREAT

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Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

TA-2022-01

Text Amendments to the Town of Montreat Subdivision Ordinance

Proposed Amendments: Staff initiated a request on behalf of the Montreat Board of Commissioners (Mayor Pro Tem Widmer) to revise the Town of Montreat Subdivision Ordinance to comply with State Statute revisions and correct and clarify various sections. Current standards, with proposed changes, are highlighted on the following pages as noted.

Created by:

Kayla DiCristina, AICP,
Zoning Administrator
Town of Montreat

Created for:

Town of Montreat Board of Commissioners
December 8, 2022

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3

REVISED TOWN OF MONTREAT SUBDIVISION ORDINANCE SECTIONS 4

CURRENT NORTH CAROLINA LAWS FOR SUBDIVISIONS 19

PLANNING AND ZONING COMMISSION RECOMMENDATION 20

CONCLUSION 20

EXECUTIVE SUMMARY

Town staff completed a review of the Town's existing Subdivision Ordinance ("the Ordinance") for compliance with State Statute revisions, specifically those covered in N.C.G.S. 160D, Article 8, ("160D") and to correct and clarify various sections in order to:

- **Update the Ordinance to ensure the Town's subdivision regulations comply with 160D.**
- **Add definitions and improve clarity and predictability in the Ordinance application.**
- **Update and clarify Town staff references, terms, responsible parties, and references to the Montreat Zoning Ordinance.**

Highlights of the proposed Ordinance changes are as follows:

- References to antiquated State Statute sections in N.C.G.S. 160A for regulation of subdivisions are revised to reference the correct sections under 160D.
- Regulations added under 160D for regulation of subdivisions are added to appropriate sections, including when subdivision regulations apply, standards for performance guarantees, and appeals of subdivision decisions.
- Use of terms in definitions and several definitions were added to the Ordinance.
- Minor revisions are made to clarify applicable Sections, correct general terms and references, and identify responsible parties.

On October 13, 2022 the Planning and Zoning Commission conducted a review of the proposed text amendments to the Subdivision Ordinance under TA-2022-01. Additional revisions were proposed and are incorporated into this staff report and the Subdivision Ordinance that follows.

On November 10, 2022 the Planning and Zoning Commission conducted a second review of the proposed text amendments to the Subdivision Ordinance under TA-2022-01 and the amendments made on October 13, 2022. Additional revisions were proposed and are incorporated into this staff report and the Subdivision Ordinance that follows.

REVISED TOWN OF MONTREAT SUBDIVISION ORDINANCE SECTIONS

The Town's current Subdivision Ordinance contains the following language. The sections below do not contain the entirety of the Subdivision Ordinance and only contain the sections to be amended. The key below denotes the color system used to track the proposed changes. Any changes with highlighted purple have a comment bubble on the right hand side of the document.

- ~~Suggested deletions by the Zoning Administrator are noted with red strikethroughs~~
- Suggested new language by the Zoning Administrator is noted in green.
- ~~Suggested deletions by the Planning and Zoning Commission are noted with purple strikethroughs.~~
- Suggested new language by the Planning and Zoning Commission is noted in blue.

ARTICLE I - AUTHORITY AND PURPOSE

This Ordinance is entitled Subdivision Ordinance for the Town of Montreat and may be cited as the "Subdivision Ordinance", or as the "Subdivision Regulations". This Ordinance is adopted pursuant to Article 8 of Chapter 160D ~~Chapter 160A 371 through 160A 376~~ of the General Statutes of North Carolina for the purpose of guiding the proper subdivision and re-subdivision of land within the town limits of the Town of Montreat in order to promote the orderly growth of the Town.

ARTICLE III - DEFINITIONS

300 Interpretation of Certain Words or Terms. Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein are defined as follows:

300.1 Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular;

300.2 The word "shall" is always mandatory;

300.3 The word "may" is permissive;

300.4 The word "Lot" includes the word "plot" or "parcel";

300.5 The word "person" includes a firm, association, organization, partnership, trust company, limited liability company, or corporation as well as an individual;

300.6 The word "used" or "occupied" as applied to any land or Building shall be construed to imply that said land or Building is actually "arranged" or "designed" to be used or occupied;

300.7 The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of

Montreat, North Carolina;

300.8 The term "Planning Commission" refers to the Montreat Planning and Zoning Commission. The terms "Town Commissioners", "Town Board of Commissioners", "Board of Commissioners" or "Mayor and Town Commissioners" refer to the legally constituted and elected governing body of the Town of Montreat. The term "Board of Adjustment" refers to the Zoning Board of Adjustment for the Town of Montreat.

300.9 Other specific terms are defined in pertinent provisions of this Ordinance (For example see Section 301.1)

301 Definitions

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Comment [KD1]: N.C.G.S. 160D-102(11)

Subdivider. ~~Refer to the definition of a developer in Section 301.~~ Is interchangeable with and has the same definition as a Developer

Subdivision. As used in this Ordinance, the definition of the word "Subdivision" is defined in Chapter ~~160D-802~~ ~~160A-376~~ of the North Carolina General Statutes, as now or hereafter amended. The definition is as follows:

A "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ~~part~~ Ordinance:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the ~~municipality~~ Town as shown in its subdivision regulations;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- 3) The public acquisition ~~to~~ by purchase of strips of land for the widening or opening of streets ~~and~~;
- 4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the ~~municipality~~ Town, as shown in its subdivision regulations.
- 5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

Comment [KD2]: N.C.G.S. 160D-801(a)(5)

Minor subdivision. A subdivision of land involving no new street construction, no right-of-way dedication, no utility extension and no utility easement dedication, where three (3) or fewer lots result after the subdivision is completed. For purposes of determining a minor subdivision, utility extensions and dedications are limited to construction of new and or extensions of existing water and sewer lines.

Comment [KD3]: Definitions of a minor subdivision were pulled from comparable jurisdictions (Maggie Valley, NC and Clyde, NC),

Maggie Valley and Clyde both define minor subdivisions as a subdivision of land involving no new street construction, or no right-of-way dedication, where 4 or fewer lots result after the subdivision is completed.

Per Clyde, utility extensions are limited to extensions of the water and sewer lines. This does not include tapping into existing lines or power lines.

Comment [KD4]: NCGS160D-102(24)

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Townhouses. A group of at least three single family dwellings attached connected via a common sidewalks.

ARTICLE IV – COMPLIANCE

400 No Conveyance Without Approval. No real property lying within the planning and development regulation jurisdiction of the Town of Montreat now or hereafter fixed shall be subdivided until it conforms with all applicable sections of this Ordinance. Violations of this Article shall be subject to the penalties set forth in Article VIII. Any sale or transfer of land in a subdivision subject to this Ordinance these regulations by reference to an unapproved plat or the use of metes and bounds description shall be considered a violation of this Ordinance Article.

Comment [KD5]: This is the term used in Article 8, Chapter 160D.

401 Approval of Plats. No subdivision plat of land within the planning and development regulation jurisdiction town limits of of the Town of Montreat shall be filed or recorded by the Register of Deeds of Buncombe County until it shall have been submitted and approved in accordance with this Ordinance and until such approval is entered on the face of the Final Plat by the Chair of the Planning and Zoning Commission of the Town of Montreat. The Review Officer designated pursuant to North Carolina General Statute Section 47-30.2 shall not certify a subdivision plat County Register of Deeds shall not file or record a plat of a subdivision of land located within the planning jurisdiction of the Town of Montreat that has not been approved in accordance with this Ordinance these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance or Chapter 160D of the North Carolina General Statutes. Plats shall be prepared and approved pursuant to the provisions of this Ordinance whenever land is subdivided. A final plat must be prepared and approved, and recorded pursuant to this Ordinance chapter whenever a subdivision of land occurs.

Comment [KD6]: NCGS 160D-803(d)

402 Permits and Construction. No land disturbing or construction activity with the exception of utility testing, engineering testing or surveying can be carried out, in conjunction in conjunction with the subdivision of land, shall be commenced until the Preliminary Plan for a major subdivision or final plat for a minor subdivision has been approved by the Planning and Zoning Commission. No building permits shall be issued for, nor water, sewer, or other facilities be extended to or connected with, any subdivision for which a plat is required to be approved until the Preliminary Plan has been approved by the Planning and Zoning Commission of the Town of Montreat.

ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

- 501.1 **Compliance.** The conservation subdivision design option – once chosen - shall proceed in accordance with the requirements of ~~this s~~Section 501. Notwithstanding the foregoing, subdivisions of land situated entirely within the R-1 or R-3 zoning classifications containing at least five contiguous acres may utilize conservation design but are not required to do so.

It is the intent of ~~this s~~Section 501 to preclude any attempt to avoid conservation design by the sequential subdivision of land into two or more subdivisions containing less than 10 acres. To that end, two or more subdivisions shall be aggregated and treated as a single subdivision under this ordinance when they are contiguous to property owned or controlled by person(s) owning or controlling the land to be subdivided.

501.2 **General design requirements**

2) *Maximum number of lots in conservation design subdivision.* The maximum number of lots allowed within a conservation design subdivision shall be determined by dividing the total acreage in the tract, excluding state road and town street rights-of-way and primary conservation areas, by the lot size requirement for ~~the z~~Zoning District in which the tract is located ~~in~~ as specified in the Town of Montreat Zoning Ordinance. ~~classification of the property contained in the Zoning Regulations.~~

3) *Lot design and dimensional requirements for subdivisions.* Lots shall be clustered in one or more contiguous areas. Furthermore, provided the arrangement, design and shape of lots is such that lots provide satisfactory and desirable sites for building and contribute to the overall preservation of open space and all other requirements in ~~this s~~Section 501 and applicable local, state and federal requirements are met, the minimum lot area, lot width and yard requirements for the applicable ~~z~~Zoning ~~classification~~ District may be reduced as stated herein.

g) Yards abutting the perimeter boundaries of a conservation subdivision shall be no less than the minimum requirements contained in the ~~Zoning Regulations~~Town of Montreat Zoning Ordinance.

501.4 **Open space use, location, and design**

1) *Primary conservation areas.*

d) Any areas previously platted and designated Montreat Greenspaces or Conservation Easement as defined in the Open Space Conservation Plan for the Town of Montreat, within the ~~corporate limits~~planning and development jurisdiction of the Town. ~~, or unincorporated areas of Buncombe County within the extraterritorial jurisdiction for Montreat.~~

- 5) The use of unpaved walking paths is encouraged wherever practical to promote pedestrian travel and minimize the installation of impervious surfaces. Sidewalks may be provided by the developer, if approved by the ~~Zoning Code~~ Administrator and Public Works Director, as leading to a pedestrian destination point, such as a school, park, etc., and may constitute part of the open space requirements.

501.7 Design Procedure

- 1) *Existing features/site analysis.* An existing features/site analysis map shall be submitted to the ~~Zoning Code~~ Administrator. The map shall indicate all features that exist on the subject site as described in this section.
- 2) *Identification of open space conservation areas.* Open space areas shall be identified. Guidance as to which parts to classify as open space areas shall be based upon three factors:
 - a. On-site visits by the ~~Zoning Code~~ Administrator, the subdivider and the site designer.
- 3) *Principal structure setback from open spaces.* Any principal structures must be set back a minimum of 30 feet from all open space lot lines. Provided, however, the ~~Zoning Code~~ Administrator may reduce this setback requirement when, due to soil types, topography or other site considerations, strict compliance would result in practical difficulty or unnecessary hardship and when adequate assurances have been given for the protection of the open space.

501.8 Evaluation Criteria

- 2) Wetlands, flood hazard areas and natural watercourses with associated stream buffers shall not be cleared, filled or graded except as authorized by state, federal and other applicable regulations and as may be approved by the ~~Zoning Code~~ Administrator. Water features shall constitute no more than 50 percent of the open space area.

504 Storm Water Drainage. The Preliminary Plan (see Section 603) shall be prepared by a Licensed Landscape Architect or Registered Land Surveyor and be accompanied by evidence satisfactory to the Planning and Zoning Commission as to the proposed method of providing for storm water drainage. It shall be the responsibility of the subdivider to provide a drainage system which meets the following objectives:

- 7) Compliance with current Stormwater Management regulations for the Town of Montreat. The design of said system shall be subject to approval of the Town of Montreat Street Department and the installation of said system shall be required prior to Final Plat approval pursuant to Article VI of this Ordinance. Easements for all drainage ways shall be provided as required by Article V, Section ~~508~~ 509 of this Ordinance. The Planning and Zoning Commission shall have the authority to require

underground drainage, and other improvements it finds necessary to meet the above objectives.

ARTICLE VI - PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

601

Minor Subdivisions. Procedures for handling applications for approval of minor subdivisions are intended to simplify routine approval of small subdivisions with due regard to the protection of the public interest. Where the subdivider intends to develop a minor subdivision, ~~the subdivider~~ **he** may apply for final approval through the procedures set forth in Section 601.1. Said intent shall be stated, in writing, in a form acceptable to the Planning and Zoning Commission and signed by the subdivider.

601.1 Procedure for Approval. Final approval of a plat for any minor subdivision may be granted by the Planning and Zoning Commission subsequent to the following procedure ~~which shall be expedited by the Zoning Official~~ through reasonable application of the requirements set forth below with regard to the size, topography, location, and type of each minor subdivision:

1) The subdivider shall submit two (2) copies of a surveyed plat meeting the requirements of Section 605.1 of this Article, excluding administrative requirements in Appendix E. Further, ~~the subdivider~~ **shall** provide satisfactory evidence describing the following:

2) The ~~Zoning Official~~ **Planning and Zoning Commission** shall review said minor subdivision and shall find that it either does or does not meet the requirements of this Ordinance and **shall stipulate** what improvements, if any, will be required by this Ordinance (See Section 604 of this Article).

3) If it is found that improvements will be required, the subdivider shall submit three (3) additional copies of said plat describing the plans for said improvements for approval by the ~~Zoning Official~~ **Planning and Zoning Commission**. (Note: At this stage, the subdivider may post **performance improvement** guarantees pursuant to Section 605 of this Article and receive final approval of ~~the~~ **his** subdivision plat.) The Building Inspector shall, upon completion and installation of said improvements, inspect said minor subdivision and shall certify that all improvements either have been or are being installed in accordance with said plans and the requirements of this Ordinance.

4) When said plat has been approved, and it is found that no additional improvements are required, or when additional improvements are required and have been certified by the Building Inspector, or when an improvement guarantee has been provided pursuant to Section 604 of this Article, the Planning and Zoning Commission shall then certify final approval in writing on all copies of said plat. One (1) copy shall be recorded with the minutes of the Planning and Zoning Commission, and

Comment [KD7]: This is a discretionary decisions. Therefore, the Zoning Administrator does not have authority to make this decision. N.C.G.S. 160D-803(c) authorizes the PZC to make this decision.

Comment [KD8]: Decision must be made by PZC due to 601.1(2). The Zoning Administrator does not have authority to make this decision.

the approved plat shall be returned to the subdivider. ~~He~~ **The Subdivider** shall simultaneously record both said plat and all other documents required for recordation by this Ordinance with the Office of the Buncombe County Register of Deeds within thirty (30) days of receipt. Failure on the part of the subdivider to record said plat and document(s) within said thirty (30) days shall render said approval null and void.

5) Decisions of the **Planning and Zoning Commission** are appealed to the Superior Court by proceedings in the nature of certiorari ~~herein incorporated by reference in~~ as provided N.C.G.S. 160D-406. ~~Zoning Official may be appealed to the Board of Adjustment or Building Inspector may be appealed at any time by the subdivider to the Planning and Zoning Commission. If an appeal is made, the Planning and Zoning Commission shall approve or disapprove of the Final Plat at its next regularly scheduled meeting, provided that, if the Planning and Zoning Commission finds that sufficient information is not available to it, the Commission may continue the hearing and/or postpone it for no more than sixty-two (62) days.~~

602 Sketch Plan Requirements. In order to initiate discussions between the subdivider and the Planning and Zoning Commission early in the design process, the subdivider shall submit for all subdivisions other than minor subdivisions, a Sketch Plan to Zoning ~~Official~~ **Administrator** prior to preparing the Preliminary Plan (see Section 603 of this Article).

603 Preliminary Plan. For every subdivision except minor subdivisions, a Preliminary Plan, containing all required information, shall be submitted to the Planning and Zoning Commission at least ten (10) days prior to the regular meeting at which said plan is to be considered, although said time limit may be waived in the discretion of the Planning and Zoning Commission. Three (3) copies of said plan shall be required, provided that additional copies may be required by the **Planning and Zoning Commission** ~~Board of its staff~~, if needed (See Appendix C).

603.2 Review Procedure

- 1) Town ~~Street~~ **Public Works** Department regarding streets and storm water drainage.
- 2) A certificate(s) signed by the appropriate official(s) (indicated in Appendix E) stipulating that the plans for water supply and/or sewage disposal systems proposed for installation meet all pertinent requirements and are approved. The Town ~~Administrator~~ **Manager** approves water supply plans for subdivisions within the ~~Town Limits~~ **Town of Montreat's planning and development jurisdiction** and an

official from the Metropolitan Sewerage District approves sewage disposal systems.

One (1) copy shall be transmitted to the Zoning ~~Official~~ Administrator, one (1) copy shall be returned to the subdivider, and one (1) copy shall be retained by the Planning and Zoning Commission. If the Planning and Zoning Commission disapproves or approves conditionally said plan, the reasons for such action shall be stated in writing and entered in the records of the Planning and Zoning Commission. The subdivider may make changes and submit a revised plan which revision shall be submitted, reviewed and acted upon by the Planning and Zoning Commission pursuant to this Section. Approval of the Preliminary Plan shall be valid for one (1) year unless a written extension is granted by the Planning and Zoning Commission on or before the one (1) year anniversary of said approval. If the Final Plat is not submitted for approval within said one (1) year period or any period of extension, the said approval of the Preliminary Plan shall be null and void.

604.2 ~~Improvement~~ Performance Guarantees

604.21

Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to Final Plat approval, the Town of Montreat may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements as specified by the approved Preliminary Plan for that portion of the subdivision to be shown on the Final Plat. Once said agreement is signed by both parties and the security required herein is provided, the Final Plat may be approved by the Planning and Zoning Commission. To secure this agreement, the subdivider shall elect either letter(s) of credit issued by a financial institution licensed to do business in North Carolina, a cash deposit in escrow, surety bond(s) issued by any company authorized to do business in North Carolina, or other form of guarantee that provides equivalent security to a surety bond or letter of credit for the following guarantee not exceeding ~~2.00~~ 125% of the reasonably estimated cost of ~~completed~~ completion at the time the performance guarantee is issued. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed under this Ordinance includes inflation and all costs of administration regardless of how such fees or charges are denominated. The Town of Montreat may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The amount of any extension of any performance guarantee shall

Comment [KD9]: N.C.G.S. 160D-804.1(1)

be determined according to the procedures for determining the initial guarantee, as defined in this Ordinance, and shall not exceed 125% of the reasonable estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. ~~times the entire cost as provided herein.~~ Before final approval of any performance guarantee, the Town shall confirm an acceptable Superior/Excellent rating with either Standard & Poors (S&P), Moody's, Fitch, or A.M. Best official ratings company and verify the status of the financial institution.

Comment [KD10]: N.C.G.S. 160D-804.1(3)

- (a) Exclusion: Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

Comment [KD11]: N.C.G.S. 160D-804.1(7)

604.22

~~Surety Performance Bond(s): The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Montreat and shall be in an amount equal to 2.00 times the entire cost, as estimated by the subdivider and approved by the Planning and Zoning Commission, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners pursuant to Section 604.23 of this Article. Deleted X/X/22~~

604.23

Duration. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

Comment [KD12]: N.C.G.S. 160D-804.1(1a)

604.24

Extension. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town of Montreat, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in Section 604.21 of this subsection and shall include the total cost of all incomplete improvements.

