

**Town of Montreat
Board of Commissioners
Meeting Minutes
December 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
Commissioner Mason Blake
Commissioner Kent Otto

Board members absent: None

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

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

Mayor Pro Tem Tom Widmer moved to adopt the agenda as presented. Commissioner Kent Otto seconded and the motion carried 5/0.

Mayor's Communications

The Mayor welcomed everyone and introduced Buncombe County Superintendent of Schools, Rob Jackson. Mr. Jackson thanked the Commission for an opportunity to speak this evening. Mr. Jackson advised that he grew up in Swannanoa and went through the Buncombe County School System and after a stint in the Navy he is back "home" in the Valley in which he grew up. Mr. Jackson thanked the Town of Montreat, as well as the other municipalities in Buncombe County, for the unwavering support that is always given to the School System. Mr. Jackson pledged his commitment to continue to serve and support the families in Buncombe County Schools but specifically those in Montreat. Mayor Helms thanked Mr. Jackson for visiting and introducing himself to the Commission.

Meeting Minutes Adoption

- October 13th Town Council Public Forum Meeting Minutes
- October 13th Town Council Meeting Minutes

- October 17th Town Forum Meeting Minutes

Interim Town Manager's Communications

Mayor Pro Tem Tom Widmer took an opportunity to update everyone on the LAPP Grant that the Town of Montreat was awarded. The LAPP Grant, which was through the French Broad Metropolitan Planning Organization, was for the purpose of doing some work and repair on the Texas Road Bridge. The Town of Montreat was awarded \$191,000 with 20% of the funds being Town funds and the remaining 80% grant funds. The LAPP grant would not be available until late 2026 or early 2027. Last week at a meeting representatives from Montreat were told that the time frame has moved up and Montreat will receive the money in October of 2023.

Interim Town Manager Ben Blackburn advised Mayor Pro Tem Tom Widmer that the Stormwater Plan was submitted by the deadline of October 31st.

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.

Public Comment

There were no Public Comments at this time.

Old Business

There was no Old Business to discuss.

New Business

- A. Oath of Office and Swearing in of Commissioners Blake, Otto and Widmer: Mayor Tim Helms administered the Oath of Office for Commissioners Blake, Otto and Widmer.

- B. Consideration of Nomination and Election of Mayor Pro Tem: Mayor Pro Tem Tom Widmer moved to nominate Commissioner Mason Blake as Mayor Pro Tem. Commissioner Kent Otto seconded and the motion carried 5/0.
- C. Presentation of FY21-22 Financial Audit: Mayor Tim Helms introduced Levonia Reese, of Carter P.C., who was in attendance to review the FY21-22 Financial Audit. Mayor Helms thanked Mrs. Reese and her team for all their support to the Town. Mrs. Reese took a moment to thank the Commission for their patience, to thank Interim Town Manager Ben Blackburn for jumping in during the middle of the process and thanked Town Clerk Angie Murphy for her support towards the end of the audit process. Mrs. Reese advised that there were no negative internal control or related matters which is great for a Town the size of Montreat. There were no disagreements with management over accounting principles or reporting policies. There were no difficulties in obtaining any information from Staff. There were no compliance or accountability violations in the financial statements. The Town is back in compliance with the minimum fund balance policy as established by the Town of Montreat. The Town of Montreat is required to have 35% or more of available fund balance of budgeted expenditures in the General Fund. This number in 2022 had increased to 53% which was up from 29% in 2021 and 16% in 2020. As of October 31, 2022 all audits are current. The net position increased \$480,000 to \$8.4 million. The Town consistently maintains a 99.9% collection rate for property taxes and 100% in registered motor vehicles in the past several years. Mayor Helms thanked Levonia Reese and also Town Clerk Angie Murphy and Utility Billing Clerk Debbie Taylor for stepping in when the Finance Officer left her position.
- D. Consideration of Stormwater System Conveyance: Public Works Director Barry Creasman advised that Town Staff had received a petition from Mr. Robert Sulaski to take over a stormwater system in the Upper Chapman area of Montreat. Mr. Creasman and Street Department Employee Daniel Wiggs, who are certified Stormwater Inspectors, visited this stormwater system today during the rainstorm to see it in action. Mr. Creasman reported that it was a really good system and it would not be a problem for the Town to inspect and maintain. Commissioner Kitty Fouche moved to approve the petition of dedication from Robert Sulaski. Commissioner Kent Otto seconded and the motion carried 5/0.
- E. Consideration of New “No Parking” Signage on Appalachian Way: Police Chief David Arrant advised that in recent weeks there has been an ongoing problem with roadside parking on Appalachian Way, between Arkansas and Florida Terrace. Most of the cars are parked by college students who are causing damage to the roadway as well as private property. Mayor Pro Tem Blake provided photos that showed 8 or 9 cars parked illegally in people’s yards and on the roadway. Mayor Pro Tem Blake also advised that this area is a greenway and is not designed for parking. The pictures depict some damage involving mud and debris which will only get worse the longer students park there. Mayor Pro Tem Blake advises that there are other places

