

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
October 13, 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  
October 13, 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**

- September 8<sup>th</sup> Town Council Public Forum Meeting Minutes
- September 8<sup>th</sup> Town Council Meeting Minutes
- September 28<sup>th</sup> Special 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. Consideration of Revisions and Additions of Ordinances Relating to Bear Hunting Dog Incidents**

- See Agenda Materials on pages 21-27
- Presenter: Commissioner Mason Blake
- Suggested Motion: Move to approve/deny revisions and additions to the ordinance as presented/amended

**B. Consideration of Appointing Margaret “Mari” Gramling to Board of Adjustment to fill an unexpired regular position which will expire 9/30/2025**

- See Agenda Materials on page 28
- Suggested Motion: Move to appoint/deny Mari Gramling as a Regular Member on Board of Adjustment

**C. Determination and Discussion of Access to Lot off of Harmony Lane PIN# 071077202100000 to Gary Higgins on Harmony Lane**

- See Agenda Materials In Packet Addendum
- Presenter: Kayla DiCristina
- Suggested Motion #1: Move to determine/or not to determine whether the area containing Little Piney Branch is/is not considered unopened right-of-way
- Suggested Motion #2: Recommend the avenue for obtaining access to the Lot PIN# 071077202100000 on eastern side of Little Piney Branch:
  1. An access easement in accordance with Section 602 of the MZO
  2. A private extension of Harmony Lane Chapter M Section IV of MGO
  3. A public extension of Harmony Lane Chapter M Section V of MGO

**D. Consideration of Approving Resolution No. 2022-10-0001 Recommending the Appointment of a Review Officer for the Town of Montreat**

- See Agenda Materials on pages 29-32

- **Presenter: Kayla DiCristina**
- **Suggested Motion: Move to approve/deny Resolution No. 2022-10-0001 Recommending the Appointment of Kayla DiCristina as Review Officer for the Town of Montreat**

**XI. Public Comment**

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

**XII. Commissioner Communications**

**XIII. Dates to Remember**

- **Town Forum, Monday October 17<sup>th</sup> at 6:30 p.m. in Town Hall**
- **Bridge Aesthetics Committee Meeting, Tuesday October 18<sup>th</sup> at 2:00 p.m. in Town Hall**
- **Board of Adjustment Member Training, Wednesday October 19<sup>th</sup> from 5:00 – 6:30 p.m. in Town Hall**
- **Tree Board, Tuesday October 25<sup>th</sup> at 9:30 a.m. in Town Hall**
- **Board of Adjustment, Thursday October 27<sup>th</sup> at 5:00 p.m. in Town Hall**
- **Landcare, Wednesday November 2<sup>nd</sup> at 9:00 a.m. in Town Hall**
- **November Town Council Meeting, Thursday November 10<sup>th</sup> at 7:00 p.m. in Town Hall. Public Forum begins at 6:30 p.m.**
- **Town Offices Closed November 24<sup>th</sup> – 25<sup>th</sup> in observance of Thanksgiving**
- **Tree Board, Tuesday November 28<sup>th</sup> at 9:30 a.m. in Town Hall**

**XIV. Adjournment**

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

---

Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Jane Alexander  
Commissioner Kitty Fouché

Board members absent: Commissioner Mason Blake  
Commissioner Kent Otto

Town staff present: Ben Blackburn, Interim Town Manager  
Angie Murphy, Town Clerk

Approximately six 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 Jane Alexander moved to adopt the agenda as presented. Mayor Pro Tem Tom Widmer seconded and the motion carried 3/0.

**Public Forum**

Ms. Jean Norris of 192 Mississippi Road shared her concern that the Town needs to have sewer extended into the ETJ (Extra Territorial Jurisdiction) on upper Greybeard Trail. Ms. Norris feels that recent new development in that area will have an impact on the environment with regards to the septic systems being used. Ms. Norris stated that Council would probably hear from her again because she intends to do more research on this matter. Mayor Tim Helms encouraged her to bring back any information she finds to the Council. Mayor Helms also mentioned that approximately eight years ago the Council, at that time, got a quote for \$250,000 to extend sewer into the ETJ. Mayor Helms also stated that the property owners in that area of the ETJ show no interest in wanting sewer extended therefore they would not want to pay the Town back the monies spent over a period of time.