Comment [KD13]: N.C.G.S. 160D-804.1(1b)

604.25 Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements, then the Board of Commissioners may require the subdivider, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town of Montreat. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, or to make necessary stabilization or repairs of graded areas, earth cut and fill slopes, or other site areas or features disturbed by incomplete development activities that pose a threat to water quality or neighboring property due to potential soil erosion and sedimentation or site instability.

604.26 Release of Performance Guarantee Security. The Board of Commissioners may release a portion of any security posted pursuant to Section 604.2 of this Article, as the improvements are completed and recommended for approval pursuant to Section 604.3 of this Article in accordance with N.C.G.S. 160D-804.1(2). ~~Within thirty two (32) days after receiving the certificates required by Section 604.3 of this Article, the Board of Commissioners shall approve or not approve said improvements. If the Board of Commissioners approves said improvements, then it shall immediately release any security posted pursuant to Section 604.2 of this Article. The Mayor shall be authorized to sign the Certificate of Improvements as required in Section 604.31 of this Article and shown in Appendix E. All certificates contained in Section 604.3 of this Article shall be filed simultaneously with the Final Plat except when improvements guarantees are used. When said guarantees are used, said certificates shall be filed with the Board when improvements are completed and shall be forwarded to the Register of Deeds to be recorded with the Final Plat.~~

604.3 Inspections and Certification

604.32 Subdividers Certificates

1) Certificate of Completion and Warranty

c) That the subdivider knows of no defects from any cause and that ~~the subdivider~~ ~~he~~ will warrant all improvements against defects in materials and workmanship for a period of one (1) year after the Certificate of Completion and Warranty is executed; and

d) That in the event any defects are discovered in materials or workmanship in any required improvements

during the warranty period, the subdivider will, at subdivider's sole his-expense, replace and/or repair said defects to the satisfaction of the Board of Commissioners.

2) Certificate of Dedication and Maintenance. The Certificate of Dedication and Maintenance shall stipulate the following (See Appendix E):

605.3 Effect of Plat Approval on Dedications. The approval of a Final Plat shall not constitute or affect the acceptance of the Town or the County of the dedication of any land, street, utility line, or other facility shown on said plat.

605.4 Disposition of Copies. If the Final Plat is approved such approval shall be noted on the original tracing of said plat and on four (4) copies. Said original tracing(s) and all other document(s) required for recordation by this Ordinance shall be simultaneously recorded by the subdivider and/or surveyor with the Buncombe County Register of Deeds within thirty (30) days after Final Plat approval or said approval shall be null and void. One (1) copy of the remaining prints shall be distributed to each of the following: Town Clerk, Zoning Official-Administrator, the subdivider, and the Planning and Zoning Commission.

606 Variances. Where a subdivider can show that strict adherence to a provision(s) of this Ordinance or the Zoning Ordinance would, because of conditions peculiar to the site, cause an unnecessary hardship, the subdivider may submit a written application to the Board of Commissioners-Adjustment for a variance from said provision(s) in accordance with Section 310 of the Town of Montreat Zoning Ordinance, as it may be amended. Said application may be delivered by the subdivider either to the Zoning Administrator Planning and Zoning Commission (or its staff) or to the Board of Commissioners who shall refer it immediately to the Planning and Zoning Commission Board of Adjustment for consideration and recommendation. The Planning and Zoning Commission Board of Adjustment shall consider said application within thirty two (32) days of its submission and within that time, shall recommend in writing to the Board of Commissioners that said Commissioners either approve or not approve the application. Said recommendation shall state the reasoning upon which it is based. By its second regular meeting after receipt of the Planning and Zoning Commission's recommendations, the Board of Commissioners shall either approve or not approve said application, in accordance with N.C.G.S. 160D-705(d), provided the approval of said application shall be given only to the extent the Board of Commissioners Adjustment finds it absolutely necessary and not to any extent which would violate the intent of this Ordinance. If the application is approved and a variance granted by the Board

Comment [KD14]: Variances are quasi-judicial and should be considered by the BOA.

~~of Commissioners Adjustment, said approval and the basis therefore shall be entered in the meeting minutes of the Commissioners. However no variance may be granted from any requirement of State or Federal law without written approval of the appropriate governmental agency.~~

- 607 ~~Appeals to the Board of Commissioners.~~ Decisions made by the Board of Adjustment regarding variances to this Ordinance or the Zoning Ordinance and decisions made by the Planning and Zoning Commission are appealed to the Superior Court by proceedings in the nature of certiorari ~~herein incorporated by reference as provided in N.C.G.S. 160D-406.~~ ~~Any subdivider may appeal to the Board of Commissioners either from a decision of the Planning and Zoning commission disapproving a proposed Final Plat or from the failure of the Planning and Zoning Commission to act within any time limit required by this Ordinance.~~

Comment [KD15]: Appeals of decisions made by PZC and BOA go to superior court.

607.1 ~~Appeals From Decisions Disapproving Final Plat Deleted X/X/2022~~

- ~~1) Notice. Notice of appeal from said decision must be given by the subdivider to the Planning and Zoning Commission in writing within ten (10) days from the date of said decision. Upon receipt of said notice, the Planning and Zoning Commission shall simultaneously send to the Board of Commissioners said notice and a copy of the findings, required by Section 605.3 of this Article.~~
- ~~2) Hearing Date. Upon receipt of said notice and findings, the Chairman of the Board of Commissioners shall fix a date and time for hearing said appeal, which hearing may be held at either a regular or special meeting of the Board of Commissioners, provided that said hearing shall be held within thirty (30) days of receipt by the Board of Commissioners of said notice and findings.~~
- ~~3) Hearing. At said hearing, the Board of Commissioners may consider the following: (1) part or all of such presentations as the subdivider and/or the Planning and Zoning Commission desire to make in support of their contentions; (2) the results of any investigations which the Board of Commissioners, or any member thereof, has made or has caused to have been made, with respect to said appeal; and (3) any records, data, or other specified documents required by the Board of Commissioners.~~
- ~~4) Decision by Board of Commissioners. The Board of Commissioners shall find if errors were committed by the Planning and Zoning Commission with respect to each of its written findings. If the Board of Commissioners concludes that none of the specified provisions of this Ordinance were violated, then it shall reverse the decision of the Planning and Zoning Commission and shall order the Planning and Zoning Commission both to approve said proposed Final Plat and to indicate said approval both in the Planning and Zoning Commission's records and on the proposed Final Plat. If the Board of Commissioners~~

~~concludes that any of the specified provisions of this Ordinance were violated, then it shall affirm the decision of the Planning and Zoning Commission. The Board of Commissioners shall render its decision within five days of said hearing, and its findings and decision shall be entered in its minutes.~~

607.2 Appeals from Failure of Board to Act Within Required Time Deleted X/X/2022

- ~~1) Notice. Following the expiration of any time limit within which the Planning and Zoning Commission is required to act under this Ordinance, the subdivider shall give written notice to the Planning and Zoning Commission of his/her intent to appeal to the Board of Commissioners from the Planning and Zoning Commission's failure to act. Following receipt of said notice, the Planning and Zoning Commission shall have three (3) days within which to act. If the Planning and Zoning commission fails to act within said three (3) days, written notice of appeal to the Board of Commissioners may be given by the Subdivider to both the Planning and Zoning Commission and the Board of Commissioners. Said notice shall specify that provision(s) of the Ordinance setting forth the time limit(s) within which the subdivider alleges that the Planning and Zoning Commission failed to act.~~
- ~~3) Decision by the Board of Commissioners. The Board of Commissioners shall find if the Planning and Zoning Commission failed to act within the time limit(s) of the provision(s) of the Ordinance specified in said notice. If the Board of Commissioners concludes that the Planning and Zoning Commission failed to act as specified in said notice, then the Board of Commissioners shall do one of the following:~~
 - ~~a) Take whatever action it finds the Planning and Zoning Commission should have taken;~~
 - ~~b) Both order the Planning and Zoning Commission to act within the next five (5) days and take whatever additional action is necessary to ensure that said order is obeyed; or~~
 - ~~c) Extend the time limit within which the Planning and Zoning Commission may act~~

~~If the Board of Commissioners concludes that the Planning and Zoning Commission did not fail to act as specified in said notice, then it shall dismiss the appeal. The Board of Commissioners shall render its decision within five (5) days of said hearing, and its findings and decision shall be entered in its minutes.~~

ARTICLE VII - PLANNING AND ZONING COMMISSION OF THE TOWN OF MONTREAT

700 Legal Authority. Pursuant to the North Carolina General Statute Section ~~160A-373~~ 160D-803, the Planning and Zoning Commission of the Town of Montreat is hereby designated as the planning agency which may give approval to Final Subdivision Plats and otherwise administer the "Subdivision Ordinance".

701 Powers and Duties

All other powers and duties not set forth herein, including those set forth in North Carolina General Statute Chapter 160D, Article 8, Sections ~~160A-371 through 160A-380~~ are reserved to the Board of Commissioners.

- 3) To review and make recommendations to the Board of Commissioners regarding proposed ~~variances from any~~ amendments to the Ordinance; and

ARTICLE VIII – LEGAL PROCEDURES

800 Penalties for Transferring Lots in Unapproved Subdivisions ~~Criminal and Civil Procedures.~~ From the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of ~~the Town this Ordinance~~, thereafter ~~either~~ subdivides ~~the his~~ land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been approved and recorded pursuant to this Ordinance, shall be subject to penalties pursuant to North Carolina General Statute Section 160D-807 ~~guilty of a misdemeanor and shall be subject to a fine and/or imprisonment as provided in North Carolina General Statute 14-4.~~ The Town of Montreat may bring an action to enjoin any subdivision, transfer, or sale of land not made in compliance with this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this Ordinance.

Comment [KD16]: N.C.G.S. 160D-807

Comment [KD17]: N.C.G.S. 160A-175(b1)

801 Severability. Should any section or provision of this Ordinance be found by a court of competent jurisdiction to be unconstitutional or invalid, all other sections or provisions shall nevertheless continue in full force and effect. ~~In accordance with Article 160A-373 of the General Statutes of North Carolina, the Board of Commissioners shall file a copy of this Ordinance for registration with the Register of Deeds of Buncombe County.~~

APPENDIX D – FINAL PLAT CHECKLIST

_____ The Improvements Guarantee has been accepted by the Town or Certification of Improvements has been granted by the Zoning ~~Official~~ Administrator and Mayor.

APPENDIX E ADMINISTRATIVE FORMS

6) CERTIFICATE OF APPROVAL OF WATER SUPPLY SYSTEM

I hereby certify that the water supply system proposed for installation and specified on the Preliminary Plan for _____ Subdivision meets all pertinent state and local requirements and is hereby approved.

Town ~~Administrator~~ ~~Manager~~, Town of
Montreat

Date

CURRENT NORTH CAROLINA LAWS FOR SUBDIVISIONS

- N.C.G.S. 160A Article 8 – Delegation and Exercise of the General Police Power
https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160A/Article_8.html
- N.C.G.S. 160D Article 1 – General Provisions
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_1.pdf
- N.C.G.S. 160D Article 4 – Administration, Enforcement, and Appeals
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_4.pdf
- N.C.G.S. 160D Article 7 – Zoning Regulation
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_7.pdf
- N.C.G.S. 160D Article 8 – Subdivision Regulation
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_8.pdf
- N.C.G.S. 160D Article 14 – Judicial Review
https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_14.pdf

PLANNING AND ZONING COMMISSION RECOMMENDATION

At the November 10, 2022 Planning and Zoning Commission, the Board Members voted 7-0 to recommend approval of TA-2022-01 as amended.

CONCLUSION

The proposed amendments to the Ordinance bring the Town of Montreat's Subdivision Ordinance into compliance with 160D. In addition, the proposed amendments update and clarify Town staff references, terms, responsible parties, and references to the Montreat Zoning Ordinance, and add definitions and improve clarity and predictability in the Ordinance application. These amendments are critical to determining the applicable development standards and procedure. Amendments to the Town's Subdivision Ordinance must follow the procedure outline in Section 608 of the Subdivision Ordinance, which specifies that the Board of Commissioners shall consider amendments to this Ordinance after having received the recommendation from the Planning and Zoning Commission.

Per N.C.G.S. 160D-605, when adopting or rejecting any zoning text amendment, the Board of Commissioners shall approve a brief statement describing whether the amendments are consistent or inconsistent with the Town of Montreat's Comprehensive Plan. A template for this motion is below. The statement does not need to address all of the comprehensive plan policies, but should demonstrate that the Board of Commissioners has considered the proposed amendment's consistency with the Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning and Zoning Commission's recommendations and any relevant portions of an adopted Comprehensive Plan.

Template Approval Motion:

I move that the Board of Commissioners [**approve/deny**] TA-2022-01, amendments to the Town of Montreat Subdivision Ordinance, as [**written/amended**] as the proposed amendments [**are/are not**] consistent with the Town of Montreat Comprehensive Plan because...

[List considerations (identify policies in the plan with which the proposal is or is not consistent and identify what policy goals this development advances or hinders)]

For more on consistency statements, please visit the following link:

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements 160DGuidanceDoc%20Mar%202021.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements%20160DGuidanceDoc%20Mar%202021.pdf)

SUBDIVISION ORDINANCE

Comment [KD1]: PZC AMENDMENTS ADDED
FROM 10/13/22 & 11/10/22 MEETINGS.

TOWN OF MONTREAT NORTH CAROLINA

Adopted December 11, 1980 by the Board of Commissioners

Revised:

October 14, 1999

October 8, 2009

[TBD, 2022](#)
[\(Definitions,](#)
[General](#)
[Clarifications &](#)
[160D](#)
[Compliance\)](#)

Prepared with Assistance from the
Land-of-Sky Regional Council

TABLE OF CONTENTS

Town of Montreat Subdivision Ordinance

ARTICLE I - AUTHORITY AND PURPOSE	1
ARTICLE II - JURISDICTION CLAUSE	2
ARTICLE III - DEFINITIONS	3
ARTICLE IV - COMPLIANCE	4
• 400: NO CONVEYANCE WITHOUT APPROVAL	4
• 401: APPROVAL OF PLATS	4
• 402: ORDINANCES	4
ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS	5
• 500: SUITABILITY OF LAND	5
• 501: CONSERVATION DESIGN	5
• 502: STREETS	10
• 503: WATER AND SEWER SYSTEMS	11
• 504: STORMWATER DRAINAGE	12
• 505: SEDIMENTATION CONTROL	13
• 506: SURVEYING AND PLACEMENT OF MONUMENTS	13
• 507: PRESERVATION OF NATURAL ENVIRONMENT	13
• 508: LOTS	13
• 509: EASEMENT	13
ARTICLE VI - PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS	15
• 600: GENERAL	15
• 601: MINOR SUBDIVISIONS	15
• 602: SKETCH PLAN REQUIREMENTS	16
• 603: PRELIMINARY PLAN	17
• 604: IMPROVEMENTS INSTALLATION AND GUARANTEES	18
• 605: FINAL PLAT	22
• 606: VARIANCES	24
• 607: APPEALS	24
• 608: AMENDMENTS	26

ARTICLE VII – PLANNING AND ZONING COMMISSION OF THE TOWN OF MONTREAT	27
• 700: LEGAL AUTHORITY	27
• 701: POWER AND DUTIES	27
• 702: FUNDING	27
ARTICLE VIII - LEGAL PROVISIONS	28
• 800: CRIMINAL AND CIVIL PROCEDURES	28
• 801: SEVERABILITY	28
• 802: ABROGATION	28
• 803: EFFECTS ON EXISTING LEGISLATION	28
• 804: EFFECTIVE DATE	28
APPENDIX A - APPROVAL OF WATER AND SEWAGE DISPOSAL SYSTEM	30
APPENDIX B - SKETCH PLAN CHECKLIST	31
APPENDIX C - PRELIMINARY PLAN CHECKLIST	33
APPENDIX D - FINAL PLAN CHECKLIST	35
APPENDIX E - ADMINISTRATIVE FORMS	38
• 1) CERTIFICATE OF IMPROVEMENTS	39
• 2) CERTIFICATE OF COMPLETION AND WARRANTY	40
• 3) CERTIFICATE OF DEDICATION AND MAINTENANCE	42
• 4) IMPROVEMENTS GUARANTEE AGREEMENT	44
• 5) PERFORMANCE BOND	47
• 6) CERTIFICATE OF APPROVAL OF WATER SUPPLY SYSTEM	49
• 7) CERTIFICATE OF APPROVAL OF SEWAGE DISPOSAL SYSTEM	50
• 8) CERTIFICATE OF APPROVAL OF SEPTIC SYSTEM	51
• 9) CERTIFICATE OF APPROVAL OF TOWN STREETS	52

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE I - AUTHORITY AND PURPOSE

This Ordinance is entitled Subdivision Ordinance for the Town of Montreat and may be cited as the "Subdivision Ordinance", or as the "Subdivision Regulations". This Ordinance is adopted pursuant to Article 8 of Chapter 160D Chapter 160A_371 through 160A-376 of the General Statutes of North Carolina for the purpose of guiding the proper subdivision and re-subdivision of land within the town limits of the Town of Montreat in order to promote the orderly growth of the Town.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE II - JURISDICTION

This Ordinance shall govern all subdivisions of land within the corporate limits of the Town of Montreat and within the Town's extraterritorial jurisdiction.

TOWN OF MONTREAT
SUBDIVISION ORDINANCE
ARTICLE III - DEFINITIONS

300 Interpretation of Certain Words or Terms. Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein are defined as follows:

300.1 Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular;

300.2 The word "shall" is always mandatory;

300.3 The word "may" is permissive;

300.4 The word "Lot" includes the word "plot" or "parcel";

300.5 The word "person" includes a firm, association, organization, partnership, trust company, limited liability company, or corporation as well as an individual;

300.6 The word "used" or "occupied" as applied to any land or Building shall be construed to imply that said land or Building is actually "arranged" or "designed" to be used or occupied;

300.7 The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Montreat, North Carolina;

300.8 The term "Planning Commission" refers to the Montreat Planning and Zoning Commission. The terms "Town Commissioners", "Town Board of Commissioners", "Board of Commissioners" or "Mayor and Town Commissioners" refer to the legally constituted and elected governing body of the Town of Montreat. The term "Board of Adjustment" refers to the Zoning Board of Adjustment for the Town of Montreat.

300.9 Other specific terms are defined in pertinent provisions of this Ordinance

301 Definitions

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Comment [KD2]: N.C.G.S. 160D-102(11)

Subdivider. Is interchangeable with and has the same definition as Developer.

Subdivision. As used in this Ordinance, the definition of the word "Subdivision" is defined in Chapter 160D-802 160A-376 of the North Carolina General Statutes, as now or hereafter amended. The definition is as follows:

A "*Subdivision*" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ~~part~~Ordinance:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipalityTown as shown in its subdivision regulations;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- 3) The public acquisition ~~of by~~ purchase of strips of land for the widening or opening of streets, ~~and~~;
- 4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipalityTown, as shown in its subdivision regulations.
- 5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.

Minor subdivision. A subdivision of land involving no new street construction, no right-of-way dedication, no utility extension and no utility easement dedication, where three (3) or fewer lots result after the subdivision is completed. For purposes of determining a minor subdivision, utility extensions and dedications are limited to construction of new and or extensions of existing water and sewer lines.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Townhouses. A group of at least three single family dwellings connected via common sidewalks.

Comment [KD3]: Definitions of a minor subdivision were pulled from comparable jurisdictions (Maggie Valley, NC and Clyde, NC),

Maggie Valley and Clyde both define minor subdivisions as a subdivision of land involving no new street construction, or no right-of-way dedication, where 4 or fewer lots result after the subdivision is completed.