for the college students to park that involve purchasing a parking pass without destroying a scenic corridor of Montreat. Commissioner Kent Otto questioned whether there could be a stronger police presence in this area as we begin to educate the students in where and how to park. Chief Arrant advised that the College Staff has been in contact with the Town and is very much interested in getting this problem resolved. Chief Arrant also advised there are other problem parking areas in Town that need to be addressed in the future. Chief Arrant advised that Public Works Staff have recently replaced aging and stolen “no parking” signs in that area. Chief Arrant has some concerns that the students will move down and start parking along Geneva Place and South Carolina Terrace so those areas might need to be addressed in the future. Commissioner Tom Widmer expressed his disappointment that Lookout Terrace was not included in these plans. Commissioner Widmer advised that it is a public safety issue on Lookout Road with the ways people are parked there. Commissioner Jane Alexander moved to approve the installation of new “No Parking” signage in the designated area. Mayor Pro Tem Blake seconded and the motion carried 5/0.

Commissioner Tom Widmer introduced a motion for a plan for Lookout Road to alleviate the parking issues on the west side of the street and the plan be presented at the February Town Council Meeting. Mayor Tim Helms asked Commissioner Kent Otto and Commissioner Jane Alexander to work with Chief Arrant on the plan. Commissioner Jane Alexander seconded the motion and it carried 5/0.

- F. Consideration of Text Amendment TA-2022-01 Subdivision Ordinance: Zoning Administrator Kayla DiCristina advised that the first Text Amendment TA-2022-01 Subdivision Ordinance was put forth by the Zoning Administrator on behalf of the Board of Commissioners, specifically Commissioner Tom Widmer. The purpose of the amendments is to bring the Subdivision Ordinance into compliance with state statute revisions under 160D Article 8, add definitions, and provide corrections and clarifications to the Ordinance. The Planning & Zoning Commission reviewed TA-2022-01 at their October 13, 2022 and November 10, 2022 meetings. The Planning & Zoning Commission voted 7-0 to recommend approval of TA-2022-01 as amended at their November 10, 2022 meeting. The first section of revisions in Article I changed references to Chapter 160A-371 through 160A-376 to Article 8 of Chapter 160D. The second set of revisions under Article III changed reference to 160A-371 to 160D-802. It also added probated will exemption to exempt subdivisions, per N.C.G.S. 160D-801(a)(5). Article IV included changes that added the Review Officer as 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). Article VI included changes that involved the decision making parties and various performance guarantee issues. Article III under Definitions included provisions for the interpretation of certain words or terms. There were a number of clarifications and general revisions to make sure the Ordinance was clear and enforceable. Commissioner Kitty Fouche moved to approve Text Amendment TA-2022-01. Commissioner Kent Otto seconded and the motion carried 5/0.