Mr. Brad Hestir of 192 Mississippi Road expressed his interest in the Town developing a more comprehensive plan with regards to the environment. Mr. Hestir also mentioned that he had concerns with the new development in the ETJ and its impact already on the environment.

Mr. Tom Frist of 98 Frist Road thanked the Council for their hard work. Mr. Frist is very appreciative of all the work Town Staff did on the Texas Road Bridge and picnic area. Mr. Frist also expressed appreciation for the Town's sanitation staff.

### **Adjournment**

Commissioner Kitty Fouche moved to adjourn the meeting. Mayor Pro Tem Tom Widmer seconded and the motion carried 2/0. The meeting was adjourned at 6:42 p.m.

---

Tim Helms, Mayor

---

Angie Murphy, Town Clerk

**Town of Montreat  
Board of Commissioners  
Meeting Minutes  
September 8, 2022 – 7:00 p.m.  
Town Hall**

---

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

Board members absent: Commissioner Mason Blake  
Commissioner Kent Otto

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

Approximately seven 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. Mr. Tom Frist of 98 Frist Road reflected on the passing of Queen Elizabeth with a story about Reverend Billy Graham and a dinner the Queen prepared for him on a visit to Great Britain.

**Agenda Approval**

Commissioner Kitty Fouche moved to adopt the agenda as presented. Commissioner Jane Alexander seconded and the motion carried 3/0.

**Mayor's Communications**

Mayor Helms took a moment to welcome and introduce the new Black Mountain News reporter Karrigan Monk.

**Meeting Minutes Adoption**

- August 11<sup>th</sup> Town Council Public Forum Meeting Minutes
- August 11<sup>th</sup> Town Council Meeting Minutes

**Interim Town Manager's Communications**

Mr. Ben Blackburn had no communications to report.

**Administrative Reports**

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

**Public Comment**

There were no Public Comments at this time.

**Old Business**

There was no Old Business to discuss.

**New Business**

- A. Presentation Regarding Stormwater Management: Mary Roderick, Ph.D., Regional Planner with Land-of-Sky Regional Council advised that during the August Town Meeting the Board of Commissioners adopted a resolution to become compliant with the MSF Permit requirements. The Town of Montreat is on track to meet all the reporting requirements that are required to be fulfilled within the next 120 days. There are two components of the MS4 permit: National Pollutant Discharge Elimination System (NPDES) which is a Federal Clean Water Act Permitting Program for wastewater and stormwater permits; and Municipal Separate Storm Sewer System (MS4) which is a system of conveyances to collect and transport stormwater runoff. NPDES MS4 Permits are for discharges of stormwater to surface waters from a publicly owned/operated stormwater collection system. The requirements of the MS4 permits are as follows: funding the stormwater management program, implementing a Comprehensive Stormwater Management Plan (SWMP), documenting program implementation, report annually, obtaining a new permit every five years and implementing six minimum control measures/program areas.



Mrs. Roderick advised that Federal NPDES enforcement has increased exponentially. NCDEQ (North Carolina Department of Environmental Quality) began audits in 2019. Most communities (24 out of 30) received notices of violation. The Town of Montreat's audit was conducted in July 2022 and problem areas were identified as follows: staffing and funding; SWMP implementation, documentation and evaluation.

A previous SWMP (Stormwater Management Plan) was submitted in 2017 and a new draft SWMP is due October 2022. The SWMP describes stormwater systems, receiving waters, pollutants of concern and targets audiences. The SWMP also designates responsible parties and identifies partnerships. The SWMP details BMPs (best management practices) to implement six minimum measures over a 5 year period. The six minimum measures are: public education and outreach, public involvement and participation, illicit discharge detection and elimination (IDDE), construction site runoff controls, post-construction site runoff controls, and pollution prevention and good housekeeping for municipal operations.

Mrs. Roderick stated that the Town of Montreat does have a formal agreement with Land-of-Sky Regional Council for compliance support. The Zoning Administrator contract and scope of work were modified to include stormwater activities. The MS4 Inspection and IDDE App have deployed with public works associates. Town staff have become certified in SCM inspections and all town inspections have been completed. Multiple meetings have been held with Montreat Landcare about opportunities for public education and outreach/public involvement and engagement. The next steps include finishing the SWMP draft by October 25, 2022, finalizing the SWMP and renewing permit in January of 2023, determining procedures for private SCM inspections and being requiring them again, beginning SWMP implementation over 5-year period and joining Land-of-Sky Regional Council Regional Stormwater Services Program.