Per Clyde, utility extensions are limited to extensions of the water and sewer lines. This does not include tapping into existing lines or power lines.

Comment [KD4]: NCGS160D-102(24)

TOWN OF MONTREAT
SUBDIVISION ORDINANCE
ARTICLE IV – COMPLIANCE

400 No Conveyance Without Approval. No real property lying within the planning and development regulation jurisdiction of the Town of Montreat now or hereafter fixed shall be subdivided until it conforms with all applicable sections of this Ordinance. Violations of this Article shall be subject to the penalties set forth in Article VIII. Any sale or transfer of land in a subdivision subject to this Ordinance ~~these regulations~~ by reference to an unapproved plat or the use of metes and bounds description shall be considered a violation of this Ordinance ~~Article~~.

Comment [KD5]: This is the term used in Article 8, Chapter 160D.

401 Approval of Plats. No subdivision plat of land within the planning and development regulation jurisdiction ~~town limits of~~ the Town of Montreat shall be filed or recorded by the Register of Deeds of Buncombe County until it shall have been submitted and approved in accordance with this Ordinance and until such approval is entered on the face of the Final Plat by the Chair of the Planning and Zoning Commission of the Town of Montreat. The Review Officer designated pursuant to North Carolina General Statute Section 47-30.2 shall not certify a subdivision plat ~~County Register of Deeds shall not file or record a plat of a subdivision of land located within the planning jurisdiction of the Town of Montreat~~ that has not been approved in accordance with this Ordinance ~~these provisions, nor not~~ shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this Ordinance or Chapter 160D of the North Carolina General Statutes. Plats shall be prepared and approved pursuant to the provisions of this Ordinance whenever land is subdivided. A final plat must be prepared and approved, and recorded pursuant to this Ordinance ~~chapter~~ whenever a subdivision of land occurs.

Comment [KD6]: NCGS 160D-803(d)

402 Permits and Construction. No land disturbing or construction activity, with the exception of utility testing, engineering testing or surveying ~~can be carried out~~ in conjunction with the subdivision of land, shall be commenced until the Preliminary Plan for a major subdivision or final plat for a minor subdivision has been approved by the Planning and Zoning Commission. No building permits shall be issued for, nor water, sewer, or other facilities be extended to or connected with, any subdivision for which a plat is required to be approved until the Preliminary Plan has been approved by the Planning and Zoning Commission of the Town of Montreat.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

500 Suitability of Land. Where land to be subdivided is found by the Planning and Zoning Commission to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety, or property, the subdivider shall take measures necessary to correct said conditions and to eliminate said dangers. Any findings made by the Planning and Zoning Commission pursuant to this section and the basis for said findings shall be in writing and recorded in the minutes of the Planning and Zoning Commission.

501 Conservation Design. The requirements in this section are intended to provide for a subdivision design that is more efficient and better suited to the natural features of the land. Conservation design allows smaller and less costly networks of roads and utilities, encourages closer-knit and potentially safer neighborhoods, preserves sensitive farmland, woodlands, scenic views and open space, and reduces the amount of impervious surface and resulting stormwater runoff. The open space provided by conservation design can be used to provide recreational opportunities for the subdivision's residents or employees, to conserve and protect significant natural areas and environmentally sensitive areas, to conserve important historic resources, and/or to conserve productive forestry uses.

501.1. Compliance. The conservation subdivision design option – once chosen - shall proceed in accordance with the requirements of ~~this~~ Section 501. Notwithstanding the foregoing, subdivisions of land situated entirely within the R-1 or R-3 zoning classifications containing at least five contiguous acres may utilize conservation design but are not required to do so.

It is the intent of ~~this~~ Section 501 to preclude any attempt to avoid conservation design by the sequential subdivision of land into two or more subdivisions containing less than 10 acres. To that end, two or more subdivisions shall be aggregated and treated as a single subdivision under this ordinance when they are contiguous to property owned or controlled by person(s) owning or controlling the land to be subdivided.

501.2. General design requirements. In addition to the other standards contained in these regulations, conservation design subdivisions shall comply with the following design requirements.

- 1) *Minimum conservation design subdivision site size.* The minimum land area within a parcel to create a conservation design subdivision shall be at least five contiguous acres.
- 2) *Maximum number of lots in conservation design subdivision.* The maximum number of lots allowed within a conservation design subdivision shall be determined by dividing the total acreage in the tract, excluding state road and town street rights-of-way and primary conservation areas, by the lot size requirement for [the Zoning District in which the tract is located as specified in the Town of Montreat Zoning Ordinance. classification of the property contained in the Zoning Regulations.](#)
- 3) *Lot design and dimensional requirements for subdivisions.* Lots shall be clustered in one or more contiguous areas. Furthermore, provided the arrangement, design and shape of lots is such that lots provide satisfactory and desirable sites for building and contribute to the overall preservation of open space and all other requirements in ~~this s~~Section 501 and applicable local, state and federal requirements are met, the minimum lot area, lot width and yard requirements for the applicable [Zoning classification-District](#) may be reduced as stated herein.
 - a) The minimum lot area shall not be less than 75 percent of the lot area required in the underlying zoning, or 10,000 square feet, whichever is greater.
 - b) The minimum lot width requirement at the building site may be reduced by 50 percent, but shall not be less than 45 feet.
 - c) The minimum front yard requirement may be reduced by 60 percent, but shall be no less than twelve (12) feet.
 - d) The minimum rear yard requirement may be reduced by 40 percent, but shall be no less than ten (10) feet.
 - e) The minimum side yard requirement may be reduced to five (5) feet or in the case of Townhouses - zero feet (0') - where the current fire resistance-rated construction requirements of NC State Building Code have been met.
 - f) When buildings are separated, they shall be separated a minimum of fifteen feet.
 - g) Yards abutting the perimeter boundaries of a conservation subdivision shall be no less than the minimum requirements contained in the [Zoning RegulationsTown of Montreat Zoning Ordinance.](#)

501.3. **Required open space.** Land within the subdivision site that is not contained in lots or in rights-of-way or parcels devoted to accommodating necessary streets and utilities shall be in one or more connected parcels dedicated or reserved as permanent open space as specified herein. Lands identified as primary

conservation areas pursuant to below, shall be deemed permanent open space in accordance with this ordinance. In addition to primary conservation areas, 25 percent of the remaining land area of the subdivision shall be included in permanent open space. Secondary conservation areas shall be included in open space to the extent they do not exceed 25 percent of the remaining land area. In the event secondary conservation areas do not equal or exceed 25 percent of the remaining land area of the subdivision, additional open space shall be designated so that at least 25 percent of the remaining land area of the subdivision is made permanent open space.

501.4. **Open space use, location and design.** Design requirements for open space use, location and design are contained in this section.

- 1) *Primary conservation areas.* The following areas are considered primary conservation areas and shall be designated as open space on the plat of any major subdivision:
 - a) Natural watercourses and any adjoining areas required to be maintained in a natural vegetated and unaltered state by this or any other Ordinance for the Town of Montreat, or pursuant to regulations of NCDENR - Division of Water Quality.
 - b) Any identified sensitive natural area as defined herein,
 - c) Any areas within the Ridge Protection Overlay (RPO) District for the Town of Montreat.
 - d) Any areas previously platted and designated Montreat Greenspaces or Conservation Easement as defined in the Open Space Conservation Plan for the Town of Montreat, within the [corporate limits planning and development jurisdiction](#) of the Town, ~~or unincorporated areas of Buncombe County within the extraterritorial jurisdiction for Montreat.~~
- 2) *Secondary conservation areas.* The following areas are considered secondary conservation areas and should be considered for designation as open space on the plat of any conservation design subdivision:
 - a) Any environmentally sensitive areas where land clearing, land disturbance and/or development might threaten water quality or ecosystems (e.g., ~~stream~~ buffers, groundwater recharge areas, unique wildlife habitat).
 - b) Any identified important historic resources (e.g., homesteads, archeological sites) identified from a local archeological or architectural survey or an individual site survey.
 - c) Productive agricultural or forest land intended for continued use as such.
 - d) Areas with steep slopes equal to - or exceeding - fifty percent (50%).

- 3) Open space which is not situated within a primary conservation area may be used to provide active and/or passive outdoor recreation opportunities (e.g. bikeways, walking trails, nature trails, and picnic areas), either for the general public or for the subdivision's residents or employees and their guests. No more than ten percent of such additional open space shall be covered with impervious surfaces.
- 4) Open space situated within a primary conservation area may be used for limited passive recreational activities, such as nature trails, so long as such activities do not impair the functionality of the area.
- 5) The use of unpaved walking paths is encouraged wherever practical to promote pedestrian travel and minimize the installation of impervious surfaces. Sidewalks may be provided by the developer, if approved by the [Code-Zoning](#) Administrator and Public Works Director, as leading to a pedestrian destination point, such as a school, park, etc., and may constitute part of the open space requirements.
- 6) The location, size, character, and shape of required open space shall be appropriate to its intended use (e.g., open space proposed to be used for recreation, particularly active recreation, shall be located and designed so as to be conveniently and safely reached and used by those persons it is intended to serve, and should be located on land that is relatively flat and dry).
- 7) *Phasing*. When a conservation design subdivision is developed in phases, it shall be designed and developed in such a manner that total open space is never less than 25 percent of the total land area in any such phase and all previously approved phases.

501.5. **Open space dedication or reservation**. Open space shall be dedicated or reserved in accordance with the standards contained herein.

- 1) Subdivision occupants shall be ensured direct access to and use of the subdivision's open space by conveying such open space to the Town. The Town will accept responsibility for managing the open space for its intended purpose and that will ensure subdivision occupants direct access to and use of the open space.
- 2) Each dedicated or reserved open space parcel shall be shown on all subdivision plans and on a record plat recorded with the county register of deeds, with a notation of its area and its intended open space use, as identified herein.
- 3) The land clearing, land disturbance and/or development area for any lot in a conservation design subdivision shall be delineated on subdivision plats. Those areas described in 501.4 above, shall not be included in the area of any

lot intended for development and shall be set aside for the common use and enjoyment of occupants of the subdivision, or in the case of publicly-dedicated open space, for the general public. These areas shall be designated for permanent protection on the subdivision plat and recorded deeds, with appropriate recorded deed restrictions for the use and protection of these areas stipulated.

501.6. **Open space maintenance.** The Town of Montreat shall be responsible for maintaining the open space so that it continues to effectively function for its intended use, and any dedication or conveyance of an open space parcel shall provide for such responsibility. Where the subdivision is located within a watershed protection district, retention of undeveloped open space in a vegetated or natural state shall be ensured by maintenance provisions filed with the county register of deeds, either as part of recorded documentation or in a maintenance agreement recorded with the property deeds.

501.7. **Design procedure.** The following conservation design procedures shall be used in evaluating conservation design subdivision applications.

- 1) *Existing features/site analysis.* An existing features/site analysis map shall be submitted to the [Code-Zoning](#) Administrator. The map shall indicate all features that exist on the subject site as described in this section.
- 2) *Identification of open space conservation areas.* Open space areas shall be identified. Guidance as to which parts to classify as open space areas shall be based upon three factors:
 - a) On-site visits by the [Code-Zoning](#) Administrator, the subdivider and the site designer.
 - b) The open space standards contained in this section.
 - c) The evaluation criteria as shown in 501.8 below.
- 3) *Principal structure setback from open spaces.* Any principal structures must be set back a minimum of 30 feet from all open space lot lines. Provided, however, the [Code-Zoning](#) Administrator may reduce this setback requirement when, due to soil types, topography or other site considerations, strict compliance would result in practical difficulty or unnecessary hardship and when adequate assurances have been given for the protection of the open space.
- 4) *Street, trail and sidewalk locations and alignments.* All streets, sidewalks, paths and trails shall be located and aligned on the site in the most reasonable, economical, and environmentally protective manner. Trails shall be provided from housing clusters to the designated open space.

501.8. **Evaluation criteria.** For any given site, resources may vary widely by importance. Likewise, for each type of resource, there should be examples of greater or lesser significance. In evaluating the layout of a site, the following evaluation criteria will be considered in determining the site's features and allowing for site design flexibility.

- 1) The open space shall be reasonably contiguous and shall abut existing open space on adjacent sites.
- 2) Wetlands, flood hazard areas and natural watercourses with associated stream buffers shall not be cleared, filled or graded except as authorized by state, federal and other applicable regulations and as may be approved by the [Code Zoning](#) Administrator. Water features shall constitute no more than 50 percent of the open space area.
- 3) Site topography, hydrology, soil type, and other related factors shall inform the design, location and installation of stormwater Best Management Practices (BMP's) and other Low Impact Development (LID) features.
- 4) Dwellings shall be located in unwooded parts of the site, whenever practicable, to prevent unnecessary clearing practices. Exceptions may be made when a site investigation reveals all or parts of wooded areas are not worth saving due to tree decay/disease or unsightly overgrowth.
- 5) The impacts on larger woodlands over two acres shall be minimized as much as practical.
- 6) Where preserving scenic views is the goal of a site design, such scenic views shall remain unblocked and uninterrupted. In wooded areas, where enclosure (i.e., a tree canopy) is a feature to be maintained, a no-cut and no-build buffer strip shall be considered along the public roadway.
- 7) Where historic or archeological preservation is the goal of a site design, new streets, driveways, fences and/or utilities shall not interfere with the historic site. Building designs of the new homes shall reflect the qualities and designs of the historic buildings, as much as is practical.
- 8) Where power line rights-of-way are proposed to be included as part of the open space, the right-of-way shall not exceed 50 percent of the required permanent open space.

502 **Streets.** The Preliminary Plan (see Article VI, Section 603) must be accompanied by evidence satisfactory to the Planning and Zoning Commission as to the method of street access, as prescribed herein, to all lots to be platted. Such evidence shall provide detailed information as to proposed elevations, cut and fill, drainage, traffic circulation

and other construction details required by this Ordinance. The installation of all streets shall be in accordance with the minimum requirements detailed in Montreat General Ordinance Chapter D – Streets and Public Walkways, Article 4: Street Standards. Further, the subdivider shall meet all requirements of North Carolina General Statutes Section 136-102.6.

502.1 **Conformity to Surrounding Development.** The proposed street layout within a subdivision shall be coordinated with the existing street system of the surrounding area.

502.2 **Pedestrian Ways.** Streets shall be designed or public walkways provided to assure safe and reasonable access to parks, playgrounds, schools, and other places of public assembly. Crosswalks may be required by the Planning and Zoning Commission.

502.3 **Blocks.** The length, width, and shape of blocks shall be reasonably designed to provide for the following: adequate building sites for the proposed use, vehicular and pedestrian circulation, and control and safety of traffic.

502.4 **Names of Subdivisions and Streets.** The name of a subdivision shall neither duplicate nor closely approximate the name of an existing subdivision within the town's jurisdiction. Proposed streets which are obviously in alignment with existing streets shall be given the same name as the existing street. The assignment of new names is subject to the Planning and Zoning Commission approval, and duplication of existing names, phonetically or otherwise, shall be avoided. Street markers of a design approved by the Street Department shall be installed at each intersection in uniform locations.

503 **Water and Sewer Systems.** The Preliminary Plan (see Section 603) shall be accompanied by evidence satisfactory to Planning and Zoning Commission of the proposed method and system of water supply and sanitary sewage collection and disposal for all lots. The installation of all said systems shall be required prior to Final Plat approval unless otherwise permitted pursuant to Article VI. All lots within any proposed subdivision located within the corporate limits of the Town of Montreat shall be provided with direct access to the water and sewer systems serving the Town of Montreat.

503.1 **Public Systems.** Where the proposed systems are to be connected to the water and sewer system serving the Town, the Preliminary Plan shall be accompanied by a complete set of construction plans for the proposed systems. Said plans shall have been approved by the water and sewer utility providers and the Planning and Zoning Commission. The minor distributors of water supplying the subdivisions shall consist of mains at least six inches (6") in size arranged so that they form a good gridiron - intervals not exceeding six hundred feet (600'),

and looped with no dead ends - in all areas of the water distribution system. In the sewer system, manholes shall be placed no further than six hundred feet (600') apart - preferably four hundred feet (400'). The main collector lines must meet the Metropolitan Sewerage District or Buncombe County Health Services Regulations.

503.2 **Fire Hydrants.** Hydrants shall conform to American Water Works Association Standard for Dry Barrel Fire Hydrants (AWWAC502). Hydrants shall have at least three (3) outlets; one outlet shall be a pumper outlet and other outlets shall be at least two and one-half inch (2 ½") nominal size. Street connection shall be not less than six inches (6") in diameter. Hose threads on outlets preferably should conform to National Standard dimensions. A valve shall be provided on connections between hydrants and street mains. Hydrants that operate in a direction opposite to that of the majority shall be considered unsatisfactory. Flush hydrants are considered undesirable because of delay in getting into operation, which is more serious because of the possibility of heavy snow. At no place on the main or artery lines will there be a distance of more than one thousand feet (1,000') between hydrants.

504 **Storm Water Drainage.** The Preliminary Plan (see Section 603) shall be prepared by a Licensed Landscape Architect or Registered Land Surveyor and be accompanied by evidence satisfactory to the Planning and Zoning Commission as to the proposed method of providing for storm water drainage. It shall be the responsibility of the subdivider to provide a drainage system which meets the following objectives:

- 1) Provides for adequate drainage from all roads, parking lots, and other developed areas;
- 2) Provides a suitable building area on each lot intended for building development which is safe from inundation, erosion, or subsidence;
- 3) Prevents both the unnecessary impoundment of natural drainage ways and the creation of areas of standing water;
- 4) Insures that existing drainage ways serving adjacent properties are maintained; or if necessary, re-routed but still function;
- 5) Prevents inundation of surface water into sanitary sewer systems;
- 6) Protects existing roads, driveways, utilities and other types of development from damages caused by improper drainage control; and
- 7) Compliance with current Stormwater Management regulations for the Town of Montreat.

The design of said system shall be subject to approval of the Town of Montreat Street Department and the installation of said system shall be required prior to Final Plat approval pursuant to Article VI of this Ordinance. Easements for all drainage ways shall be provided as required by Article V, Section ~~508-509~~ of this Ordinance. The Planning and Zoning Commission shall have the authority to require underground drainage, and other improvements it finds necessary to meet the above objectives.

505 Sedimentation Control. In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, and other drainage networks, the subdivider shall show proof of an erosion and sediment control plan in conformity with the Rules and Regulations for Erosion and Sediment Control as adopted by the North Carolina Sedimentation Control Commission, April, 1974, and as amended, or with the Ordinance for Control of Erosion and Sedimentation for the Town of Montreat, whichever is the higher standard.

506 Surveying and Placement of Monuments. "The Manual of Practice for Land Surveying", as adopted by the N.C. Board of Registration for Professional Engineers and Land Surveyors, under provisions of Chapter 89 of the North Carolina Statutes, shall apply when conducting surveys.

507 Preservation of Natural Environment. Land to be subdivided shall be laid out and improved in reasonable conformity with the existing topography in order to minimize clearing and grading, cut and fill, and to retain, insofar as possible, the natural contours, reduce storm water runoff, and conserve the natural cover and soil. No topsoil shall be removed from any lots shown on any subdivision plan except for the purpose of improving such lots for development (the footprint of proposed structures and driveways) and for the laying out of streets shown therein. Developers are encouraged to retain a significant number of specimen trees* and native species to preserve the natural quality of the existing environment.

