

**Town of Montreat
Board of Commissioners
Meeting Minutes
February 9, 2023 – 7:00 p.m.
Town Hall**

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

Board members absent: Commissioner Jane Alexander
Commissioner Tom Widmer

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

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

Commissioner Kitty Fouche moved to adopt the agenda as presented. Mayor Pro Tem Mason Blake seconded and the motion carried 3/0.

Mayor's Communications

Mayor Tim Helms announced that Commissioner Tom Widmer was absent due to a recent knee replacement and Commissioner Jane Alexander was feeling a little under the weather this evening. Mayor Helms took a moment to remember long-time resident Shannon Ingersoll who passed away last Friday after a long illness. Mrs. Ingersoll gave her time to several Boards and Committees of the Town of Montreat and will definitely be missed. Mayor Helms then proceeded to read and answer Mrs. Martha Campbell's prepared questions regarding attorney fees surrounding the proposed Montreat Lodge Project. These questions/answers were presented during the Public Form as well. Total Town Expenses for this matter through 12/31/22 equal \$87,138.63 for attorney fees and \$14,792 for staff time and fees for a total of \$101,930.63. At this stage in the process the average current monthly expenses are less than \$500 a month. Mrs. Campbell asked where in the current budget does the extra money for this and other litigations derive from. Mayor Helms advised that there is a line item in the Town's annual operating budget for Professional Services which includes attorney fees. Mayor Helms also advised that Staff and Town Council adopted a budget based on

prior attorney fees and estimated future attorney costs. Mrs. Campbell asked how financial updates related to this and other litigations be shared with residents of the Town of Montreat now and in the future. Mayor Helms advised that most, if not all documents, contained at the Town Hall are considered Public Record and are available for public review by request. There are some statutes that regulate the release of attorney-client communications.

Meeting Minutes Adoption

- January 12th Town Council Public Forum Meeting Minutes
- January 12th Town Council Meeting Minutes

Interim Town Manager's Communications

Interim Town Manager Ben Blackburn formally introduced Ms. Rachel Eddings as the Town's new Finance Officer.

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.

Mayor Pro Tem Mason Blake advised that all of the Administrative Reports needed to have the correct data for the prior year as well as updating all the dates on the spreadsheet.

Commissioner Kent Otto asked where the Town was on repairs to the Upper Texas Road area. Public Works Director Barry Creasman advised that he has a call into Civil Design Concepts and is awaiting a response.

Public Comment

Mrs. Martha Campbell of 149 Maryland Place recently read an article in the Black Mountain News/Asheville Citizen-Times about the brief filed in Superior Court about the Montreat Lodge issue. As she read the article she realized that it's going to become even more difficult for the Town of Montreat to fill its volunteer vacancies on the Town's Boards and Commissions if their contributions to entities in this Town will be published in the papers.

Old Business

There was no Old Business to discuss.

New Business

- A. Consideration of Wayfinding Sign Request for MRA: Zoning Administrator Kayla DiCristina stated that Tanner Pickett on behalf of the MRA was seeking permission from the Board of Commissioners to place a new wayfinding sign in the right-of-way for Assembly Drive between Community Center Circle and Lookout Road. This new wayfinding sign would replace the existing wayfinding sign in the same location. The existing wayfinding sign predates the Montreat Zoning Ordinance (MZO) and is considered non-conforming. The existing wayfinding sign is proposed to be removed and replaced with a new wayfinding sign. The new wayfinding sign must comply with the provisions of the MZO. Ms. DiCristina advised that Section 809 MZO stated that no wayfinding signs other than government agency-owned wayfinding signs may be placed on Town right-of-way or other Town property without obtaining the permission and approval of the Town. Ms. DiCristina also advised that once the Town approves the request for the wayfinding sign the MRA must then go before the Montreat Board of Adjustment to obtain a variance to allow the wayfinding sign to exceed the size restriction of four square feet on wayfinding signs. Ms. DiCristina also advised that the Board of Commissioners should consider requiring the applicant to obtain new permission and approval should the applicant change the design or size of the wayfinding sign. Commissioner Kent moved to grant a request from the Mountain Retreat Association to place a new wayfinding sign in the Town of Montreat's right-of-way for Assembly Drive between Community Center Circle and Lookout Road with any further changes brought back before the Board of Commissioners for approval. Commissioner Kitty Fouche seconded and the motion carried 3/0.
- B. Consideration of Resolution #23-02-0001 Supporting Local Control of School Calendars: Town Clerk Angie Murphy asked the Town Council to consider approving Resolution #23-02-0001 Supporting Local Control of School Calendars. Ms. Murphy advised that the new Buncombe County Schools Superintendent Rob Jackson had called requesting support of the Board in giving the Buncombe County schools autonomy in planning their school calendars. Ms. Murphy gave a few examples as provided by Dr. Jackson. Mayor Pro Tem Mason Blake moved to adopt Resolution #23-02-0001 Supporting Local Control of School Calendars. Commissioner Kent Otto seconded and the motion carried 3/0.
- C. Consideration of Granting an Easement Regarding Property on Harmony Lane: Zoning Administrator Kayla DiCristina advised that this request was being brought before the Board of Commissioners by Mr. Gary Higgins for an access easement to obtain access for a lot off Harmony Lane. The property in question is located on the eastern side of Harmony Lane east of Little Piney

Branch. Ms. DiCristina advised that at the Board's October 13, 2022 meeting, the Board recommended that Mr. Higgins pursue the option of obtaining an access easement to gain access to the Property in question. The Board requested that Mr. Higgins return to the Commission with a draft easement agreement, description of the easement, letter from the MRA for permission to cross Little Piney Branch, and a title search confirming that the Town of Montreat can grant the easement. Ms. DiCristina advised that she had received all these aforementioned documents and Town Attorney Susan Taylor Rash and Mayor Pro Tem Mason Blake had reviewed the draft easement agreement easement description and found them sufficient. Mayor Pro Tem Blake then suggested additional language to be added to the easement agreement. The final easement agreement was then sent to the Board of Commissioners and posted on the Town's website in the Updated Meeting Packet. Commissioner Kitty Fouche moved to grant an easement across Little Piney Branch to provide access to a lot to the east of Harmony Lane described as PIN#071077202100000. Commissioner Kent Otto seconded and the motion carried 3/0.