- B. Consideration of Appointing William "Bill" Tucker to Planning & Zoning Commission to fill an alternate position which will expire 9/30/2025: Mayor Pro Tem Tom Widmer moved to appoint William "Bill" Tucker as an Alternate Member on the Planning & Zoning Commission. Commissioner Kitty Fouche seconded and the motion carried 3/0.
- C. Consideration of Appointing Mark Spence to Board of Adjustment to fill an alternate position which will expire 9/30/2025: Commissioner Kitty Fouche moved to appoint Mark Spence as an Alternate Member on Board of Adjustment. Commissioner Jane Alexander seconded and the motion carried 3/0.
- D. Consideration of Appointing Margaret "Mari" Gramling to Board of Adjustment to fill an unexpired regular position with will expire 9/30/2025: Mayor Pro Tem Tom Widmer moved to table this appointment/discussion until October in order to ask Ms. Gramling some questions. Commissioner Jane Alexander seconded and the motion carried 3/0.

**Public Comment**

There was no public comment at this time.

**Commissioner Communications**

Commissioner Kitty Fouche expressed her appreciation to the Presbyterian Heritage Center for the “From Shakespeare to the Inklings” conference they held this week.

Mayor Pro Tem Tom Widmer commented that he has heard that the home meetings for the Town of Montreat Comprehensive Plan are going great with very informative discussions. Mayor Pro Tem Tom Widmer also thanked Mark Spence for his years of service as Chair of Board of Adjustment.

**Dates to Remember**

- Tree Board, Wednesday September 14<sup>th</sup> at 9:30 a.m. in Town Hall
- CANCELLED Board of Adjustment, Thursday September 22<sup>nd</sup> at 5:00 p.m. in Town Hall
- Tree Board, Tuesday September 27<sup>th</sup> at 9:30 a.m. in Town Hall
- Montreat Landcare, Wednesday October 5<sup>th</sup> at 9:00 a.m. in Town Hall
- Planning & Zoning Commission, Thursday October 13<sup>th</sup> at 10:30 a.m. in Town Hall
- October Town Council Meeting, Thursday October 13<sup>th</sup> at 7:00 p.m. in Town Hall.  
Public Forum begins at 6:30 p.m.
- Tree Board, Tuesday October 25<sup>th</sup> at 9:30 a.m. in Town Hall

**Adjournment**

Mayor Pro Tem Tom Widmer moved to adjourn the meeting. Commissioner Kitty Fouche seconded and the motion carried 3/0. The meeting was adjourned at 7:40 p.m.

---

Tim Helms , Mayor

---

Angie Murphy, Town Clerk



**Board of Commissioners  
Special Meeting Minutes  
September 28, 2022**

---

Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Jane Alexander  
Commissioner Kitty Fouche  
Commissioner Kent Otto (arrived at 1:03 and left at 1:13 p.m.)  
Commissioner Mason Blake

Board members absent: None

Town staff present: Angie Murphy, Town Clerk

There were no members of the public present at Town Hall. Mayor Helms called the meeting to order at 1:00 p.m.

**Agenda Approval**

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

**Closed Session**

Mayor Pro Tem Tom Widmer moved to enter into Closed Session to interview candidates for the position of Town Manager in accordance with NCGS §143-318.11(a)(6). Commissioner Mason Blake seconded and the motion carried 4/0.

After returning to Open Session no business was conducted.

**Adjournment**

Commissioner Kitty Fouche moved to adjourn the meeting. Mayor Pro Tem Tom Widmer seconded and the motion carried 4/0. The meeting was adjourned at 3:40 p.m.