* A specimen tree is a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

508 Lots. The lot size, width, depth, shape, orientation, and building setback lines shall be reasonable for the location of the subdivision and for the type of development and use contemplated shall be sufficient to accommodate proposed utilities, and shall comply with the requirements of the Zoning Ordinance of the Town of Montreat.

509 Easements. Easements shall be provided and offered for the dedication to the Town as follows:

509.1 Utility Easements. Easements for utilities shall be provided, preferably centered on rear or side lot lines, and shall be a total of at least ten feet (10') in width.

509.2 **Drainage Easements**. An easement shall be reserved by the subdivider or otherwise provided conforming to the lines of any drainage-way into which natural drainage has been diverted. Said drainage-way shall be of sufficient width to carry storm water runoff from a 25 year storm.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

ARTICLE VI - PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

600 General. To secure approval of a plat, as required by this Ordinance, the subdivider shall follow procedures set forth in this Article. A minor subdivision (defined in Section 601 of this Article) may be approved pursuant to Section 601.1 of this Article. All other subdivisions may be approved pursuant to Sections 602, 603, 604, and 605 of this Article.

601 Minor Subdivisions. Procedures for handling applications for approval of minor subdivisions are intended to simplify routine approval of small subdivisions with due regard to the protection of the public interest. Where the subdivider intends to develop a minor subdivision, the subdivider ~~he~~ may apply for final approval through the procedures set forth in Section 601.1. Said intent shall be stated, in writing, in a form acceptable to the Planning and Zoning Commission and signed by the subdivider.

601.1 Procedure for Approval. Final approval of a plat for any minor subdivision may be granted by the Planning and Zoning Commission subsequent to the following procedure ~~which shall be expedited by the Zoning Official~~ through reasonable application of the requirements set forth below with regard to the size, topography, location, and type of each minor subdivision:

- 1) The subdivider shall submit two (2) copies of a surveyed plat meeting the requirements of Section 605.1 of this Article, excluding administrative requirements in Appendix E. Further, the subdivider ~~he~~ shall provide satisfactory evidence describing the following:
 - a) Methods of providing a water supply and sewage disposal to each lot, including any State or local approvals which may be needed;
 - b) Methods of providing access to each lot; and
 - c) Methods of providing for adequate drainage.
- 2) The Zoning Official-Planning and Zoning Commission shall review said minor subdivision and shall find that it either does or does not meet the requirements of this Ordinance and shall stipulate what improvements, if any, will be required by this Ordinance (See Section 604 of this Article).
- 3) If it is found that improvements will be required, the subdivider shall submit three (3) additional copies of said plat describing the plans for said improvements for approval by the Zoning Official-Planning and Zoning Commission. (Note: At this

Comment [KD7]: The Zoning Administrator does not have authority to make this decision.

Comment [KD8]: Decision must be made by PZC due to 601.1(2). The Zoning Administrator does not have authority to make this decision.

stage, the subdivider may post ~~performance improvement~~ guarantees pursuant to Section 605 of this Article and receive final approval of ~~the his~~ subdivision plat.) The Building Inspector shall, upon completion and installation of said improvements, inspect said minor subdivision and shall certify that all improvements either have been or are being installed in accordance with said plans and the requirements of this Ordinance.

- 4) When said plat has been approved, and it is found that no additional improvements are required, or when additional improvements are required and have been certified by the Building Inspector, or when an improvement guarantee has been provided pursuant to Section 604 of this Article, the Planning and Zoning Commission shall then certify final approval in writing on all copies of said plat. One (1) copy shall be recorded with the minutes of the Planning and Zoning Commission, and the approved plat shall be returned to the subdivider. ~~He~~The subdivider shall simultaneously record both said plat and all other documents required for recordation by this Ordinance with the Office of the Buncombe County Register of Deeds within thirty (30) days of receipt. Failure on the part of the subdivider to record said plat and document(s) within said thirty (30) days shall render said approval null and void.
- 5) Decisions of the Planning and Zoning Commission are appealed to the Superior Court by proceedings in the nature of certiorari as provided in N.C.G.S. 160D-406. Zoning Official pursuant to the procedure set out in Section 310.41 of the Montreat Zoning Ordinance ~~or Building Inspector may be appealed at any time by the subdivider to the Planning and Zoning Commission. If an appeal is made, the Planning and Zoning Commission shall approve or disapprove of the Final Plat at its next regularly scheduled meeting, provided that, if the Planning and Zoning Commission finds that sufficient information is not available to it, the Commission may continue the hearing and/or postpone it for no more than sixty two (62) days.~~

Comment [KD9]: Decision must be made by PZC due to 601.1(2). Appeals of PZC decisions are made to Superior Court.

602 **Sketch Plan Requirements.** In order to initiate discussions between the subdivider and the Planning and Zoning Commission early in the design process, the subdivider shall submit for all subdivisions other than minor subdivisions, a Sketch Plan to Zoning Official Administrator prior to preparing the Preliminary Plan (see Section 603 of this Article).

602.1 The Sketch Plan shall show at least that portion of the subdivision that the subdivider plans to develop at this time. The subdivider shall submit two (2) copies of the Sketch Plan at least seven (7) days prior to a regularly scheduled meeting of the Planning and Zoning Commission at which said plan is to be considered, although said time limit may be waived in the discretion of the Planning and Zoning Commission.

602.2 Said Sketch Plan shall be at a scale such that one inch (1") represents no more

than two hundred feet (200') and shall contain all information required in the Sketch Plan Checklist as found in Appendix B.

602.3 The Planning and Zoning Commission shall review and either approve, approve conditionally, or disapprove each Sketch Plan. First consideration of said Plan shall be at the first regularly scheduled meeting after the Plan is submitted in accordance with this Ordinance. The Commission shall take action on the Sketch Plan at its first consideration or within sixty-two (62) days of its first consideration.

603 Preliminary Plan. For every subdivision except minor subdivisions, a Preliminary Plan, containing all required information, shall be submitted to the Planning and Zoning Commission at least ten (10) days prior to the regular meeting at which said plan is to be considered, although said time limit may be waived in the discretion of the Planning and Zoning Commission. Three (3) copies of said plan shall be required, provided that additional copies may be required by the Planning and Zoning Commission~~Board or its staff~~, if needed (See Appendix C).

603.1 **Contents Required.** The Preliminary Plan shall include all information required by the Preliminary Plan Checklist as found in Appendix C of this Ordinance.

603.2 **Review Procedure.** The Planning and Zoning Commission shall review and either approve, approve conditionally, or disapprove each Preliminary Plan. First consideration of said plan shall be at the next regularly scheduled meeting of the Planning and Zoning Commission after the plan is submitted pursuant to this Section. The Planning and Zoning Commission shall take action on the Preliminary Plan at its first consideration, or within sixty-two (62) days of its first consideration. Before final action on any Preliminary Plan is taken by the Planning and Zoning Commission copies of said plan shall be referred by the Planning and Zoning Commission to those concerned with new development for review and comment, provided that failure of the Planning and Zoning Commission to receive comment shall not delay Planning and Zoning Commission action on said plan within the prescribed time limit. Said agencies may include, but are not limited to, the following:

- 1) Town ~~Street~~ Public Works Department regarding streets and storm water drainage.
- 2) Water and Sewer Utility and/or other appropriate departments and agencies (See Appendix A) regarding sanitary sewer and water systems.

Where this Ordinance requires proof of approval from other State or local agencies, the following certificates (substantially consistent in form to those shown in Appendix E) shall be received by the Planning and Zoning Commission prior to its first consideration of any Preliminary Plan.

- 1) A certificate signed from a professional consultant engaged by the Town stipulating that the plans for any proposed street system to be dedicated to the public in the Town are approved.
- 2) A certificate(s) signed by the appropriate official(s) (indicated in Appendix E) stipulating that the plans for water supply and/or sewage disposal systems proposed for installation meet all pertinent requirements and are approved. The Town ~~Administrator-Manager~~ approves water supply plans for subdivisions within the ~~Town Limits~~ Town of Montreat's planning and development jurisdiction and an official from the Metropolitan Sewerage District approves sewage disposal systems.
- 3) A certificate signed by the Buncombe County Erosion Control Officer stipulating that the erosion and sedimentation control plan is approved.

Comment [KD10]: Includes ETJ.

If the Planning and Zoning Commission approves the Preliminary Plan, such approval shall be indicated on three (3) copies by the following certificate signed by the Chairman of the Planning and Zoning Commission, as follows:

"Certificate of Approval by the Planning Zoning Commission"

This certifies that the Planning and Zoning Commission of the Town of Montreat approved the Preliminary Plan for the _____ Subdivision at its meeting on the _____ day of _____, ____.

Date

Chair, Planning and Zoning Commission
of the Town of Montreat, North Carolina

One (1) copy shall be transmitted to the Zoning ~~Official~~ Administrator, one (1) copy shall be returned to the subdivider, and one (1) copy shall be retained by the Planning and Zoning Commission. If the Planning and Zoning Commission disapproves or approves conditionally said plan, the reasons for such action shall be stated in writing and entered in the records of the Planning and Zoning Commission. The subdivider may make changes and submit a revised plan which revision shall be submitted, reviewed and acted upon by the Planning and Zoning Commission pursuant to this Section. Approval of the Preliminary Plan shall be valid for one

(1) year unless a written extension is granted by the Planning and Zoning Commission on or before the one (1) year anniversary of said approval. If the Final Plat is not submitted for approval within said one (1) year period or any period of extension, the said approval of the Preliminary Plan shall be null and void.

- 604 Improvements Installation or Guarantees. Upon approval of the Preliminary Plan by the Planning and Zoning Commission the subdivider may proceed with the installation

of, or arrangement for, required improvements. Required improvements include the following:

- 1) Street access to each lot;
- 2) A water supply for each lot;
- 3) A sewage disposal system for each lot;
- 4) Any required drainage or sedimentation control facilities. Stormwater management system(s) required for compliance with the Town of Montreat Stormwater Management Ordinance shall only be installed after initial grading and site work is completed that would impair proper function of the system(s) through sedimentation;
- 5) Street markers;
- 6) Fire hydrants, where required;
- 7) Any corrective measures required pursuant to Article V, Section 500; and
- 8) Provisions for underground electrical and telephone lines. Underground lines are preferred.

604.1 **Completion of Improvements.** Except as provided in Section 604.2 below, and prior to Final Plat submission or approval, the subdivider shall complete, install, and provide for the dedication of all required improvements as specified on the approved Preliminary Plan for that portion of the subdivision to be shown on the Final Plat. The subdivider shall certify that the dedication of said improvements in accordance with Section 604.3 of this Article.

604.2 **Improvement Performance Guarantees.**

604.21 **Agreement and Security Required.** In lieu of requiring the completion, installation and dedication of all improvements prior to Final Plat approval, the Town of Montreat may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements as specified by the approved Preliminary Plan for that portion of the subdivision to be shown on the Final Plat. Once said agreement is signed by both parties and the security required herein is provided, the Final Plat may be approved by the Planning and Zoning Commission. To secure this agreement, the subdivider shall elect either letter(s) of credit issued by a financial institution licensed to do business in North Carolina, a cash deposit in escrow, ~~or~~ surety bond(s) issued by any company authorized to do business in North Carolina, or other form of guarantee that provides equivalent security to a surety bond or letter of credit for the following

guarantee not exceeding ~~2.00~~125% of the reasonably estimated cost of completion at the time the performance guarantee is issued. The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed under this Ordinance includes inflation and all costs of administration regardless of how such fees or charges are denominated. The Town of Montreat may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee, as defined in this Ordinance, and shall not exceed 125% of the reasonable estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. ~~times the entire cost as provided herein.~~ Before final approval of any performance guarantee, the Town shall confirm an acceptable Superior/Excellent rating with either Standard & Poors (S&P), Moody's, Fitch, or A.M. Best official ratings company and verify the status of the financial institution.

- (a) Exclusion: Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

~~604.22 Surety Performance Bond(s): The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Montreat and shall be in an amount equal to 2.00 times the entire cost, as estimated by the subdivider and approved by the Planning and Zoning Commission, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Board of Commissioners pursuant to Section 604.23 of this Article. Deleted X/X/22~~

604.23 Duration: The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration

~~604.22~~604.24 Extension: A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are

secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town of Montreat, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in Section 604.21 of this subsection and shall include the total cost of all incomplete improvements.

~~604.23~~604.25 **Default.** Upon default, meaning failure on the part of the subdivider to complete the required improvements, then the Board of Commissioners may require the subdivider, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town of Montreat. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements, or to make necessary stabilization or repairs of graded areas, earth cut and fill slopes, or other site areas or features disturbed by incomplete development activities that pose a threat to water quality or neighboring property due to potential soil erosion and sedimentation or site instability.

~~604.24~~604.26 **Release of Performance Guarantee Security.** The Board of Commissioners may release a portion of any security posted pursuant to Section 604.2 of this Article, as the improvements are completed and recommended for approval pursuant to Section 604.3 of this Article in accordance with N.C.G.S. 160D-804.1(2). Within thirty-two (32) days after receiving the certificates required by Section 604.3 of this Article, the Board of Commissioners shall approve or not approve said improvements. If the Board of Commissioners approves said improvements, then it shall immediately release any security posted pursuant to Section 604.2 of this Article. The Mayor shall be authorized to sign the Certificate of Improvements as required in Section 604.31 of this Article and shown in Appendix E. All certificates contained in Section 604.3 of this Article shall be filed simultaneously with the Final Plat except when improvements guarantees are used. When said guarantees are used, said certificates shall be filed with the Board when improvements are completed and shall be forwarded to the Register of Deeds to be recorded with the Final Plat.

604.3 **Inspection and Certification.**

604.31 Certificate of Improvements. The building official designated by the Board of Commissioners shall regularly inspect the construction of required improvements. The building official may, in his or her sole discretion, require a professional engineer or other special inspector to evaluate improvements at the project site and provide third-party verification of any work conducted. Any and all fees associated with additional inspection services required by the Town to provide evaluation of improvements are the sole responsibility of the applicant. Upon completion of these improvements, said inspector shall file with the Board a statement certifying that said improvements have been completed as required, or completed as required except for certain listed defects, and recommending approval of said improvements. (See Appendix E)

604.32 Subdivider's Certificates. Upon completion of the required improvements, the subdivider shall file with the Board of Commissioners the following certificates:

- 1) Certificate of Completion and Warranty. The certificate of completion and warranty shall stipulate the following: (See Appendix E)
 - a) That all improvements required by this ordinance have been completed;
 - b) That these improvements are in compliance with the minimum standards specified by the Board of Commissioners for their construction;
 - c) That the subdivider knows of no defects from any cause and that the subdivider he will warrant all improvements against defects in materials and workmanship for a period of one (1) year after the Certificate of Completion and Warranty is executed; and
 - d) That in the event any defects are discovered in materials or workmanship in any required improvements during the warranty period, the subdivider will, at subdivider's sole his expense, replace and/or repair said defects to the satisfaction of the Board of Commissioners.
- 2) Certificate of Dedication and Maintenance. The Certificate of Dedication and Maintenance shall stipulate the following (See Appendix E):

- a) That all property and improvements are owned by the Subdivider, and are free of any encumbrance or lien except as enumerated;
- b) That the subdivider has freely dedicated all required rights-of-way, easements, streets, utilities, open spaces, or other improvements to public or private use as noted on the approved preliminary plat and has freely established minimum building setback lines; and
- c) That the subdivider shall be responsible for the maintenance of all improvements until either said improvements are taken over by the appropriate public agency or arrangements satisfactory to the Board of Commissioners have been made for maintenance of said improvements.

Both of said certificates shall be filed with the final plat except when improvements guarantees are used. When said guarantees are used, said certificates shall be filed when improvements are completed. The certificates will be forwarded by the Board of Commissioners to be recorded either with the final plat or as separate documents.

604.33 Form of Certificate. Certificates required pursuant to Subsections 604.31 and 604.32 of this Article shall conform substantially to the certificate forms prescribed in Appendix E.

605 Final Plat. The Final Plat shall constitute only that portion of the subdivision which the subdivider proposes to record and develop at that time. Once the Board of Commissioners has either approved all required improvements or has entered into an improvements guarantee agreement with the subdivider, then the Final Plat may be reviewed for conformance with the approved Preliminary Plan by the Planning and Zoning Commission. The subdivider shall submit four (4) copies and one (1) original of said plat to the Planning and Zoning Commission no less than ten (10) days prior to the regular Planning and Zoning Commission meeting at which it shall be considered for approval, although said time limit may be waived in the discretion of the Planning and Zoning Commission. Said plat shall be submitted not more than twelve (12) months after the date on which the Preliminary Plan was approved, unless a written extension of this time limit is granted by the Planning and Zoning Commission on or before the one-year anniversary of the approval of the Preliminary Plan.

605.1 **Contents Required.** The original of the Final Plat shall be prepared on linen or film by a registered land surveyor, licensed to practice in the State of North Carolina. Said plat shall conform to the provisions of the North Carolina General Statute Section 47-30 as amended. The Final Plat shall depict or contain all information required in the final Plat Checklist as found in Appendix D of this Ordinance.

605.2 **Planning and Zoning Commission Review Procedure.** The Final Plat shall be reviewed by the Planning and Zoning Commission according to the following procedure:

First consideration shall be at the next regularly scheduled meeting of the Planning and Zoning Commission after the Final Plat is submitted pursuant to Section 605.1 of this Article. The Planning and Zoning Commission shall approve or disapprove the Final Plat at its first consideration or within sixty-two (62) days of its first consideration. If the Planning and Zoning Commission approves the final Plat, such approval shall be indicated on the original and each copy of the plat by the following certificate signed by the Chair or other authorized member of the Commission.

"Certificate of Approval by the Planning and Zoning Commission"

This certifies that the Planning and Zoning Commission of the Town of Montreat approved the Final Plat of the _____ Subdivision at its meeting on the _____ day of _____, _____.

Date

Chair, Planning and Zoning Commission
of the Town of Montreat

If the Planning and Zoning Commission disapproves the Final Plat, the Planning and Zoning Commission shall find in writing the provisions of this Ordinance with which the plat does not comply and the facts constituting noncompliance with said provision(s). One (1) copy of said findings shall be sent to the subdivider within five (5) days of disapproval and one (1) copy shall be retained by the Planning and Zoning Commission as a part of its proceedings. If the Final Plat is disapproved, the subdivider may make such changes as needed to bring the plat into compliance with the provisions of this Ordinance and resubmit the same for reconsideration by the Planning and Zoning Commission pursuant to the procedures set forth in this Section.

605.3 **Effect of Plat Approval on Dedications.** The approval of a Final Plat shall not constitute or affect the acceptance of the Town or the County of the dedication of any land, street, utility line, or other facility shown on said plat.

605.4 **Disposition of Copies.** If the Final Plat is approved such approval shall be noted on the original tracing of said plat and on four (4) copies. Said original tracing(s) and all other document(s) required for recordation by this Ordinance shall be simultaneously recorded by the subdivider and/or surveyor with the Buncombe County Register of Deeds within thirty (30) days after Final Plat approval or said approval shall be null and void. One (1) copy of the remaining prints shall be distributed to each of the following: Town Clerk, Zoning-~~Official~~ Administrator, the subdivider, and the Planning and Zoning Commission.

605.5 **Re-subdivision Procedures.** For any re-platting or re-subdivision of land which has been previously platted or subdivided pursuant to this Ordinance, the same procedures and requirements shall apply as prescribed in this Ordinance subdivision.