- G. Consideration of Text Amendment TA-2022-02 Wireless Communications Ordinance: Zoning Administrator Kayla DiCristina advised that the following revisions were put into place to bring the Wireless Communication Ordinance into compliance 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 Montreat Planning & Zoning Commission reviewed TA-2022-02 at their November 10, 2022 meeting and voted 7-0 to recommend approval as amended. Conditional use permits were changed to Special Use Permits throughout the Ordinance. References were removed regarding the Preservation Commission and Certificates of Appropriateness. The Wireless Communication Ordinance procedures were revised to allow the Ordinance to be amended on more than solely an annual basis. The ability for the Town Manager to revoke Tower and Antenna Use applications and perform associated processes was eliminated. Also, the ability of the Town Manager to review and amend the Ordinance unilaterally was eliminated. Antiquated references were removed and staff titles were clarified and corrected throughout the Ordinance. Mayor Pro Tem Mason Blake moved to approve Text Amendment TA-2022-02. Commissioner Tom Widmer seconded and the motion carried 5/0. Commissioner Widmer asked about consideration of resident comments about health issues related to wireless communications. Ms. DiCristina advised that FCC regulations prohibit any cell tower development ordinance that includes consideration of health issues.
- H. Consideration of a Transportation Study for NC 9/Assembly Drive: Mayor Tim Helms started the discussion by advising Council that this Consideration of a Transportation Study came about by communications he has received as Chair of the Comprehensive Plan Steering Committee. The Committee has received a lot of feedback regarding traffic and speeding issues along the Assembly Drive corridor. Mayor Helms saw this grant through the MPO and asked Ms. DiCristina to investigate and provide information to Council. Ms. DiCristina advised this is a funding opportunity for short range transportation planning activities. The program requires applicants to provide a 20% cost match for the overall project cost. Applications are due December 19th with awarding in Summer or Fall of 2023. Ms. DiCristina recommends applying for \$25,000 which would be \$20,000 from the MPO and \$5,000 from the Town of Montreat. Ms. DiCristina advised that the Town would utilize an outside consultant, much like the Comprehensive Plan Steering Committee, to provide feedback regarding traffic calming method from the start of Assembly Drive ending at Assembly Circle. Commissioner Tom Widmer moved to apply for an application under the French Broad River Metropolitan Planning Organization's Unified Planning Work Program for \$25,000 to conduct a transportation study limited to examining traffic calming for NC-9/Assembly Drive. Commissioner Jane Alexander seconded the motion. Commissioner Kent Otto stated that he felt \$25,000 was extremely expensive for a 1 mile stretch of road. Mayor Tim Helms called for the vote and the motion carried 1/5 with Mayor Pro Tem Mason Blake voting in favor of the motion.

Public Comment

There was no Public Comment at this time.

Commissioner Communications

Commissioner Kent Otto thanked Buncombe County School Superintendent Rob Jackson for his comments about feeling blessed to be returning to this area. Commissioner Otto stated that we are blessed to work with Staff, MRA, Montreat College, residents and Black Mountain partnerships.

Commissioner Kitty Fouche advised everyone to visit the Landcare Committee's website to read their minutes. Commissioner Fouche stated that Landcare does a lot for the community and should be applauded for their efforts.

Commissioner Tom Widmer advised that the second half of bear season starts on December 12th and ends on January 2nd.

Mayor Pro Tem Mason Blake advised that there are a number of people in Town who would like to see more Christmas "brightness" added to the community next year and there is a grassroots effort to raise money for this cause which has his support.

Dates to Remember

- Tree Board, No December Tree Board Meeting
- Board of Adjustment, No December Board of Adjustment Meeting
- Town Office Closed December 26th and 27th in observance of the Christmas Holiday, Sanitation services will resume on Wednesday, December 28th
- Landcare, Wednesday January 4th at 9:00 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.
- Planning & Zoning Commission, Thursday January 19th at 10:30 a.m. in Town Hall
- Town Offices Closed January 16th in observance of MLK Day, Sanitation services will resume on Tuesday, January 17th
- Tree Board, Tuesday January 24th at 9:30 a.m. in Town Hall

Adjournment

Mayor Pro Tem Mason Blake moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 5/0. The meeting was adjourned at 8:21 p.m.

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Tim Helms , Mayor

Angie Murphy, Town Clerk