**Board of Commissioners  
Special Meeting Minutes  
September 28, 2022**

---

---

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

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of September 2022

| Monthly Statistics                               | 2021 | 2022 |
|--|------|------|
| Public Meetings                                  | 4    | 4    |
| Inter-Organizational /Intergovernmental Meetings | 2    | 2    |
| Agendas Prepared                                 | 4    | 2    |
| Minutes Transcribed                              | 4    | 5    |
| Resolutions Drafted                              | 0    | 0    |
| Public Records Requests Processed                | 0    | 3    |
| Water Bills Processed                            | 674  | 675  |
| Leak Adjustments                                 | 10   | 1    |
| New Water Accounts Established                   | 1    | 1    |
| Purchase Orders                                  | 69   | 73   |
| Professional Development Hours                   | 0    | 0    |
| Sunshine List Messages                           |      | 22   |
| Website Posts                                    | 9    | 22   |
| 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



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of September 2022

| Monthly Statistics             | 2021 | 2022 |
|--------------------------------|------|------|
| Building Permits Issued        | 7    | 7    |
| Pending Building Permits       | 0    | 2    |
| Building Inspections Performed | 26   | 8    |
| 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



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of September , 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





## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of September , 2022

| Monthly Statistics                      | 2021  | 2022   |
|---|-------|--------|
| Mileage                                 | 2,249 | 2,722  |
| Dispatched Calls                        | 23    | 21     |
| Officer-Initiated Calls                 | 574   | 622    |
| Fire Assistance Calls                   | 1     | 6      |
| EMS Assistance Calls                    | 2     | 3      |
| Motorist/Other Assistance Calls         | 20    | 13     |
| Traffic Stops                           | 37    | 36     |
| Parking Issues                          | 3     | 6      |
| Burglar Alarm Responses                 | 1     | 0      |
| Fire Alarm Responses                    | 0     | 3      |
| Residential/Building Checks             | 469   | 497    |
| Ordinance Violations                    | 2     | 1      |
| Law Enforcement Agency Assistance Calls | 9     | 12     |
| Animal Control Calls                    | 3     | 2      |
| Larcenies                               | 1     | 0      |
| Breaking & Entering Calls               | 2     | 0      |
| Suspicious Person Investigations        | 1     | 7      |
| Suspicious Vehicle Investigations       | 10    | 5      |
| Disturbance Calls                       | 8     | 8      |
| Accident Responses                      | 1     | 1      |
| Auxiliary Hours Worked (Regular)        | 16    | 16     |
| Auxiliary Hours Worked (Addittional)    | 156   | 12     |
| Truck Turns at Gate                     | 5     | 4      |
| MPD Fuel Cost                           | \$ -  | \$0.00 |
| Professional Development Hours          | 0     | 80     |
| Town Service                            | 561   | 619    |
| MRA Service                             | 297   | 236    |
| College Service                         | 6     | 8      |

#### Comments

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



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

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

| Monthly Statistics               | 2021    | 2022      |
|----------------------------------|---------|-----------|
| Calls for Service                | 35      | 42        |
| Water Leaks Repaired             | 5       | 3         |
| New Water Lines Installed        | 0       | 0         |
| Water Meters Read                | 674     | 674       |
| Water Meter Replacements         | 0       | 0         |
| Gallons of Water Produced        | 4459055 | 4,547,305 |
| Monthly Fuel Cost                | 283.94  | \$ 681.65 |
| Hours Pumped (11 wells combined) | 2005    | 2,347     |

#### Comments

Hydrant Flushing continues this month. Please let us know if you notice any discoloration in your water so that we can flush the line to clear up the water. Thank you.



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of September , 2022

| Monthly Statistics                        | 2021    | 2022       |
|---|---------|------------|
| Tons of Curbside Trash Collected          | 29.02   | 18.69      |
| Pay-As-You-Throw Trash Bags Collected     | 61      | NA         |
| Tons of Curbside Recycling Collected      | 4.91    | 2.11       |
| Pay-As-You-Throw Recycling Bags Collected | 53      | NA         |
| Cardboard Recycling Collected             | 0.86    | 1.05       |
| Unique Curbside Sanitation Stops          | 1549    | 1,845      |
| Bagged Leaf Pickup                        | 59      | 57.00      |
| Brush Pickup (cubic yards)                | 5 Loads | 4 Loads    |
| Hauling Fees                              | 2649.95 | \$2,598.70 |
| Tipping Fees                              | 1401.36 | \$1,144.42 |
| Dumpster Rental Fees                      | 203.92  | \$214.63   |
| Sanitation Fuel                           | 165.71  | \$ 455.03  |