606 **Variances.** Where a subdivider can show that strict adherence to a provision(s) of this Ordinance or the Zoning Ordinance would, ~~because of conditions peculiar to the site,~~ cause an unnecessary hardship, the subdivider may submit a written application to the Board of ~~Commissioners-Adjustment~~ for a variance from said provision(s) in accordance with Section 310 of the Town of Montreat Zoning Ordinance, as it may be amended. ~~Said application may be delivered by the subdivider either to the Planning and Zoning Commission (or its staff) or to the Board of Commissioners who shall refer it immediately to the Planning and Zoning Commission for consideration and recommendation. The Planning and Zoning Commission shall consider said application within thirty-two (32) days of its submission and within that time, shall recommend in writing to the Board of Commissioners that said Commissioners either approve or not approve the application. Said recommendation shall state the reasoning upon which it is based. By its second regular meeting after receipt of the Planning and Zoning Commission's recommendations, the Board of Commissioners shall either approve or not approve said application, provided the approval of said application shall be given only to the extent the Board of Commissioners finds it absolutely necessary and not to any extent which would violate the intent of this Ordinance. If the application is approved and a variance granted by the Board of Commissioners, said approval and the basis therefore shall be entered in the minutes of the Commissioners. However no variance may be granted from any requirement of State or Federal law without written approval of the appropriate governmental agency.~~

Comment [KD11]: Variances are quasi-judicial and should be considered by the BOA.

607 ~~Appeals to the Board of Commissioners.~~ Decisions made by the Board of Adjustment regarding variances to this Ordinance or the Zoning Ordinance and decisions made by the Planning and Zoning Commission are appealed to the Superior Court by proceedings in the nature of certiorari as provided in N.C.G.S. 160D-406. ~~Any subdivider may appeal to the Board of Commissioners either from a decision of the Planning and Zoning commission disapproving a proposed Final Plat or from the failure of the Planning and Zoning Commission to act within any time limit required by this Ordinance.~~

Comment [KD12]: Appeals of decisions made by PZC and BOA go to superior court.

607.1 **Appeals From Decision Disapproving Final Plat.** Deleted (X/X/2022)

- 1) ~~Notice.~~ Notice of appeal from said decision must be given by the subdivider to the Planning and Zoning Commission in writing within ten (10) days from the date of said decision. Upon receipt of said notice, the Planning and Zoning Commission shall simultaneously send to the Board of Commissioners said notice and a copy of the findings, required by Section 605.3 of this Article.
- 2) ~~Hearing Date.~~ Upon receipt of said notice and findings, the Chairman of the Board of Commissioners shall fix a date and time for hearing said appeal, which hearing may be held at either a regular or special meeting of the Board of Commissioners, provided that said hearing shall be held within thirty (30) days of receipt by the Board of Commissioners of said notice and findings.
- 3) ~~Hearing.~~ At said hearing, the Board of Commissioners may consider the following: (1) part or all of such presentations as the subdivider and/or the Planning and Zoning Commission desire to make in support of their contentions; (2) the results of any investigations which the Board of Commissioners, or any member thereof, has made or has caused to have been made, with respect to said appeal; and (3) any records, data, or other specified documents required by the Board of Commissioners.
- 4) ~~Decision by Board of Commissioners.~~ The Board of Commissioners shall find if errors were committed by the Planning and Zoning Commission with respect to each of its written findings. If the Board of Commissioners concludes that none of the specified provisions of this Ordinance were violated, then it shall reverse the decision of the Planning and Zoning Commission and shall order the Planning and Zoning Commission both to approve said proposed Final Plat and to indicate said approval both in the Planning and Zoning Commission's records and on the proposed Final Plat. If the Board of Commissioners concludes that any of the specified provisions of this Ordinance were violated, then it shall affirm the decision of the Planning and Zoning Commission. The Board of Commissioners shall render its decision within five days of said hearing, and its findings and decision shall be entered in its minutes.

607.2 **Appeals from Failure of Board to Act Within Required Time.** Deleted (X/X/2022)

- 1) ~~Notice.~~ Following the expiration of any time limit within which the Planning and Zoning Commission is required to act under this Ordinance, the subdivider shall give written notice to the Planning and Zoning Commission of his/her intent to appeal to the Board of Commissioners from the Planning and Zoning Commission's failure to act. Following receipt of said notice, the Planning and Zoning Commission shall have three (3) days within which to act. If the Planning and Zoning commission

~~fails to act within said three (3) days, written notice of appeal to the Board of Commissioners may be given by the Subdivider to both the Planning and Zoning Commission and the Board of Commissioners. Said notice shall specify that provision(s) of the Ordinance setting forth the time limit(s) within which the subdivider alleges that the Planning and Zoning Commission failed to act.~~

~~2) Hearing. The hearing shall be conducted as provided in Section 607.1 of this Article.~~

~~3) Decision by the Board of Commissioners. The Board of Commissioners shall find if the Planning and Zoning Commission failed to act within the time limit(s) of the provision(s) of the Ordinance specified in said notice. If the Board of Commissioners concludes that the Planning and Zoning Commission failed to act as specified in said notice, then the Board of Commissioners shall do one of the following:~~

~~a) Take whatever action it finds the Planning and Zoning Commission should have taken;~~

~~b) Both order the Planning and Zoning Commission to act within the next five (5) days and take whatever additional action is necessary to ensure that said order is obeyed; or~~

~~c) Extend the time limit within which the Planning and Zoning Commission may act~~

~~If the Board of Commissioners concludes that the Planning and Zoning Commission did not fail to act as specified in said notice, then it shall dismiss the appeal. The Board of Commissioners shall render its decision within five (5) days of said hearing, and its findings and decision shall be entered in its minutes.~~

608 Amendments. This Ordinance may be amended from time to time by the Board of Commissioners, but no amendment shall become effective unless it shall have been proposed by, or shall first have been submitted to, the Planning and Zoning Commission for review and recommendations. The Planning and Zoning Commission shall have forty-five (45) days within which to submit its report. If the Planning and Zoning Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendments. The Board of Commissioners shall consider the amendment at their next regularly scheduled meeting after having received the recommendations from the Planning and Zoning Commission and shall take action within thirty-five (35) days of the time they first consider the amendment. If the Board of Commissioners takes no action within the time limit, then it shall be deemed to have decided not to amend the Subdivision Ordinance.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

**ARTICLE VII - PLANNING AND ZONING COMMISSION
OF THE TOWN OF MONTREAT**

700 Legal Authority. Pursuant to the North Carolina General Statute Section ~~160D-803-160A-373~~, the Planning and Zoning Commission of the Town of Montreat is hereby designated as the planning agency which may give approval to Final Subdivision Plats and otherwise administer the "Subdivision Ordinance".

701 Powers and Duties. Pursuant to the requirements and procedure set forth in this Ordinance, the Planning and Zoning Commission in addition to its powers and duties under the Zoning Ordinance shall have, and is delegated the following powers and duties:

- 1) To consider and review all proposed subdivision plats for land within the subdivision jurisdiction of this Ordinance;
- 2) To give or not give final approval of each individual subdivision plat;
- 3) To review and make recommendations to the Board of Commissioners regarding proposed ~~variances from any~~ amendments to the Ordinance; and
- 4) To enter into contracts and agreements authorized in this Ordinance and to enter into such other contracts and agreements as the Board of Commissioners may approve.

All other powers and duties not set forth herein, including those set forth in North Carolina General Statute ~~Chapter 160D, Article 8, Sections 106A-371 through 106A-380~~ are reserved to the Board of Commissioners.

702 Funding. Provision for timely funding of the operations of the Planning and Zoning Commission shall be made by the Board of Commissioners of the Town of Montreat in accordance with its regular budget and finance procedures.

TOWN OF MONTREAT
SUBDIVISION ORDINANCE

ARTICLE VIII – LEGAL PROCEDURES

800 Penalties for Transferring Lots in Unapproved Subdivisions~~Criminal and Civil Procedures.~~

Comment [KD13]: N.C.G.S. 160D-807

From the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the Town~~this Ordinance~~, thereafter ~~either~~ subdivides the his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before the plat has been approved and recorded pursuant to this Ordinance, shall be subject to penalties pursuant to North Carolina General Statute Section 160D-807 guilty of a misdemeanor and shall be subject to a fine and/or imprisonment as provided in North Carolina General Statute 14.4. The Town of Montreat may bring an action to enjoin any subdivision, transfer, or sale of land not made in compliance with this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this Ordinance.

Comment [KD14]: N.C.G.S. 160A-175(b1)

801 Severability. Should any section or provision of this Ordinance be found by a court of competent jurisdiction to be unconstitutional or invalid, all other sections or provisions shall nevertheless continue in full force and effect. ~~In accordance with Article 160A-373 of the General Statutes of North Carolina, the Board of Commissioners shall file a copy of this Ordinance for registration with the Register of Deeds of Buncombe County.~~

802 Abrogation. This Ordinance shall neither repeal, abrogate, annul, impair, nor interfere with any existing subdivisions the plats of which are properly recorded in the Office of the Register of Deeds prior to the effective date of this Ordinance nor with existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law prior to the effective date of this Ordinance.

803 Effect on Existing Legislation. Where this Ordinance conflicts with existing ordinances, statutes, or regulations effective in the jurisdiction of this Ordinance and enacted by the County, State or Federal governments or their agencies, then the ordinance, statute, or regulation requiring the higher standard shall apply.

804 Effective Date. This Ordinance shall become effective on the TBD day of October, 2009~~TBD, 2022.~~

Adopted this the TBD 8th day of October~~TBD, 2022, 2009.~~

[CONTINUED ON FOLLOWING PAGE]

BOARD OF COMMISSIONERS OF THE
TOWN OF MONTREAT, NORTH CAROLINA

BY: /s/ Letta Jean Taylor
Mayor

APPROVED AS TO FORM:

/s/ Susan Taylor
Rash Town
Attorney

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Misty R. Gedlinske, Clerk to the Board of Commissioners for the Town of Montreat do hereby certify that during the regularly scheduled meeting following a public hearing on October 8th TBD, 2009 2022, the foregoing Subdivision Ordinance for the Town of Montreat was read, approved, and adopted by the Board upon a motion of Commissioner Currie and seconded by Commissioner Hollins. The Ordinance was passed by a vote of 4/0.

This the 8th TBD day of October TBD, 202209

/s/ Misty R. Gedlinske
Clerk to the Board of Commissioners
for the Town of Montreat

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

APPENDIX A - APPROVAL OF WATER AND SEWERAGE DISPOSAL SYSTEMS

Refer to Chapter E, Article I in the Town of Montreat Code of General Ordinances for the Town's water and sewer connection regulations.

The Town of Montreat controls the water supply system.

The Metropolitan Sewerage District (MSD) controls the sewage disposal system.

The Buncombe County Health Department is responsible for issuing permits for septic systems.

**TOWN OF MONTREAT
SUBDIVISION ORDINANCE**

APPENDIX B – SKETCH PLAN CHECKLIST

Name of Subdivision: _____ Date Submitted: _____
Location: _____
Owner Name: _____
Address: _____
City: _____ State: _____ ZIP: _____
Subdivider Name: _____
Address: _____
City: _____ State: _____ ZIP: _____

_____ Title Block: Subdivision name, subdivider's name and address, North arrow, scale (min. 1" = 200') denoted graphically and numerically, date of preparation, location of subdivision (township, county and state), Deed Book references and name of person or firm who prepared the Sketch Plan.

_____ Vicinity Map: A sketched map showing the location of the subdivision in relation to the surrounding area.

_____ Tract Boundaries: The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown.

_____ Property Lines: Property lines and owners' names of abutting properties and/or abutting subdivision(s).

_____ Natural Features: Significant natural features including wooded areas, marshes, major rock outcrops, lakes or streams, steep topography and other natural features affecting the site.

_____ Existing Improvements or Conditions: Existing features including buildings, streets, power lines, drainage ways, sewer and water lines, utility easements, and Town limit lines both on or adjacent to the land to be subdivided.

_____ Topographic Information: Topographic contour lines at five foot (5') elevation intervals when the area being subdivided exceeds two (2) acres or has proposed streets which will exceed eight hundred (800) linear feet.

_____ Lot and Street Lines: All proposed lot and street right-of-way lines, lot and block numbers, all easements, designation of any dedication or reservations to be made, and proposed use of land if other than single family residences.

_____ Water and Sewer Layout: Sketch view of proposed water and sewer system (excluding individual wells and septic systems), including approximate location of manholes, pumps, hydrants, force mains and the connection of the proposed systems(s) with existing systems.

_____ Drainage System: Sketch view of proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds or areas where water is to be diverted through grading. Reference Montreat General Ordinance Chapter K, Article III "Stormwater Management" which provides detailed requirements for approval of proposed stormwater best management practices and subsequent maintenance and inspection agreements for installed systems.

_____ Other Improvements: Proposed location and description of any other improvements including, but not limited to, riding trails, sidewalks or pedestrian walkways, reserved open space or recreational facilities, school sites, commercial areas or buffer strips.

_____ Site Data: Total acreage in tract to be subdivided, total number of lots and linear feet in streets.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

APPENDIX C – PRELIMINARY PLAN CHECKLIST

Name of Subdivision: _____ Date Submitted: _____
Location: _____
Owner Name: _____ Phone: _____
Address: _____
City: _____ State: _____ ZIP: _____
Subdivider Name: _____ Phone: _____
Address: _____
City: _____ State: _____ ZIP: _____

_____ Title Block: Subdivision name, subdivider's name and address, North arrow, scale (denoted graphically and numerically), date of preparation, location of subdivision (township, county and state), Deed Book references and name and seal of the person or firm who prepared the Plan.

_____ Vicinity Map: A sketched map showing the location of the subdivision in relation to the surrounding area.

_____ Tract Boundaries: The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown.

_____ Property Lines: Property lines and owners' names of abutting properties and/or abutting subdivision(s).

_____ Natural Features: Significant natural features including wooded areas, marshes, major rock outcrops, lakes or streams, steep topography and other natural features affecting the site. See Section 506 for more detail.

_____ Existing Improvements or Conditions: Existing features including buildings, streets, power lines, drainage ways, sewer and water lines, utility easements, and Town limit lines both on or adjacent to the land to be subdivided.

_____ Topographic Information: Topographic contour lines at five foot (5') elevation intervals.

_____ Lot and Street Lines: All proposed lot and street right-of-way lines with scaled dimensions, lot and block numbers, all easements, designation of any dedication or reservations to be made, a notation of building setback lines, and proposed use of land if other than single family residences.

_____ Water and Sewer Layout: Sketch view of proposed water and sewer system (excluding individual wells and septic systems), including line sizes, approximate location of manholes, pumps, hydrants, force mains, the connection of the proposed systems(s) with existing systems and sanitary sewer profiles to show the size and depth of pipe and details of construction.

_____ Drainage System: Sketch view of proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds or areas where water is to be diverted through grading and details of inlet construction. Reference Montreat General Ordinance Chapter K, Article III "Stormwater Management" which provides detailed requirements for approval of proposed stormwater best management practices and subsequent maintenance and inspection agreements for installed systems.

_____ Other Improvements: Proposed location and description of any other improvements including, but not limited to, riding trails, sidewalks or pedestrian walkways, bikeways, reserved open space or recreational facilities, school sites, commercial areas or buffer strips.

_____ Site Data: Total acreage in tract to be subdivided, smallest lot size, largest lot size, average lot size, total number of lots and linear feet in streets.

TOWN OF MONTREAT

SUBDIVISION ORDINANCE

APPENDIX D – FINAL PLAT CHECKLIST

The Preliminary Plan shall meet the following requirements prior to any review of the Plat by the Planning and Zoning Commission.

Date Final Plat Submitted: _____
Date Preliminary Plan Approved: _____

Name of Subdivision: _____
Location: _____
Owner Name: _____ Phone: _____
Address: _____
City: _____ State: _____ ZIP: _____
Surveyor Name: _____ Phone: _____
Address: _____
City: _____ State: _____ ZIP: _____

Administrative Requirements:

- _____ The Improvements Guarantee has been accepted by the Town or Certification of Improvements has been granted by the Zoning ~~Official~~ Administrator and Mayor.
- _____ Final Plat submitted within twelve (12) months of Preliminary Plan approval, unless written extension has been granted by the Planning and Zoning Commission.
- _____ Final Plat conforms substantially to the Preliminary Plan as it was approved and conforms with the provisions of N.C.G.S. §47-30, as amended, and with the Standards of Practice for Land Surveying as adopted by the State board of registration for professional engineers and land surveyors.
- _____ Final Plat is either fifteen by twenty inches (15" X 20") or twenty by thirty inches (20" X 30") and is at a scale no greater than 1 inch = 100 feet.
- _____ Five (5) copies submitted (original and four (4) copies).

[CONTINUED ON FOLLOWING PAGE]

Required Information:

- _____ Title Block: Subdivision name, subdivider's name and address, North arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision (township, county and state), Deed Book references and name and seal of the registered surveyor responsible for the Plat..
- _____ Vicinity Map: A sketched map showing the location of the subdivision in relation to the surrounding area.
- _____ Tract Boundaries: The boundaries of the tract or portion thereof to be subdivided, fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands.
- _____ Adjoining Property Owners: Names and deed references (when possible) of owners of abutting properties and abutting subdivisions which are proposed or under review.
- _____ Location of Improvements: All visible and apparent rights-of-way, watercourses, utilities, roadways and other such improvements shall be accurately located where crossing and forming any boundary line of property shown.
- _____ Engineering Data: Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, right-of-way line and easement line, including dimensions, bearings or deflections angles, radii, central angles, and tangent curved property lines that are not the boundary of curved streets. Building setback lines shall also be marked.
- _____ Monuments: The accurate locations and descriptions of all monument markers and control points.
- _____ Lot and Block Numbers: The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.
- _____ Streets: Street names and right-of-way lines of all streets.
- _____ Rights-of-Way: The location and dimensions of all rights-of-way, utility or other easements, riding trails, sidewalks or pedestrian walkways, bikeways, and areas to be dedicated to public use with the purpose of each stated.

Required Certificates: The following certificates are to appear on the Final Plat in such a manner as to ensure that the said certificate will be legible on any prints made therefrom, that are to be submitted with, and recorded with the Final Plat in accordance with the provisions of this Ordinance:

_____ Certificate of Survey and Accuracy signed and dated by the surveyor.

_____ Certificate of Approval by the Planning and Zoning Commission of the Town of Montreat, including the date of the approval.

The following certificates are to accompany the Final Plat and shall be recorded with the Final Plat at the same time:

_____ Certificate of Completion and Warranty signed and dated by the subdivider.

_____ Certificate of Dedication and Maintenance signed and dated by the surveyor.

_____ Certificate of Improvements signed by the Building Inspector and Mayor.

**TOWN OF MONTREAT
SUBDIVISION ORDINANCE
APPENDIX E – ADMINISTRATIVE FORMS**

1)	Certificate of Improvements	34
2)	Certificate of Completion and Warranty	35
3)	Certificate of Dedication and Maintenance	37
4)	Improvements Guarantee Agreement	39
5)	Performance Bond	42
6)	Certificate of Approval of Water Supply System	44
7)	Certificate of Approval of Sewage Disposal System	45
8)	Certificate of Approval of Septic System	46
9)	Certificate of Approval of Town Streets	47

1) CERTIFICATE OF IMPROVEMENTS

The following improvements have been completed by _____
(name of Subdivider) in _____ Subdivision.

List of Completed Improvements:

Said improvements have been inspected by my office, have been built according to the standards set forth in the Montreat Subdivision Ordinance and are constructed as prescribed in the approved Preliminary Plan. To my knowledge, said improvements (contain no defects) (contain only the following minor defects) and should be approved.

List any known defects:

Building Inspector, Town of Montreat

Date

All said improvements are approved according to the requirements of this Ordinance.

Mayor, Town of Montreat

Date

2) CERTIFICATE OF COMPLETION AND WARRANTY

The undersigned certifies that s/he is an officer of the _____ Corporation, and that s/he has been authorized to execute this Certificate pursuant to authority granted by Resolution of the Board of Directors of _____ Corporation, a copy of which Resolution is attached hereto.