- D. Consideration of Parking Plan on Lookout Road: Commissioner Kent Otto stated that at a previous meeting Mayor Helms charged Commissioners Alexander and Otto with the task of rectifying a parking/traffic/safety situation on Lookout Road. Commissioner Otto stated that he and Commissioner Alexander met with representatives from the Black Mountain Police Department, Montreat Police, Montreat College and Mountain Retreat Association on more than one occasion about this matter. The Town's Public Works crews and members of the community have weighed in with their thoughts on parking and safety as well. Commissioner Otto showed a series of photos on Lower and Upper Lookout and outlined the basics of the plan. Commissioner Otto advised Chief Arrant that this would be adding more to the officer's plates with regards to enforcement. Mayor Pro Tem Mason Blake moved to approve the Parking Plan on Lookout Road as described by Commissioner Otto with five places being removed on the lower end of Lookout and roughly ten places on the upper side of Lookout. Commissioner Kent Otto seconded and the motion carried 3/0.
- E. Consideration of Ordinance Revisions for Qualifications as a Bearwise Community: Mayor Pro Tem Mason Blake advised that the Town of Montreat was working towards becoming certified as a Bearwise Community and because of that work some changes needed to be made to the Town's Solid Waste Ordinance and the Town's Ordinance Against the Feeding of Bears. The changes to the Town's Solid Waste Ordinance involve definitions. Definitions have been added for "Bearwise", "Standard Solid Waste Containers", "Bear-Resistant Solid Waste Containers" and "Bear-Resistant Waste Container Enclosure". The purpose of the addition of the definitions is make the following of the rules a little clearer. Mayor Pro Tem Blake advised that the new rules were not requiring every resident to purchase a Bear-Resistant Waste Container. Mayor Pro Tem Blake advised that a new rule has been added which states that if Town Staff does not for whatever reason collect or dispose Solid Waste scattered as a result of a container or enclosure that has been upset or damaged, or as a result of any other cause, the owner of a property served by such container or enclosure shall be responsible to promptly collect and dispose of the scattered Solid Waste in compliance with the provisions of Article II of Chapter G. In the Ordinance on the

Prohibition of Feeding Bears there was one change in that if the Montreat Police catch you engaging in behaviors that could attract bears you will need to stop. This new rule does not apply to bird feeders. These new rules have been approved by Bearwise Staff and Town Staff as well. Commissioner Kitty Fouché moved to approve Ordinance Revisions for Qualifications as a Bearwise Community. Mayor Pro Tem Blake seconded and the motion carried 3/0.

Public Comment

Mr. Tom Frist of 98 Frist Road shared his concerns about the property owners on Lookout Road who are dependent on parking for their guest and visitors. Mr. Frist encouraged Council to pay special attention to the property owners who had no other parking options. Mr. Frist also asked if it would continue to still be permissible to put cardboard outside the bear proof trash cans for pickup.

Ms. Arrington Cox of 203 Virginia Road posed the question that if the Town Staff could not pick up the scattered trash and the property owner could not be reached then who would be responsible for picking up the trash.

Dr. Mary Standaert of 118 Shenandoah Terrace thanked the Council for all their hard work on the parking issues with the College. Dr. Standaert then expressed her views on the fact that Montreat College does not contribute financially to the Town.

Mr. Mike Collie of 344 Oklahoma Road thanked the Council for addressing the issues on Lookout with regards to parking. Mr. Collie pointed out that there are usually quite a few empty parking places at the library for students to utilize.

Commissioner Communications

- Mayor Pro Tem Mason Blake advised that himself, Commissioner Widmer and representatives from Town Staff met with members of the Department of Transportation and the Land of Sky Metropolitan Planning Organization earlier this week about the Texas Road Bridge. The Council arrived at a consensus to direct Town Staff to enter into and negotiate a contract with Mattern & Craig to design phase 2 of the bridge at a 12 foot width with the funds to be paid from the existing budgeted funds.

Dates to Remember

- Bearwise Training Meeting, Monday February 20th at 10:00 a.m. in Town Hall
- Bearwise Training Meeting, Wednesday February 22nd at 6:00 p.m. in Town Hall
- Board of Adjustment Meeting, Thursday February 23rd at 5:00 p.m. in Town Hall
- Bearwise Training Meeting, Friday February 24th at 1:00 p.m. in Town Hall

Closed Session

Commissioner Kent Otto moved to enter into Closed Session in accordance with NCGS 143-318.11(6) for discussion of a personnel matter. Commissioner Kitty Fouche seconded and the motion carried 3/0.

Upon returning to Open Session no new business was entered upon.

Adjournment

Commissioner Kent Otto moved to adjourn the meeting. Mayor Pro Tem Mason Blake seconded and the motion carried 3/0. The meeting was adjourned at 8:23 p.m.

Tim Helms , Mayor

Angie Murphy, Town Clerk