Comments:

0



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of September , 2022

| Monthly Statistics              | 2021 | 2022 |
|---------------------------------|------|------|
| Approved Zoning Permits         | 0    | 2    |
| Denied Zoning Permits           | 0    | 0    |
| Pending Zoning Permits          | 0    | 3    |
| Variance/Interpretation Granted | 0    | 0    |
| Conditional Use Permits Granted | 0    | 1    |
| Permit Extensions Granted       | 0    | 0    |
| Sign Permits Issued             | 0    | 0    |
| Notices of Violation            | 0    | 1    |

#### Comments

Proposed Ordinance Revision and New Ordinances

Addressing Bear Hunting Dog Incidents

1. Revisions to Article III of Chapter I (proposed new language is underlined and deleted language is ~~crossed through~~):

Article III

Section 1. Dog control.

a) Collar and Tags. No Person or Entity shall own or keep any dog over the age of six (6) months in the Town unless that Person has provided a collar and tags for each dog as herein provided. The collar shall contain a current rabies vaccination tag and an identification tag with the owner's name and telephone number imprinted upon it.

b) Vaccination. It shall be unlawful for the owner of any dog to keep the dog unless it is vaccinated by a licensed veterinary surgeon with anti-rabies vaccine as required by the General Statutes of North Carolina. Proof of rabies inoculation must be attached to the collar of the dog.

c) Restraint. The owner or custodian of a dog shall keep the dog under restraint at all times and shall not permit the dog to be At Large.

d) Penalties. Penalties for violating or failing or refusing to comply with subsections 1(a) and 1(b) of this Article III are provided for in Chapter L. Any person violating any of the provisions of subsection 1(c) of this Article III or failing or refusing to comply with subsection 1(c) shall subject to the following penalties:

(1) Violations of subsection 1(c) shall be a class 3 misdemeanor and shall subject the offender to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed twenty (20) days or the maximum provided by NCGS section 15A-1340.23. The maximum fine is greater than \$50.00.

(2) Violations of subsection 1(c) shall subject the offender to a civil penalty upon the issuance of a citation for a violation. The Town may recover the civil penalty, if not paid to the Town within thirty (30) days after the citation is issued, in a civil action of the nature of a debt pursuant to NCGS section 160A-175. The civil penalty for each violation of subsection 1(c) shall be as follows:

(i) One dog involved in violation:

First violation – verbal warning;

Second violation – written warning;

Third violation - \$250.00;

Fourth and subsequent violations - \$500.00.

(ii) Two or more dogs involved in violation where violation occurs in either a woodland or conservation zoning district:

First violation – verbal warning;

Second violation – written warning;

Third violation - \$250.00;

Fourth and subsequent violations - \$500.00.

(ii) Two or more dogs involved in violation where violation occurs in any zoning district other than a woodland or conservation zoning district:

First violation – \$250.00 for each dog involved in the violation (for example, if four dogs are involved in the violation, the civil fine would total \$1,000.00);

Second and subsequent violations - \$500.00 for each dog involved in the violation (for example, if four dogs are involved in the violation, the civil fine would total \$2,000.00).

Second or subsequent violations of subsection 1(c) by the same person for the same activity occurring within five (5) years of the first such violation shall be subject to the higher penalties set forth above. The provisions of subsection 1(c) may be enforced by one or a combination of the remedies authorized in this subsection 1(d).

~~4 e)~~ Impoundment. Any dog not displaying the proper tags as required in this Ordinance or any dog found running At Large shall be taken up by the police department ~~Animal Control Officer~~, or authorized representative thereof, or a Montreat police officer, and impounded in the ~~Black Mountain~~ Buncombe County Animal Shelter or other animal shelter designated by the Town Administrator. All dogs not claimed within twenty-four (24) hours shall be turned over the Buncombe County Animal Shelter. Upon arrival at the Buncombe County Animal Shelter, dogs not claimed within seven (7) days may be put up for adoption or humanely euthanized.

(1) Notice to Owner. When a dog is taken into custody, provided contact information is on the tag of a dog, the Town will attempt to notify the owner by telephone. If reasonably possible under the circumstances in the discretion of the Town, the dog's owner will be provided a brief period of time during which the owner may regain custody of the dog prior to it being impounded. As soon as a dog has been impounded, the Town will attempt to notify the owner by telephone and inform the owner of the dog's impoundment and how custody of the dog may be regained.