_____ Corporation, through the undersigned, hereby certifies that the following improvements required under the authority of the Town of Montreat Subdivision Ordinance have been installed as specified by the approved Preliminary Plan for _____ Subdivision and that said improvements are in compliance with the minimum standards specified by the Ordinance and by the Planning and Zoning Commission for the construction of said improvements.

List of Completed Improvements:

_____ Corporation, through the undersigned, further certifies that it knows of no defects from any cause and will fully warrant said improvements to be free from defects in material and workmanship for a period of one (1) year from this date. In the event defects are discovered in any of said improvements during said period, _____ Corporation will replace and/or repair the defective improvements at its own expense.

(Corporation) [SEAL]

By: _____
(Printed Name)

Attest: _____
(Printed Name)

Date: _____

[CONTINUED ON FOLLOWING PAGE]

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, Notary Public of Buncombe County, North Carolina certify that _____ personally appeared before me this day and acknowledged that s/he is _____ of _____, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by _____ as its Secretary.

Witness my hand and notarial seal, this the _____ day of _____, _____.

Notary Public

My Commission expires: _____

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not incorporated.]

3) CERTIFICATE OF DEDICATION AND MAINTENANCE

The undersigned certifies that s/he is an officer of the _____ Corporation, and that s/he has been authorized to execute this Certificate pursuant to authority granted by Resolution of the Board of Directors of _____ Corporation, a copy of which Resolution is attached hereto.

_____ Corporation, through the undersigned, hereby certifies that app property and improvements described on the Final Plat for _____ Subdivision are owned by _____ and are free of any encumbrances or liens except as follows:

List any encumbrance(s) or lien(s):

_____ Corporation, through the undersigned, freely offers for dedication all required rights-of-way, easements, streets, utilities, open space and other improvements to public or private use as noted on said Final Plat and freely establishes minimum building setback lines as required by the Town of Montreat Zoning Ordinance.

(Corporation) [SEAL]

By: _____
(Printed Name)

Attest: _____
(Printed Name)

Date: _____

[CONTINUED ON FOLLOWING PAGE]

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, Notary Public of Buncombe County, North Carolina certify that
_____ personally appeared before me this day and acknowledged that
s/he is _____ of _____, a corporation, and that
by authority duly given and as the act of the corporation, the foregoing instrument was signed in
its name by its President, sealed with its corporate seal and attested by
_____ as its Secretary.

Witness my hand and notarial seal, this the _____ day of _____, _____.

Notary Public

My Commission expires: _____

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not
incorporated.]

4) IMPROVEMENTS GUARANTEE AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS AGREEMENT is made and entered into this _____ day of _____, _____ by and between _____, herein after known as "Subdivider," and the Town of Montreat Board of Commissioners, hereinafter known as "the Board."

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the Town of Montreat approval of a Final Plat of a proposed Subdivision to be known as the _____ Subdivision and to be located within the jurisdiction of the Town of Montreat, North Carolina; and,

WHEREAS, a Town Ordinance entitled "Subdivision Ordinance for the Town of Montreat," as adopted by the Board on the 11th day of December, 1980, and as subsequently amended, required the completion of certain improvements prior to Final Plat approval; and,

WHEREAS, said Ordinance allows the Board, at its discretion, to permit the Subdivider to post a surety bond with the Town of Montreat through the Board to guarantee the completion of said required improvements; and,

WHEREAS, the Town of Montreat desires to approve said Final Plat and in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a surety performance bond with _____ Company to guarantee completion of said improvements.

IT IS THEREFORE AGREED AS FOLLOWS:

1. The Subdivider will, on or before the _____ day of _____, _____ complete as required the following improvements in the _____ Subdivision;
2. The Subdivider shall file with the Town of Montreat through the Board a surety performance bond securing and guaranteeing completion of said improvements by the required date; and
3. When the surety performance bond is filed and other requirements of said Ordinance are met, then the Town of Montreat will approve the Final Plat of the _____ Subdivision.

IN WITNESS WHEREOF, the Town of Montreat Board of Commissioners has, by appropriate Board action, caused this Agreement to be executed by the Mayor or other authorized member and attested by the Town Clerk, as the _____ Company has, by appropriate action of its Board of Directors, caused this Agreement to be executed by its President and attested by its Secretary under corporate seal, this the _____ day of _____, _____.

_____ Corporation, through the undersigned, freely offers for dedication all required rights-of-way, easements, streets, utilities, open space and other improvements to public or private use as noted on said Final Plat and freely establishes minimum building setback lines as required by the Town of Montreat Zoning Ordinance.

TOWN OF MONTREAT BOARD
OF COMMISSIONERS

By: _____
Mayor

Attest: _____
Town Clerk

Date: _____

(NAME OF CORPORATION)

By: _____
President

Attest: _____
Secretary

Date: _____

[CONTINUED ON FOLLOWING PAGE]

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, Notary Public of Buncombe County, North Carolina certify that
_____ personally appeared before me this day and acknowledged that
s/he is _____ of _____, a corporation, and that
by authority duly given and as the act of the corporation, the foregoing instrument was signed in
its name by its President, sealed with its corporate seal and attested by
_____ as its Secretary.

Witness my hand and notarial seal, this the _____ day of _____, _____.

Notary Public

My Commission expires: _____

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not
incorporated.]

5) PERFORMANCE BOND

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

KNOW BY THESE PRESENTS THAT we, _____, as Principal, and _____, as Surety, are held and firmly bound unto the Town of Montreat, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of \$ _____, lawful money of the United States of America, for the payment of which, well and truly to be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the Subdivision known as the _____ Subdivision, located in the jurisdiction of the Town of Montreat, which approval is a condition precedent to the right of said Principal to have said Final Plat registered in the Office of the Registrar of Deeds for Buncombe County; and,

WHEREAS, the Town of Montreat is unable, pursuant to Town Ordinance, to approve said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the Town of Montreat through its Board of Commissioners; and,

WHEREAS, the Town of Montreat Board of Commissioners and the Principal have this date entered into an Agreement by which the Town of Montreat will approve the Principal's Final Plat for the _____ Subdivision prior to the completion of required improvements, and the Principal has agreed to file a surety bond in the amount of \$ _____ securing to the Town of Montreat, the actual completion of said required improvements on or before the _____ day of _____, _____, which Agreement is attached hereto as Exhibit "A" and made a part thereof, and,

WHEREAS, the improvements required and agreed to be completed are set forth in said Exhibit "A."

NOW, THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit "A" and by which the Principal agrees to complete certain improvements on or before the _____ day of _____, _____, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

[CONTINUED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the said Principal and Surety have hereunto set their hands and seals on this the _____ day of _____, _____.

(NAME OF PRINCIPAL)

By: _____
President

Attest: _____
Secretary

Date: _____

(NAME OF SURETY)

By: _____
Attorney-in-Fact
(Power of Attorney attached)

Attest: _____
(Print Name)

Date: _____

6) CERTIFICATE OF APPROVAL OF WATER SUPPLY SYSTEM

I hereby certify that the water supply system proposed for installation and specified on the Preliminary Plan for _____ Subdivision meets all pertinent state and local requirements and is hereby approved.

Town ~~Administrator~~Manager, Town of
Montreat

Date

7) CERTIFICATE OF APPROVAL OF SEWAGE DISPOSAL SYSTEM

I hereby certify that the sewage disposal system proposed for installation and specified on the Preliminary Plan for _____ Subdivision meets all pertinent state and local requirements and is hereby approved.

(Appropriate Official),
Metropolitan Sewerage District

Date

8) CERTIFICATE OF APPROVAL OF SEPTIC SYSTEM

I hereby certify that that the septic system proposed for installation and specified on the Preliminary Plan for _____ Subdivision meets all pertinent state and local requirements and is hereby approved.

(Appropriate Official),
Buncombe County Health Department

Date

9) CERTIFICATE OF APPROVAL OF STREETS

I hereby certify that the streets plans for _____ Subdivision are in conformance with the standards of the Town of Montreat Street Department and the Subdivision Ordinance.

(Engineering Consultant),
(Name of Firm)

Date



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828)669-8002, ext. 3030

Fax: (828)669-3810

www.townofmontreat.org

WIRELESS COMMUNICATION ORDINANCE AMENDMENT REQUEST – APPLICATION

Fee: \$50

Applications for Wireless Communication Ordinance amendments must be complete, accompanied by an application fee as set forth by the Town of Montreat Fee Schedule for Zoning Ordinance Amendments and submitted to the Town Clerk. The application fee should be made payable to the Town of Montreat and is non-refundable except where an application is withdrawn prior to its consideration by the Planning and Zoning Commission. You will be notified of the meeting date that the Planning and Zoning Commission and Board of Commissioners will hear this matter and of any action taken or any decision made concerning your request.

All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

Applicant Name: Planning Staff (on behalf of BOC – Mayor PT Widmer) Date of Request: 9/28/22
Mailing Address: 1210 Montreat Road
City: Black Mountain State: NC ZIP: 28711
Daytime Phone: 828-669-8002 ext. 3030 E-mail: zoning@townofmontreat.org

Wireless Communication Ordinance Chapter and Article to be amended: See attached.

Proposed text in full (attach additional sheets if necessary): See attached.

Briefly state the reason(s) for this request: Staff initiated a text amendment on behalf of Mayor PT Widmer to revise the Wireless Communications Ordinance to comply with State Statutes, clarify sections, and correct staff titles.

List any attached supporting documents: Staff report & draft amended Wireless Communications Ordinance



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

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Applicant's Acknowledgement

I, Kayla Dicristina, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Date: 9/28/22 Applicant's Signature: Kayla Dicristina

Applicant's Name (PLEASE PRINT): Kayla Dicristina

FOR OFFICE USE ONLY

☒ Deemed Complete by Zoning Administrator

☐ Denied

Date: 9/28/22 Zoning Administrator's Signature: Kayla Dicristina

Zoning Administrator's Name (PLEASE PRINT): Kayla Dicristina

Permit Fee: \$ N/A Cash: \$ - Check #: - Date Paid: -

Date Item to be Considered by Planning and Zoning Commission: 10/13/22

Date Item to be Considered by Board of Commissioners: 11/10/22

FW: Ordinance change

Angela Murphy <amurphy@townofmontreat.org>

Wed 9/28/2022 8:36 AM

To: Kayla DiCristina <kayla@landofsky.org>

Cc: Ben Blackburn <bblackburn@townofmontreat.org>

Be Advised: This email originated from outside Land of Sky

Kayla-

See the email from Tom below.

Thanks

Angie

From: Tom Widmer

Sent: Tuesday, September 27, 2022 9:23 PM

To: Angela Murphy <amurphy@townofmontreat.org>

Cc: Ben Blackburn <bblackburn@townofmontreat.org>; Tim Helms <thelms@townofmontreat.org>

Subject: Ordinance change

Angie- As a member of the **Board of Commissioners, I wish to initiate text amendments to the Town of Subdivision Ordinance and Wireless Communications Ordinance** to revise sections so as to comply with State Statute revisions, add clarification, and correct staff titles.

My language is slightly different than recommended bc I cannot speak for all 5 commissioners.

Tom

Tom Widmer

Mayor Pro Tem

Town of Montreat

804.441.3679



TOWN OF MONTREAT

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

TA-2022-02

Text Amendments to the Town of Montreat Wireless Communications Ordinance

Proposed Amendments: Staff initiated a request on behalf of the Montreat Board of Commissioners (Mayor Pro Tem Widmer) to revise the Town of Montreat Wireless Communications Ordinance to comply with State Statute revisions and correct review procedures. Current standards, with proposed changes, are highlighted on the following pages as noted.

-

Created by:

Kayla DiCristina, AICP,
Zoning Administrator
Town of Montreat

Created for:

Town of Montreat Board of Commissioners
December 8, 2022

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3

REVISED TOWN OF MONTREAT WIRELESS COMMUNICATIONS ORDINANCE SECTIONS..... 4

CURRENT NORTH CAROLINA LAWS FOR WIRELESS COMMUNICATIONS 9

PLANNING AND ZONING COMMISSION RECOMMENDATION10

CONCLUSION 10

EXECUTIVE SUMMARY

Town staff completed a review of the Town's existing Wireless Communications Ordinance ("the Ordinance") for compliance with State Statute revisions, specifically those covered in N.C.G.S. 160D Articles 1 and 9, ("160D") and to correct and clarify various sections in order to:

- **Update the Ordinance to ensure the Town's wireless communications regulations comply with 160D.**
- **Remove reference to the Preservation Commission, certificate of appropriateness, and an antiquated Zoning Ordinance reference.**
- **Correct the review and amendment procedures to allow reviews and amendments at any time rather than solely annually.**
- **Update and clarify Town staff titles.**

Highlights of the proposed Ordinance changes are as follows:

- References to Conditional Use Permits are replaced with Special Use Permits in accordance with 160D.
- References to "Planning Director" are revised to "Zoning Administrator" to clearly identify the staff responsible for actions and reviews.
- References to "Town Administrator" are revised to "Town Manager" for consistency with the Town's new government structure.
- References to the Preservation Commission, certificate of appropriateness, and Article XII, Section 1203(D) of the Zoning Ordinance are removed.
- The review and amendment procedure is corrected to enable reviews and amendments at any time rather than solely annually.

On November 10, 2022 the Planning and Zoning Commission conducted a review of the proposed text amendments to the Wireless Communications Ordinance under TA-2022-02. Additional revisions were proposed and are incorporated into this staff report and the Wireless Communications Ordinance that follows. Please note that the Ordinance was reorganized to include article and section titles. Only those sections containing content amendments are included in this staff report.

REVISED TOWN OF MONTREAT WIRELESS COMMUNICATIONS ORDINANCE SECTIONS

The Town's current Wireless Communications Ordinance contains the following language. The sections below do not contain the entirety of the Wireless Communications Ordinance and only contain the sections to be amended. The key below denotes the color system used to track the proposed changes. Any changes with highlighted purple have a comment bubble on the right hand side of the document. Please note that the Ordinance was reorganized to include article and section titles. Only those sections containing content amendments are included in this staff report.

- ~~Suggested deletions are noted with red strikethroughs~~
- ~~Suggested new language is noted in green.~~
- ~~Suggested deletions by the Planning and Zoning Commission are noted with purple strikethroughs.~~
- Suggested new language by the Planning and Zoning Commission is noted in blue.

Article III. Interpretations and Definitions

Section B. Rules for Words and Phrases. For the purposes of this ~~Section~~ **Article**, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

Section C. Definitions. For the purpose of this Section, certain words, phrases and terms used herein shall be interpreted as stated in this ~~Subsection III~~ **Article III Section B**. The Zoning ~~Official Administrator~~ or designee shall define any word, phrase or term not defined herein.

Article IV. Preferred Locations for Wireless Communication Facilities and Applicability **(Revised January 8, 2009, and X X, 2022)**

Section A.

1. **Antenna Attachments.** Antenna attachments onto existing Support Structures or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development standards (set forth in Article V). ~~criteria provided in Section V of this Ordinance.~~
2. **Administrative Approval of Support Structures.** Antenna attachments onto existing structures or Wireless Communication Facilities with Support Structures shall be permitted by administrative

approval if they meet the development ~~criteria provided in Section V of this Ordinance.~~ standards (set forth in Article V). and Table A.

3. **Other Lands.** Wireless Communication Facilities with support structures shall only be permitted on all other lands not identified in Table A by means of approval of a ~~Conditional Special Use Permit.~~ Conditional Special Use Permit. Prior to applying for a ~~Conditional Special Use Permit,~~ the applicant shall provide the Town with adequate information to establish that lands included in ~~1. or 2. Table A~~ Table A above cannot be made suitable for Wireless Communication Facility locations.

Comment [KD1]: N.C.G.S. 160D-102(30)

Comment [KD2]: N.C.G.S. 160D-102(30)

Section B.

4. **Relationship to Other Ordinances.** ~~Except for Historic Districts, t~~ This Section shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communications Facilities.

Article V. Development Standards

Section A.

1. Height Standards

- c. Height for Wireless Communications Facilities with Support Structures on other lands not identified in ~~1. or 2. Table A~~ Table A above shall be reviewed on a case by case basis as part of the ~~Conditional Special Use Permit~~ Conditional Special Use Permit process. The height of the proposed Wireless Communications Facility should be consistent with the height standards indicated in Table A for similar properties in similar locations; and considering ground elevations, topographical conditions and other site development ~~criteria~~ standards (set forth in Article V) within this Ordinance

Comment [KD3]: N.C.G.S. 160D-102(30)

3. Landscaping

1. New Construction:

4. Existing Vegetation: Existing vegetation on a Wireless Communications Facility site may be used in lieu of required landscaping where approved by the Zoning ~~Official~~ Administrator or designee.

11.Collocation Agreement. All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a Tower Antenna Use Application (TAA).

A TAA shall not be issued unless the applicant complies with the collocation policy outlined in Article V, Section A (14) ~~Section V(N)~~ of this Ordinance.

12. Review Process. The applicable development standards (set forth in Article V) ~~criteria referred to herein are those set forth in Subsection V~~ of this Ordinance.

- a) Permitting Procedures: Attached Wireless Communications Facilities with or without new building construction that meet the development standards (set forth in Article V) ~~criteria~~ may be permitted by administrative review. All Wireless Communications Facilities with Support Structures that meet the development standards (set forth in Article V) ~~criteria~~ and that are located on lands in Table A, or Antenna Array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting the criteria in 2. or 3. B. below. All other proposed Wireless Communications Facilities shall be subject to the Conditional Special Use Permit process.

Comment [KD4]: N.C.G.S. 160D-102(30)

- b) Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, or other designated Overlay District will be subject to review by the appropriate Preservation Commission and/or the Board of Adjustment. ~~Review by a Preservation Commissioner shall be in accordance with that District Ordinance's administrative procedures for a certificate of appropriateness.~~ All Wireless Communications Facility applications that do not conform to the development standards (set forth in Article V) ~~Development Criteria~~ or are otherwise not eligible for administrative review shall be subject to the Board of Adjustment's review process.

Comment [KD5]: Certificates of appropriateness apply to development of a historic district, not wireless communications facilities (N.C.G.S. 160D-947(a)).

Staff is unable to locate evidence that the Preservation Commission is currently in existence.

13. Approval Process

b) Administrative Review

- 1) Review Authority. Review of the Tower and Antenna Use Application (TAA) under this Section shall be conducted by the ~~Planning Director-Zoning Administrator~~ or the designee upon filing a TAA.
- 2) Review Criteria. Each application shall be reviewed for compliance with the development standards (set forth in Article V) ~~criteria specified in Section V~~.
- 3) Timing of Decision. The ~~Planning Director-Zoning Administrator~~ or designee shall render a decision on the Wireless Communications Facility application by written response to the applicant within twenty (20) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.
- 4) Application Denial. If administrative approval is not obtained or is denied due to non-compliance with the development standards (set forth in Article V) ~~criteria~~, the applicant may appeal the denial by applying for Board of Adjustment review.
- 5) Application Approval. If the TAA application together with all required addenda are in compliance with the development standards (set forth in

Article V) ~~criteria~~ and otherwise meets the requirements of this Section, the ~~Planning Director-Zoning Administrator~~ or designee may approve the Tower Antenna Use Application and authorize issuance of the proper permits.

c) Board of Adjustment Review

- 2) Notice. Notice of the application and the public hearing for the ~~Conditional Special Use Permit~~ by the Board of Adjustment shall be in accordance with the Town of Montreat Zoning Ordinance.

Comment [KD6]: N.C.G.S. 160D-102(30)

3) Hearing

a) Development standards (set forth in Article V) Criteria. The complete Tower Antenna Use Application shall be reviewed for compliance with the development ~~standards (set forth in Article V) criteria~~.

b) Tower Siting Conditions. The Board of Adjustment may recommend alternative development ~~standards (set forth in Article V) criteria~~, impose conditions or add restrictions on the application as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communications Facility with the surrounding property, in accordance with the purposes and intent of this Ordinance, provided the alternative development ~~standards (set forth in Article V) criteria~~, conditions or restrictions are reasonable and capable of being accomplished. The inclusion of additional conditions, development ~~standards (set forth in Article V) criteria~~ or restrictions shall be by specific inclusion in a motion for approval.

- c) The ~~Conditional Special Use Permit~~ shall be granted when each of the following Findings of Fact has been made by the Board of Adjustment:

Comment [KD7]: N.C.G.S. 160D-102(30)

ii. The Wireless Communications Facility meets all required conditions, specifications and development ~~standards (set forth in Article V) of this Ordinance~~;

g) Appeals. The decision of the Board of Adjustment shall follow the guidelines described in ~~Article XII, Section 1203(D) of~~ the Town of Montreat Zoning Ordinance. An appeal shall be filed no later than thirty (30) days after the final action by the Zoning ~~Official-Administrator~~ or the Board of Adjustment. Only the applicant and those who registered an objection to the TAA in the record of the Board of Adjustment shall have standing to appeal.

17. Revocation of Tower and Antenna Use Applications. The approval of any Tower and Antenna Use Application issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the ~~Planning Director-Zoning Administrator~~ or designee finds that any permit holder has violated any provision of this Ordinance, or the conditions, restrictions or additional development standards ~~(set forth in Article V) of an approved Conditional Special Use Permit~~; or has failed to make good faith reasonable efforts to provide or seek collocation, the ~~Planning Director-Zoning Administrator~~ or designee shall notify the permit holder in writing that the TAA

Comment [KD8]: N.C.G.S. 160D-102(30)

is revocable due to the permit holder's non-compliance with the conditions of the permit and the ~~Planning Director-Zoning Administrator~~ or designee shall convene a meeting with the permit holder no later than thirty (30) days from the date of the letter. The ~~Planning Director-Zoning Administrator~~ or designee may require the permit holder to correct the violation within a reasonable amount of time or the ~~Planning Director-Zoning Administrator~~ or designee may recommend to the Board of Commissioners that the Tower and Antenna Use Application be revoked. After the appropriate public hearing, the ~~Town Administrator and~~ Board of Commissioners may revoke the Tower and Antenna Use Application (TAA) upon such terms and conditions, if any, that the ~~Town Administrator and~~ Board of Commissioners may determine. Prior to initiation of revocation proceedings, the Town shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the Town with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the ~~Town Administrator and~~ Board of Commissioners shall convene a public hearing to consider revocation of the Tower and Antenna Use Application. The hearing shall be conducted following notice as required by law pursuant to notice by publication in a newspaper with general circulation in the Town not less than ten (10) days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The ~~Town Administrator and~~ Board of Commissioners may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, be provided by the requesting party at that party's expense.

19. ~~Annual Review and Amendment~~. The ~~Town Administrator and~~ Board of Commissioners may ~~review this Ordinance on an annual basis and may~~ alter or amend this Ordinance the same as required in the manner provided by law.

Comment [KD9]: Town Administrator ability to revoke TAAs and amend the Ordinance are removed per PZC recommendation.

CURRENT NORTH CAROLINA LAWS FOR WIRELESS COMMUNICATIONS

- N.C.G.S 160D Article 1 – General Provisions

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_1.pdf

- N.C.G.S. 160D Article 9 – Regulation of Particular Uses and Areas

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160D/Article_9.html

PLANNING AND ZONING COMMISSION RECOMMENDATION

At the November 10, 2022 Planning and Zoning Commission, the Board Members voted 7-0 to recommend approval of TA-2022-02 as amended.

CONCLUSION

The proposed amendments to the Ordinance bring the Town of Montreat's Wireless Communications Ordinance into compliance with 160D and revise the procedure to amend the Ordinance. In addition, the proposed amendments clarify and correct staff titles and remove reference to the Preservation Commission, certificates of appropriateness, and an antiquated section of the Montreat Zoning Ordinance. Amendments to this Ordinance must follow the procedure outline in N.C.G.S. 160D, Article 6, which specifies that the Board of Commissioners shall consider amendments to this Ordinance after having received the recommendation from the Planning and Zoning Commission.

Per N.C.G.S. 160D-605, when adopting or rejecting any zoning text amendment, the Board of Commissioners shall approve a brief statement describing whether the amendments are consistent or inconsistent with the Town of Montreat's Comprehensive Plan. A template for this motion is below. The statement does not need to address all of the comprehensive plan policies, but should demonstrate that the Board of Commissioners has considered the proposed amendment's consistency with the Comprehensive Plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning and Zoning Commission's recommendations and any relevant portions of an adopted Comprehensive Plan.

Template Approval Motion:

I move that the Board of Commissioners [**approve/deny**] TA-2022-02, amendments to the Town of Montreat Subdivision Ordinance, as [**written/amended**] as the proposed amendments [**are/are not**] consistent with the Town of Montreat Comprehensive Plan because...

[List considerations (identify policies in the plan with which the proposal is or is not consistent and identify what policy goals this development advances or hinders)]

For more on consistency statements, please visit the following link:

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements 160DGuidanceDoc%20Mar%202021.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements%20160DGuidanceDoc%20Mar%202021.pdf)

ORDINANCE REGULATING WIRELESS COMMUNICATION TECHNOLOGY

TOWN OF MONTREAT NORTH CAROLINA

Adopted December 9, 1999 by the Board of Commissioners

Revised:

August 14, 2008

January 8, 2009

TBD, 2022

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

TOWN OF MONTREAT

**ORDINANCE REGULATING WIRELESS
COMMUNICATION TECHNOLOGY**

Wireless Communication Facility Development Standards: The following definitions and development standards for the zoning jurisdiction, including the extraterritorial zoning jurisdiction (ETJ) of the Town of Montreat, shall: 1) apply to the installation, construction, attachment, removal and alteration of facilities to accommodate wireless communication facilities; 2) provide the criteria for evaluating such proposed activities; and 3) provide a procedure for the suitability certification and accomplishing related purposes.

Article I. Purposes

Section A. The Town of Montreat desires to encourage the orderly development of wireless communication technologies for the benefit of the Town and its citizens. The Town also recognizes the character of the different entities of the Town. As a matter of public policy the Town aims to encourage the delivery of new wireless communication technologies throughout the Town while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in the Town of Montreat. Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:

1. Provide a range of locations for Wireless Communication Facilities throughout the Town;
2. Encourage the location of Wireless Communication Facilities onto existing structures to reduce the number of new communication towers needed within the Town of Montreat;
3. Encourage collocation and site sharing of new and existing Wireless Communication Facilities;
4. Control the type of tower facility constructed when towers are permitted;
5. Establish adequate development and design criteria to enhance the ability of

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

telecommunication services providers to provide service to the community quickly, effectively and efficiently;

6. Protect residential, historic preservation areas and scenic corridors from the uncontrolled development of Wireless Communication Facilities by requiring reasonable siting conditions;
7. Promote the use of suitable lands for the location of wireless antennae, towers and/or Wireless Communication Facilities;
8. Insure the harmonious, orderly and efficient growth and development of Wireless Communication Facilities within the Town;
9. Enhance the economy of the Town through the continued use of the Town's public resources;
10. Provide development standards for the development of Wireless Communication Facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and in the best interest of the future of the Town of Montreat;
11. Provide clear performance standards addressing the siting of Wireless Communication Facilities; and
12. Streamline and expedite the permitting procedures to effect compliance with the Federal Communications Act of 1996.

Article II. Certain Uses Not Covered By This Ordinance

Section A. Nothing in this Ordinance shall eliminate any of the permitted uses within the Town of Montreat. Nothing in this Ordinance shall affect the right of a property owner to continue any legal non-conforming use. *(Revised January 8, 2009)*

Article III. Interpretation and Definitions

Section A. Construction of Other Ordinances. To the extent these development standards conflict with other Ordinances for the Town of Montreat, these development standards shall control.

Section B. Rules for Words and Phrases. For the purposes of this ~~Section~~Article, words used in the present tense include the future tense; words in the singular

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

number include the plural number and words in the plural number include the singular number; the word “shall” is mandatory; the word “may” is permissive; the word “used” includes “designed” and “intended” or arranged to be used or occupied; and the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

Section C. Definitions. For the purpose of this Section, certain words, phrases and terms used herein shall be interpreted as stated in this ~~Subsection III~~Article III Section B. The Zoning ~~Official~~Administrator or designee shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.

1. **Antenna Array.** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennae (rods), directional antennae (panels) and parabolic antennae (discs). The Antenna Array does not include the Support Structure.
2. **Attached Wireless Communication Facility.** An Antenna Array attached to an existing building or structure (Attachment Structure), which shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
3. **Collocation/Site Sharing.** Use of a common Wireless Communication Facility or common site by more than one wireless communication license holder for more than one type of communications technology and/or placement of an Antenna Array on a structure owned or operated by a utility or other public entity,
4. **Equipment Facility.** Any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a building out of an existing structure, pedestals and other similar structures.
5. **FAA.** Federal Aviation Administration

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

6. **FCC.** Federal Communications Commission
7. **FTA.** Federal Telecommunications Act of 1996
8. **Height.** When referring to a Wireless Communication Facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the Wireless Communication Facility, including the Antenna Array and other attachments.
9. **Setback.** The required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.
10. **Support Structure.** A structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, a guy-wire support tower or other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures,
11. **Temporary Wireless Communication Facility.** A Wireless Communication Facility to be placed in use for 90 or fewer days.
12. **Tower and Antenna Use Application (TAA).** A form provided to the applicant by the Town to specify the location, construction, use and compliance with the development standards of a proposed Wireless Communication Facility.
13. **Wireless Communications.** Any personal wireless service as defined in the Federal Telecommunications Act of 1996, which includes Federal Communications Commission- licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and other similar services that currently exist.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

14. **Wireless Communication Facility.** Any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, and Equipment Facility and a Support Structure to achieve the necessary elevation.

Article IV. Preferred Locations for Wireless Communication Facilities and Applicability
(Revised January 8, 2009)

Section A. Wireless Communication Facilities may be allowed within the Town of Montreat as follows:

1. **Antenna Attachments.** Antenna attachments onto existing Support Structures or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development standards (set forth in Article V)~~criteria provided in Section V of this Ordinance.~~

2. **Administrative Approval of Support Structures.** Antenna attachments onto existing structures or Wireless Communication Facilities with Support Structures shall be permitted by administrative approval if they meet the development standards (set forth in Article V)~~criteria provided in Section V of this Ordinance~~ and Table A.

TABLE A		
#4 Appalachian Way	Water Tank	Attachments or 180' Monopoles
#5 Harmony Road	Water Tank	Attachments or 180' Monopoles

3. **Other Lands.** Wireless Communication Facilities with support structures shall only be permitted on all other lands not identified in Table A by means of approval of a Conditional-Special Use Permit. Prior to applying for a Conditional-Special Use Permit, the applicant shall provide the Town with adequate information to establish that lands included in 1. or 2. Table A above cannot be made suitable for Wireless Communication Facility locations.

4. Proposals for new Wireless Communications Facilities shall not be approved

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

unless the Board of Adjustment finds that the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one-mile search radius of the proposed Wireless Communications Facility due to one or more of the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved tower, building or structure, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or structure as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented at a reasonable cost;
- c) Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer;
- d) Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

Section B. The following shall apply in the Town of Montreat:

1. Tower and Antenna Use Application Required. No person, firm or corporation shall install or construct any Wireless Communications Facility unless and until a Tower Antenna Use Application (TAA) has been issued pursuant to the requirements of this Ordinance.

2. Pre-existing Wireless Communications Facility. Wireless Communications Facilities which were installed prior to the effective date of this Ordinance shall be considered non-conforming.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

3. **Amateur Radio Exclusion.** This Section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator.

4. **Relationship to Other Ordinances.** ~~Except for Historic Districts, t~~Ihis Section shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communications Facilities.

5. **Airport Zoning.** Any Wireless Communications Facility located or proposed to be located in airport areas governed by the FAA shall also comply with the provisions of all applicable local, state and federal airport regulations.

6. **Building Codes.** Construction of all Wireless Communications Facilities shall comply with the requirements of the North Carolina State Building Codes and permitting process in addition to the requirements of this Section.

Article V. Development Standards

Section A. Development standards for Wireless Communications Facilities will include the following:

1. Height Standards. The following height standards shall apply to all Wireless Communications Facility installations:

- a) Attached Wireless Communications Facilities shall not add more than twenty feet (20') to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of the tower above the maximum original permitted height of that tower.
- b) Wireless Communications Facilities with Support Structures identified in Table A shall have a maximum height as set out in Table A.
- c) Height for Wireless Communications Facilities with Support Structures on other lands not identified in ~~1. or 2. above~~Table A shall be reviewed on a case by case basis as part of the ~~Conditional~~ Special Use Permit process. The height of the proposed Wireless Communications Facility should be consistent with the height standards indicated in Table A for similar

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

properties in similar locations; and considering ground elevations, topographical conditions and other site development ~~criteria-standards~~ (set forth in Article V) within this Ordinance.

2. Setback Standards. The following setback standards shall apply to all Wireless Communications Facility installations:

- a) Attached Wireless Communications Facilities shall meet the setback provisions of the underlying Zoning District in which they are located. However, an Attached Wireless Communications Facility Antenna Array may extend up to thirty inches (30") horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
- b) Wireless Communications Facilities with Support Structures shall meet the setback requirements for principal structures of the underlying Zoning District in which they are located.

3. Landscaping. The following landscaping requirements shall be maintained by the applicant and shall apply to all Wireless Communications Facility installations:

- a) New Construction: New Wireless Communications Facility with Support Structures and Attached Wireless Communications Facilities with new building construction shall be landscaped with a minimum landscaped area of ten feet (10') around the perimeter of the security fence meeting the following standards:
 - (1) One row of evergreen trees with a minimum caliper of one and three-quarters inches (1.75") shall be installed with a maximum spacing of twenty-five feet (25').

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

- (2) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet (5') shall be planted with a maximum spacing of five feet (5'). Plants shall be at least three- gallon container plants or twenty-four inches (24") tall at the time of planting.
- (3) Land Form Preservation: Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however that vegetation that causes interference with the antennas on inhibits access to the Equipment Facility may be trimmed or removed.
- (4) Existing Vegetation: Existing vegetation on a Wireless Communications Facility site may be used in lieu of required landscaping where approved by the Zoning ~~Official~~ Administrator or designee.
- (5) Minimum Site Disturbance: Grading for the new Wireless Communications Facility shall be minimized and limited only to the area necessary for the new facility.

4. Aesthetics, Placement, Materials and Colors. The following standards shall apply to all new Antenna Arrays and new Wireless Communications Facilities:

- a) Antenna Array Attachments shall be designed so as to be comparable with the Wireless Communications Facility to which it is to be affixed; including but not limited to matching the proposed array with existing structural design, façade colors and camouflage technology.
- b) New Wireless Communications Facilities shall be designed to be compatible with existing structures and surroundings to the extent feasible. The proposed Wireless Communications Facility should be consistent with the tower type and height standards indicated in Table A for similar properties in similar locations; including but not limited to considerations of scale and space of the immediate vicinity of the new facility, placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors and camouflage technology.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

5. Lighting. The following lighting requirements shall apply to all Wireless Communications Facility installations. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:

- a) Security and safety lighting of equipment building if such lighting is appropriately down-shielded to keep light within the boundaries of the site.
- b) Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority, installed in a manner to minimize impacts on adjacent residences.
- c) Unless otherwise required by the FAA or other applicable authority, the required light shall be red and of as type of lens used to reduce ground lighting when the site is within one hundred feet (100') of a residential dwelling.

6. Signage. Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or non-commercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing Wireless Communications Facilities.

7. Fencing. Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than six feet (6') in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet the requirements of state or federal agencies.

8. Radio Frequency Emissions/Sound. The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:

- a) Radio Frequency Impact: The FTA gives the FCC jurisdiction of the regulations of radio frequency emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
- b) FCC Compliance: In order to provide information to its citizens, copies

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested from time to time. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurements of the effective radiated power of the facility and how this meets FCC standards.

- c) Sound Prohibited: No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

9. Structural Integrity. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled ‘Structural Standards for Steel Antennas, Towers and Antenna Support Structures’ (or equivalent), as it may be updated or amended. Each Support Structure shall be capable of supporting multiple Antenna Arrays.

10. Collocation Support Structure Design. All Wireless Communications Facilities with a Support Structure up to a height of one hundred forty-nine feet (149’) shall be engineered and constructed to accommodate at least a three-antenna Array. All Wireless Communications Facilities with a support structure up to a height of one hundred fifty feet (150’) or greater shall be engineered and constructed to accommodate at least a four-antenna Array.

11. Collocation Agreement. All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant’s policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a Tower Antenna Use Application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy outlined in Article V. Section A (14) Section V(N) of this Ordinance.

12. Review Process. The applicable development standards (set forth in Article V) criteria referred to herein are those set forth in Subsection V of this Ordinance.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

a) Permitting Procedures: Attached Wireless Communications Facilities with or without new building construction that meet the development ~~standards (set forth in Article V)~~criteria may be permitted by administrative review. All Wireless Communications Facilities with Support Structures that meet the development ~~standards (set forth in Article V)~~criteria and that are located on lands in Table A, or Antenna Array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting the ~~criteria in 2. or 3. B~~below. All other proposed Wireless Communications Facilities shall be subject to the ~~Conditional~~Special Use Permit process.

b) Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, or other designated Overlay District will be subject to review by the ~~appropriate Preservation Commission and/or the~~ Board of Adjustment. ~~Review by a Preservation Commissioner shall be in accordance with that District Ordinance's administrative procedures for a certificate of appropriateness.~~ All Wireless Communications Facility applications that do not conform to the ~~Development~~development standards (set forth in Article V)~~Criteria~~ or are otherwise not eligible for administrative review shall be subject to the Board of Adjustment's review process.

c) Wireless Communications Facilities as Part of a Coordinated Development Approval: Wireless Communications Facilities are part of a proposed residential or non-residential subdivision, planned unit development, site plan, conditional rezoning or other coordinated development approval shall be reviewed and approved through those processes.

d) Temporary Wireless Communications Facilities may be permitted by administrative approval for a term not to exceed ninety (90) days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional ninety (90) days upon evidence of need by the applicant. In case of emergency (e.g. storm damage to an existing tower or other circumstances resulting in the interruption of existing service), the administrative review shall be expedited to the extent feasible.

13. Approval Process.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

a) Application Submission: All Tower Antenna Use Applications, regardless of Wireless Communications Facility type shall include all of the requirements contained in this section.

- (1) Application Contents. Each applicant requesting a TAA under this Ordinance shall submit a sealed complete set of drawings prepared by a licensed architect or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the Wireless Communications Facility and all improvements associated therewith, including information concerning specification, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing Wireless Communications Facility shall include a Radio Frequency Intermodulation Study with their applications.
- (2) Submission Requirements. Application for a TAA shall be submitted to the Town on forms prescribed by the Town. The application shall be accompanied by a site plan containing this information described above and a copy of the appropriate FCC license. If Board of Adjustment review is required, the application and site plan shall be placed on the next available Board of Adjustment agenda in accordance with the agenda deadlines established by the Town.
- (3) Application Fees. A plan review fee and a Radio Frequency Intermodulation Study review fee (collocation applicants only), both as set forth in the Town of Montreat Fee Schedule, shall accompany each application. These fees may be used by the Town to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required). *(Revised August 14, 2008)*
- (4) Additional Technical Assistance. In the course of its

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

consideration of an application, the Town may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless Communications Facilities to assist the Town in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Town not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final Town hearing on the TAA.

b) Administrative Review: The following administrative review process shall apply to all Wireless Communications Facility applications eligible for administrative review:

(1) Review Authority. Review of the Tower and Antenna Use Application (TAA) under this Section shall be conducted by the ~~Planning Director~~ Zoning Administrator or the designee upon filing a TAA.