(2) Impoundment Fees. An owner may reclaim an impounded dog by paying the necessary impoundment fees at the Buncombe County Animal Shelter and an impoundment fee to the town in the amount of \$100.00 the temporary animal shelter in the Town of Black Mountain. If the dog has been turned over to Buncombe County

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

(3) Records. ~~The police department Animal control personnel~~ shall keep, or cause to be kept, accurate and detailed records of the licensing, impoundment, and disposition of all dogs that come into its custody. Records shall also be kept of all moneys collected under this Section

Section 2. ~~Records~~ Previous Ordinances. All previous ordinances relating to the keeping, licensing, and restraining of dogs are hereby repealed. All other ordinances in conflict herewith are repealed to the extent of such conflict.

## 2. New Ordinance for Trespass – Article VI of Chapter I:

### Article VI: Trespass

Section 1. Trespass. Any person who willfully goes on the lands or waters of another located in a residential, institutional, institutional residential, PUD and conditional zoning district to follow or retrieve two or more dogs without either (i) the written permission of the landowner, lessee or authorized agent thereof, or (ii) a police officer being present after notification of the police department by such person, as required by section 1 of article VIII **[(ii) the police department being notified by such person, as and in the manner required by section 1 of article VIII, that such person would be following or seeking to retrieve such dogs in Montreat]** that the dogs when the person goes onto such lands or waters of another, shall be guilty of a class 3 misdemeanor and shall subject the offender to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed twenty (20) days or the maximum provided by NCGS section 15A-1340.23. The maximum fine is greater than \$50.00. Violations of this section 1 shall also subject the offender to a civil penalty upon the issuance of a citation for the violation. The Town may recover the civil penalty, if not paid to the Town within thirty (30) days after the citation is issued, in a civil action of the nature of a debt pursuant to NCGS section 160A-175. The civil penalty for each violation of this section 1 shall be \$500. The provisions of this ordinance may be enforced by one or a combination of the remedies authorized in this section 1. Although the presence of a police officer after notification of the police department as required by section 1 of article VIII **[the notification of the police department as required by section 1 of article VIII]** shall prevent a violation of this trespass ordinance from occurring, such presence **[notification]** shall not constitute or be

deemed to be the permission of a landowner for any person to go upon the lands or waters of such landowner.

Section 2. Permission. Written permission shall be carried on one's person, signed by the landowner, lessee, or agent, and dated within the last 12 months. The written permission shall be displayed upon request of any law enforcement officer. A person shall have written permission for purposes of this ordinance if a landowner, lessee, or agent has granted permission to a club to follow or retrieve dogs on the land and the person is carrying both a current membership card demonstrating the person's membership in the club and a copy of written permission granted to the club that complies with the requirements of this section.

Section 3. Affirmative Defense. It is an affirmative defense to a prosecution or claim for civil penalty under this ordinance that the person had in fact obtained prior permission of the owner, lessee, or agent as required by section 1 but did not have on his or her person valid written permission at the time of citation or arrest.

3. New Ordinance Prohibiting the Release of Hunting Dogs – Article VII of Chapter I:

Article VII – Release of Hunting Dogs

Section 1. Release Prohibited. Any person who releases a hunting dog confined in a cage, or otherwise allows a hunting dog confined in or upon a vehicle to escape confinement, within the Town is guilty of a class 3 misdemeanor and shall subject the offender to a fine not to exceed \$500.00 or imprisonment not to exceed sixty (60) days or the maximum provided by NCGS section 15A-1340.23. The maximum fine is greater than \$50.00.

Section 2. Civil Penalty. Violations of this ordinance shall also subject the offender to a civil penalty upon the issuance of citation for violation. The Town may recover the civil penalty, if not paid to the Town within thirty (30) days after the citation is issued, in a civil action of the nature of a debt pursuant to NCGS section 160A-175. The civil penalty for each violation of this section 1 shall be \$2,500.00. The provisions of this ordinance may be enforced by one or a combination of the remedies authorized in this ordinance.