(2) Review Criteria. Each application shall be reviewed for compliance with the development standards (set forth in Article V) ~~criteria specified in Section V~~.

(3) Timing of Decision. The ~~Planning Director~~ Zoning Administrator or designee shall render a decision on the Wireless Communications Facility application by written response to the applicant within twenty (20) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.

(4) Application Denial. If administrative approval is not obtained or is denied due to non-compliance with the development standards (set forth in Article V) ~~criteria~~, the applicant may appeal the denial by applying for Board of Adjustment review.

(5) Application Approval. If the TAA application together with all required addenda are in compliance with the development standards (set forth in Article V) ~~criteria~~ and otherwise meets the requirements of this Section, the ~~Planning Director~~ Zoning Administrator or designee may approve the Tower Antenna Use Application and authorize issuance of the proper permits.

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

c) Board of Adjustment Review: The following shall apply to all Tower and Antenna Use Applications requiring submission to the Board of Adjustment:

(1) Review Authority. The Board of Adjustment shall be the review authority for TAA applications not eligible for administrative review or otherwise referred to the Board.

(2) Notice. Notice of the application and the public hearing for the ~~Conditional-Special~~ Use Permit by the Board of Adjustment shall be in accordance with the Town of Montreat Zoning Ordinance.

(3) Hearing. The Board of Adjustment shall review and consider the TAA application at a quasi-judicial public hearing. At the hearing, interested persons may appear and offer information in support of in opposition to the proposed application. The Board of Adjustment shall consider the following in reaching a decision:

(a) Development standards (set forth in Article V)Criteria. The complete Tower Antenna Use Application shall be reviewed for compliance with the development standards (set forth in Article V)criteria set forth in Section V.

(b) Tower Siting Conditions. The Board of Adjustment may recommend alternative development standards (set forth in Article V)criteria, impose conditions or add restrictions on the application as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communications Facility with the surrounding property, in accordance with the purposes and intent of this Ordinance, provided the alternative development standards (set forth in Article V)criteria, conditions or restrictions are reasonable and capable of being accomplished. The inclusion of additional conditions, development standards (set forth in Article V)criteria or restrictions shall be by specific inclusion in a motion for approval.

(c) The ~~Conditional-Special~~ Use Permit shall be granted when each of the following Findings of Fact has been made by the Board of Adjustment:

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

- (i) The Wireless Communications Facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
- (ii) The Wireless Communications Facility meets all required conditions, specifications and development standards ~~(set forth in Article V) of this Ordinance;~~
- (iii) The Wireless Communications Facility will not substantially injure the value of adjoining or abutting property, or that this use is a public necessity;
- (iv) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs;
- (v) If applicable, additional development conditions are based upon the purpose and goals of this Ordinance, and;
- (vi) If applicable, additional development conditions are reasonable and capable of being accomplished.

(d) Action. Following the public hearing and presentation of evidence, the Board of Adjustment shall take one of the following actions:

- (i) Approve the application as submitted;
- (ii) Approve the application with conditions or modifications;
- (iii) Refer the application for additional information or neighborhood input; or
- (iv) Deny the application in writing.

(e) Findings. All decisions rendered by the Board of

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

Adjustment concerning a Tower Antenna Use Application shall be supported by written findings of fact and conclusions of law based on substantial evidence of record.

(f) Timing of Decision. The Board of Adjustment shall hold a hearing within sixty (60) days of the final submission of all required application documents and technical review; however, this time may be increased due to deferrals by either the applicant or the Board of Adjustment.

(g) Appeals. The decision of the Board of Adjustment shall follow the guidelines described in ~~Article XII, Section 1203(D)~~ of the Town of Montreat Zoning Ordinance. An appeal shall be filed no later than thirty (30) days after the final action by the Zoning ~~Official~~ Administrator or the Board of Adjustment. Only the applicant and those who registered an objection to the TAA in the record of the Board of Adjustment shall have standing to appeal.

14. Shared Facilities and Collocation Policy. All new Wireless Communications Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing Wireless Communications Facilities and to accommodate the future collocation of other Wireless Communications Facilities. A TAA shall not be issued until the applicant proposing a new Wireless Communications Facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communications Facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.

15. Removal of Abandoned Support Structures. Any Support Structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the Town, at its election, may require the Support Structure owner to remove the Support Structure within ninety (90) days notice from the Town to remove the Support Structure. If there are two or more users of a single Support Structure, this provision shall not become effective until all providers cease to use the Support Structure. If the owner of the abandoned Support Structure cannot be located or is no longer in business, the requirements of this

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

Section shall be the responsibility of the landowner on whose property the Support Structure is located.

16. Non-Conforming. Wireless Communications Facilities in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (non-conforming Wireless Communications Facilities) are subject to the following provisions:

- a) Expansion: Non-conforming Wireless Communications Facilities may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance except as further provided in this Section.
- b) Additions: Non-conforming Wireless Communications Facilities may add additional antennas (belonging to the same provider or providers) subject to administrative review under this Ordinance.
- c) Repairs or Reconstruction: Non-conforming Wireless Communications Facilities which become damaged due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to the provisions of this Ordinance. Provided, however, that if the damage to the Wireless Communications Facility exceeds fifty percent (50%) of the replacement cost, said Wireless Communications Facility may only be reconstructed or repaired in compliance with this Ordinance. Any non-conforming Wireless Communications Facility not in use for six (6) months shall be deemed abandoned and all rights as a non-conforming use shall cease.

17. Revocation of Tower and Antenna Use Applications. The approval of any Tower and Antenna Use Application issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the ~~Planning Director~~Zoning Administrator or designee finds that any permit holder has violated any provision of this Ordinance, or the conditions, restrictions or additional development standards (set forth in Article V) of an approved ~~Conditional Special~~ Use Permit; or has failed to make good faith reasonable efforts to provide or seek collocation, the ~~Planning Director~~Zoning Administrator or designee shall notify the permit holder in writing that the TAA is revocable due to the permit holder's non-compliance with the conditions of the permit and the Zoning Administrator ~~Planning Director~~ or

**Town of Montreat
Ordinance Regulating Wireless
Communication Technology**

designee shall convene a meeting with the permit holder no later than thirty (30) days from the date of the letter. The ~~Zoning Administrator~~ ~~Planning Director~~ or designee may require the permit holder to correct the violation within a reasonable amount of time or the ~~Zoning Administrator~~ ~~Planning Director~~ or designee may recommend to the Board of Commissioners that the Tower and Antenna Use Application be revoked. After the appropriate public hearing, the ~~Town Administrator and~~ Board of Commissioners may revoke the Tower and Antenna Use Application (TAA) upon such terms and conditions, if any, that the ~~Town Administrator and~~ Board of Commissioners may determine. Prior to initiation of revocation proceedings, the Town shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the Town with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the ~~Town Administrator and~~ Board of Commissioners shall convene a public hearing to consider revocation of the Tower and Antenna Use Application. The hearing shall be conducted following notice as required by law ~~pursuant to notice by publication in a newspaper with general circulation in the Town not less than ten (10) days prior to the hearing and by written notice to the permit holder.~~ At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The ~~Town Administrator and~~ Board of Commissioners may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, be provided by the requesting party at that party's expense.

18. Civil Penalty. In accordance with N.C.G.S. §153A-123, the penalty for violating any of the provisions of this Ordinance shall be five hundred dollars (\$500) for any one specified offense of violation. Each day's continuing violation constitutes a separate offense.

19. Annual Review and Amendment. The ~~Town Administrator and~~ Board of Commissioners may ~~review this Ordinance on an annual basis and may~~ alter or amend this Ordinance ~~the same~~ as required in the manner provided by law.

TA-2022-01

Text Amendment Request

Montreat Board of Commissioners

December 8th, 2022



TEXT AMENDMENT OVERVIEW

Applicant: Town of Montreat Zoning Administrator (on behalf of BOC – Mayor Pro Tem Widmer)

Ordinance: Town of Montreat Subdivision Ordinance

Sections:

- ❖ Article I – Authority and Purpose
- ❖ Article III – Definitions
- ❖ Article IV – Compliance
- ❖ Article V – General Requirements and Design Standards for Subdivisions
- ❖ Article VI – Procedures for Review and Approval of Subdivision Plats
- ❖ Article VII – Planning and Zoning Commission of the Town of Montreat
- ❖ Article VIII – Legal Procedures
- ❖ Appendix E – Administrative Forms

Request Summary: Text amendments to revise the Town of Montreat’s Subdivision Ordinance to comply with State Statute revisions under 160D, Article 8, add definitions, and provide corrections and clarifications to the Ordinance. The Planning and Zoning Commission reviewed TA-2022-01 at their October 13, 2022 and November 10, 2022 meetings.

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Article I – Authority and Purpose

- **Changed reference to Chapter 160A-371 through 160A-376 to Article 8 of Chapter 160D.**

❖ Article III – Definitions

- **Changed reference to 160A-371 to 160D-802.**
- **Added probated will exemption to exempt subdivisions, per N.C.G.S. 160D-801(a)(5).**
 - The division of a tract into parcel sin accordance with the terms of a probated will or in accordance with intestate succession is exempt from the Subdivision Ordinance.

❖ Article IV – Compliance

- ***Section 401* - Added that the Review Officer is the designated party to certify that plats meet the Subdivision Ordinance, not Buncombe County's Register of Deeds, per N.C.G.S. 160D-803(d) .**

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Article VI – Procedures for Review and Approval of Subdivision Plats

- *Section 601.1, 601.1(2), 601.1(3), 601.1(5), and 603* - **Corrected the decision making party for Subdivision Plats to be the Planning and Zoning Commission.**
 - Determining what improvements will be required is a discretionary decision. The Zoning Administrator does not have the authority to make discretionary decisions. NC.G.S. 160D-803(c) authorizes the Planning and Zoning Commission to be designated as the deciding body for final decisions on subdivision plats when they require discretionary decisions and are quasi-judicial in nature. Since the Planning and Zoning Commission is designated under N.C.G.S 160D-803(c) as the deciding body, N.C.G.S. 160D-1403(a) requires that these decisions be appealed to the Superior Court in the nature of certiorari. The provisions of N.C.G.S. 160D-406 are incorporated by reference.

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Article VI – Procedures for Review and Approval of Subdivision Plats

• *Section 604.21*

Clarified and consolidated acceptable performance guarantee types, per N.C.G.S. 160D-804.1(1).

- Letters of credit or surety bonds must be issued by a financial institution licensed to do business in NC.

Corrected authorized performance guarantee amount, per N.C.G.S. 160D-804.1(3).

- Guarantee may be up to 125% of the reasonably estimated cost of completion at the time the performance guarantee is issued.

Clarified what is included in the performance guarantee, per N.C.G.S. 160D-804.1(3).

- Performance guarantee is based on 100% of the costs for labor and materials and 25% for inflation and administration costs.

Clarified how the performance guarantee may be determined, per N.C.G.S. 160D-804.1(3).

- The Town may determine the amount of use a cost estimate determined by the developer.

Clarified the extension process for a performance guarantee, per N.C.G.S. 160D-804.1(3).

- The amount of any extension shall be determined the same way as the initial performance guarantee based on the estimated cost of completion of the remaining incomplete improvements.

Identified specific projects that are not governed by this performance guarantee procedure, per N.C.G.S. 160D-804.1(7).

- Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Article VI – Procedures for Review and Approval of Subdivision Plats

- ***Section 604.22 - Removed Section 604.22 as it was consolidated with Section 604.21.***
- ***Section 604.23 - Added new Section 604.23 to outline the allowed duration of performance guarantees, per N.C.G.S. 160D-804.1(1a)***
 - The duration shall be one year unless the developer determines that the scope of work necessitates a longer time period. For bonded obligations, the completion date shall be set on e year from the date the bond is issued, unless the developer determines that the scope of work necessitates a longer time period.
- ***Section 604.24 - Added new Section 604.24 to outline the process for extensions of performance guarantees, per N.C.G.S. 160D-804.1(1b).***
 - Developer shall demonstrate reasonable, good-faith progress towards completion of required improvements. The Town may grant an extension only for the duration necessary to complete the required improvements. If a new performance guarantee is issued the amount shall be determined in accordance with Section 604.21.
- ***Section 604.25 - Renumbered.***
- ***Section 604.26 – Renumbered and incorporated N.C.G.S. 160D-804.1(2) by reference to detail the process required for release of performance guarantees.***

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Article VI – Procedures for Review and Approval of Subdivision Plats

- ***Section 606* - Designated the decisions on variances to the Board of Adjustment who shall conduct a quasi-judicial hearing and evaluate the application in accordance with N.C.G.S. 160D-705(d).**
- ***Section 607, 607.1, and 607.2* - Corrected the appeals procedure to reflect N.C.G.S. 160D-1403(a)**
 - Decisions of the Planning and Zoning Commission and Board of Adjustment are appealed to the Superior Court in the nature of certiorari.
- **Deleted Section 607.1 and 607.2.**

❖ Article VII – Planning and Zoning Commission of the Town of Montreat

- ***Section 700 and 701* - Corrected the reference to 160D-803 and Chapter 160D, Article 8, respectively and removed references to variances.**

❖ Article VIII – Legal Procedures

- ***Section 800* - Corrected title to reflect State Statute provisions and incorporated by reference appropriate penalties for transferring lots in unapproved subdivisions. N.C.G.S. 160A-175(b1)(1) states that Ordinances adopted under Chapter 160D cannot impose a criminal penalty.**
- ***Section 801* - Removed the requirement for a copy of this Ordinance to be filed with the Register of Deeds. This requirement is not stated in Article 160A-373, as is referenced in the Ordinance.**

DEFINITIONS

REVISED SECTIONS

❖ Article III – Definitions

- *Section 300* - **Added provisions for the interpretation of certain words or terms (from the MZO).**
- *Section 301* - **Added the definitions for developer (in accordance with N.C.G.S. 160D-102(11)), subdivider, minor subdivision, person (in accordance with N.C.G.S. 160D-102(24)), and townhouses.**

CLARIFICATIONS & GENERAL REVISIONS

Throughout the Ordinance...

- ❖ Removed vague references to the Subdivision Ordinance and replaced them with “Ordinance” (i.e. part, these regulations, these provisions, chapter, etc.).
- ❖ Revised “municipality” to “Town”.
- ❖ Revised “planning and regulation jurisdiction”, “corporate limits”, and “town limits” to “planning and development regulation jurisdiction”.
- ❖ Revised “zoning classification” to “Zoning District”.
- ❖ Revised “Zoning Regulations” to “Town of Montreat Zoning Ordinance”.
- ❖ Revised “Town Street Department” to “Town Public Works Department”.
- ❖ Revised “Improvement Guarantees” to “Performance Guarantees”.
- ❖ Revised “Code” Administrator and Zoning “Official” to “Zoning Administrator”.
- ❖ Revised Town “Administrator” to Town “Manager”.
- ❖ Clarified under Section 402 when this provision applies (i.e. no land disturbing activity can be conducted until the Preliminary Plan for a major subdivision or a final plat for a minor subdivision is approved).
- ❖ Added streets to Section 605.3 to ensure street dedication is show on final plats.
- ❖ General sentence structure, grammar, and capitalization corrections.
- ❖ Corrected variance procedure process to be under the Board of Adjustment and referenced the Town of Montreat Zoning Ordinance procedure for variances.

TEXT AMENDMENT SUMMARY

The proposed amendments to the Ordinance...

- ❖ Bring the Subdivision Ordinance into compliance with State Statute revisions.
- ❖ Add definitions.
- ❖ Clarify and corrections terms, responsible parties, and references in the Ordinance.

PZC RECOMMENDATION

At their November 10, 2022 meeting, the Planning and Zoning Commission voted 7-0 to recommended approval of TA-2022-01 as amended.

TA-2022-01

Text Amendment Request

Montreat Board of Commissioners

December 8th, 2022



TA-2022-02

Text Amendment Request

Montreat Board of Commissioners

December 8th, 2022



TEXT AMENDMENT OVERVIEW

Applicant: Town of Montreat Zoning Administrator (on behalf of BOC – Mayor Pro Tem Widmer)

Ordinance: Town of Montreat Wireless Communications Ordinance

Sections:

- ❖ Article III - Interpretation and Definitions: Section B & C
- ❖ Article IV - Preferred Locations for Wireless Communication Facilities and Applicability: Section A & B
- ❖ Article V – Development Standards: Section A

Request Summary: Text amendments to revise the Town of Montreat's Wireless Communications Ordinance to comply with State Statute revisions under 160D, Articles 1 and 9, correct review procedures, remove antiquated references, and provide corrections and clarifications to the Ordinance. The Planning and Zoning Commission reviewed TA-2022-01 at their November 10, 2022 meeting. Please note that the Ordinance was reorganized to include article and section titles. Only those sections containing content amendments are included in this presentation.

STATE STATUTE REVISIONS

REVISED SECTIONS

❖ Changed Conditional Use Permit to Special Use Permit in...

- Article IV – Preferred Locations for Wireless Communication Facilities and Applicability
Section A.3.
- Article V – Development Standards
Section A.1.(c), A.12.(a), A.13.(c)(2), A.13.(c)(3)(c), A.17.

PRESERVATION COMMISSION & COA

Revised Section

- ❖ **Removed reference to the Preservation Commission and Certificates of Appropriateness (COA).**
 - *Article V. Section A.12.(b)* Certificates of appropriateness apply to development in historic districts, not wireless communications facilities, per N.C.G.S. 160D-947(a).

AMENDMENT PROCESS

Revised Section

- ❖ **Revised the procedure to amend the Wireless Communications Ordinance to allow the Ordinance to be amended on more than solely an annual basis.**
 - *Article V. Section A.19.*

TOWN MANAGER POWERS

Revised Section

- ❖ **Eliminated the ability for the Town Manager to revoke Tower and Antenna Use applications and perform associated processes . Also eliminated the ability of the Town Manager to review and amend the Ordinance unilaterally.**
 - *Article V. Sections A.17. and A.19.* **Packet Page 271**

CLARIFICATIONS & GENERAL REVISIONS

Throughout the Ordinance...

- ❖ Revised “Planning Director” and Zoning “Official” to “Zoning Administrator”.
- ❖ Revised Town “Administrator” to Town “Manager”.
- ❖ General sentence structure, grammar, and capitalization corrections.
- ❖ Revised reference to “development criteria” to “development standards (set forth in Article V) for clarity.
- ❖ Revised vague references to Sections, Articles, Subsections, numbers, and a historic district for clarity.

TEXT AMENDMENT SUMMARY

The proposed amendments to the Ordinance...

- ❖ Bring the Wireless Communications Ordinance into compliance with State Statute revisions.
- ❖ Correct the review and amendment procedure.
- ❖ Remove antiquated references.
- ❖ Clarify and corrections staff titles.

PZC RECOMMENDATION

At their November 10, 2022 meeting, the Planning and Zoning Commission voted 7-0 to recommended approval of TA-2022-02 as amended.

TA-2022-02

Text Amendment Request

Montreat Board of Commissioners

December 8th, 2022



Packet Page 274