4. New Ordinance Requiring Notice to Police Department Prior to Following or Retrieving Hunting Dogs – Article VIII of Chapter I:

Article VIII – Notice Required Prior to Retrieving Hunting Dogs



Section 1. Notice Required. No person shall follow or seek to retrieve two or more dogs running at large in Montreat without, prior to commencing such activities, contacting the Town's police department by calling the department's non-emergency dispatch number and providing the following information: his/her name and address; the location and description of his/her vehicle; the location and a description of the dog(s); the location of any bear or other game being pursued by the dog(s); and the direction in which any such dog(s) and any game they are following are traveling.

Section 2. Violations. Any person violating any of the provisions of this ordinance or failing or refusing to comply with this ordinance shall be subject to the following penalties:

- a) Violations of this ordinance shall be a class 3 misdemeanor and shall subject the offender to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed twenty (20) days or the maximum provided by NCGS section 15A-1340.23. The maximum fine is greater than \$50.00.
- b) Violations of this ordinance shall subject the offender to a civil penalty upon the issuance of a citation for a violation. The Town may recover the civil penalty, if not paid to the Town within thirty (30) days after the citation is issued, in a civil action of the nature of a debt pursuant to NCGS section 160A-175. The civil penalty for each violation of this ordinance shall be \$500 for the first violation and \$1,000 for each subsequent violation.

Second or subsequent violations of this ordinance by the same person for the same activity occurring within five (5) years of the first such violation shall be subject to the higher penalties set forth above. The provisions of this ordinance may be enforced by one or a combination of the remedies authorized in this ordinance.

Section 3. Compliance Not a Defense to Violations of Other Ordinances. Compliance with the provisions of this ordinance shall not be a defense to the violation of any provisions of the ordinances contained in Articles III, VI or VII of this Chapter I. This ordinance requires information to be provided to the Town's police department to assist it in initiating measures to protect the safety of the citizens of Montreat.

## 5. Ordinance Prohibiting Feeding of Bears

Section 1. Feeding Prohibited. No person shall:

- a) feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a black bear; or

b) store pet food, garbage or other bear attractants in a manner that will result in bear feedings when black bear are known to frequent the area.

This section shall not apply in the case of an unintentional feeding of a black bear.

"Unintentional feeding" means using or placing any material for a purpose other than to attract or entice black bears but which results in the attraction or enticement of a black bear, and shall include but need not be limited to the feeding of a black bear as a result of the inadvertent failure to secure a bird feeder from access by a bear. "Unintentional feeding" does not include putting out or storing garbage or trash in a manner which does not comply with the requirements set forth in article II of chapter G.

Section 2. Violations. Any person violating any of the provisions of this ordinance or failing or refusing to comply with this ordinance shall subject to the following penalties:

- a) Violations of this ordinance shall be a class 3 misdemeanor and shall subject the offender to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not to exceed twenty (20) days or the maximum provided by NCGS section 15A-1340.23. The maximum fine is greater than \$50.00.
- b) Violations of this ordinance shall also subject the offender to a civil penalty upon the issuance of a citation for a violation. The Town may recover the civil penalty, if not paid to the Town within thirty (30) days after the citation is issued, in a civil action of the nature of a debt pursuant to NCGS section 160A-175. The civil penalty for each violation of this ordinance shall be \$100 for the first violation, \$250 for the second violation, and \$500 for the third and each subsequent violation. Notwithstanding anything in this subsection b) to the contrary, no person shall be assessed a civil penalty pursuant to this subsection b) unless the person has first been issued a prior written warning for a violation of section 1 of this ordinance.
- c) In the event of a violation of this ordinance, the Town may also institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary manner.
- d) If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.
- e) Second or subsequent violations of this ordinance by the same person for the same activity occurring within five (5) years of the first such violation shall be subject to the higher penalties set forth above.
- f) The provisions of this ordinance may be enforced by one or a combination of the remedies authorized in this ordinance.

DRAFT

## Angela Murphy

---

**From:** noreply@townofmontreat.org  
**Sent:** Friday, August 19, 2022 12:01 PM  
**To:** Info  
**Subject:** New submission from Board Application Form

Full Legal Name

Margaret G Gramling

Physical Address

216 Alabama Terrace

PO Box 82

Montreat, NC 28757

United States

Map It

<<http://maps.google.com/maps?q=216+Alabama+Terrace+PO+Box+82+Montreat%2C+NC+28757+United+States>>

Same as Mailing Address?

Yes

Phone

(828) 713-8296

Email

marigramling@gmail.com <mailto:marigramling@gmail.com>

On Which Committee Would You Like to Serve?

Board of Adjustment

Please Explain Why You Wish to Join This Committee

I have watched the processes regarding the town hall and the new lodge, had to appear before the B of A for my own house, listened to town members discuss the B of A, served on other town committees, listened carefully to both sides of an issue, believe I can look at things impartially and believe I could be an asset to this particular committee.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe serving on the selected board/committee can play a role in addressing each issue:

1. Divisions over town hall and lodge: would like to have seen more openness from the very beginning of planning. I think if this had happened, much of the descention created could have been avoided.
2. Traffic: Speed needs to be reduced in several areas of Montreat especially around the Gate. With more and more residents, conferees, staff, workmen, etc coming into Montreat, traffic needs to be carefully monitored and controlled. I've been happy to see a police presence more often on my own road recently.
3. Natural preservation and water quality: Part of the allure of Montreat is it's beauty. With new construction and renovation, oftentimes mature trees are taken down indiscriminately or without enough knowledge or careful thought. Montreat needs to monitor the cutting of trees, especially for new construction.

List any abilities, skills, specialized training or interest you have which are applicable to this board/committee:

I have served on multiple boards and committess from the local to the international. I am a hard worker, enjoy the process, experinced, curious, active and available.

Have you ever attended a regularly scheduled meeting of the selected board/committee?

Yes

How much time are you able to devote to fulfill this obligation?

As much as needed

**§ 47-30.2. Review Officer.**

(a) The board of commissioners of each county shall, by resolution, designate by name one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording. Each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G.S. 147-54.4. A resolution designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review expeditiously each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording. The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording.

Except as provided in subsection (c) of this section, the register of deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it. A certification shall be in substantially the following form:

State of North Carolina

County of \_\_\_\_\_

I, \_\_\_\_\_, Review Officer of \_\_\_\_\_ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer

Date \_\_\_\_\_

(c) A map or plat must be presented to the Review Officer unless one or more of the following conditions are applicable:

- (1) The certificate required by G.S. 47-30(f)(11) shows that the map or plat is a survey within the meaning of G.S. 47-30(f)(11)b. or c.
- (2) The map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30(j) or (l).
- (3) The map is an attachment that is being recorded pursuant to G.S. 47-30(n). (1997-309, s. 3; 1998-228, s. 13.)



## TOWN OF MONTREAT

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

### **RESOLUTION #2022-10-0002 RECOMMENDING THE APPOINTMENT OF A REVIEW OFFICER FOR THE TOWN OF MONTREAT**

**WHEREAS**, Article 2 of Chapter 47 (47-30.2 Review Officer) of the North Carolina General Statutes requires the Board of Commissioners of each county, by resolution, designate by name one of more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

**WHEREAS**, the review of statutory requirements is of a technical nature; and

**WHEREAS**, one of the services of the Town of Montreat staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the Town's development regulations; and

**WHEREAS**, it appears most efficient for the Town of Montreat to designate Town Staff to be appointed or reaffirmed by the Montreat Board of Commissioners to serve as Review Officer, in order to certify each map and plat presented to the Buncombe County Register of Deeds for recording satisfies the statutory requirements for recording.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Montreat Board of Commissioners that this resolution shall take effect immediately upon its adoption. That the following person is recommended to be appointed or reaffirmed by the Montreat Board of Commissioners to serve as Review Officer for all lands within the municipal and extraterritorial jurisdiction of the Town of Montreat in order to certify each map and plat presented to the Buncombe County Register of Deeds for recording satisfies the statutory requirements for recording:

**Name**

Kayla DiCristina

**POSITION/TITLE**

Zoning Administrator

**READ, APPROVED, AND ADOPTED**, this the 13<sup>th</sup> day of October, 2022.

---

Tim Helms, Mayor

---

Ben Blackburn, Interim Town Administrator

ATTEST:

I, hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 13<sup>th</sup> day of October, 2022, as it appears of record in the official minutes.

---

Angie Murphy, Town Clerk

