

**Town of Montreat
Board of Commissioners Meeting – Public Forum
January 11, 2024 – 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
January 11, 2024 – 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

- November 17th Special Meeting Minutes – Policy Workshop
- December 14th Public Forum Meeting Minutes
- December 14th Town Council 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 Manager's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- Additional Planning & Zoning Information

VIII. Public Comment

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

IX. Old Business

X. New Business

A. TA-2022-01 – Adoption Ordinance Amending Town of Montreat Subdivision Ordinance

- **Presenter: Savannah Parrish (if needed)**
- **See Agenda Materials: pages 26-37**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #24-01-0001 for TA-2022-01**

B. TA-2022-02 – Adoption Ordinance Amending Town of Montreat Wireless Communications Ordinance

- **Presenter: Savannah Parrish (if needed)**
- **See Agenda Materials: pages 38-43**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #24-01-0002 for TA-2022-02**

C. TA-2023-01 – Adoption Ordinance Amending Town of Montreat Zoning Ordinance

- **Presenter: Savannah Parrish (if needed)**
- **See Agenda Materials: pages 44-45**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #24-01-0003 for TA-2023-01**

D. Resolution #24-01-0001 Authorizing Private Sale of Surplus Personal Property

- **Presenter: Angie Murphy**
- **See Agenda Materials: pages 46-47**
- **Suggested Motion: Move to approve/deny Resolution #24-01-0001 Authorizing Private Sale of Surplus Personal Property**

E. Nomination of Planning & Zoning Commission Seat – Regular Member

- **Presenter: Savannah Parrish (if needed)**
- **See Agenda Materials: page 48**
- **Suggested Motion: Move to nominate _____ to take the soon to be expired Regular Planning & Zoning Commission Seat**

F. Appointment of _____ to serve as a Regular Member on the Planning & Zoning Commission for a term of three years that will expire on January 31, 2027

- **Suggested Motion: Move to appoint _____ to serve as a Regular Member on the Planning & Zoning Commission for a term of three years that will expire on January 31, 2027**

XI. Public Comment

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

XII. Commissioner Communications

XIII. Dates to Remember

- **Town Office Closed MLK Jr. Day, Monday January 15th. Sanitation services will resume on Tuesday, January 16th**
- **Planning & Zoning Commission, Regular Meeting, Thursday January 18th at 10:30 a.m. in Town Hall with Zoom option**
- **Tree Board, Tuesday January 23rd at 9:30 a.m. in Town Hall with Zoom options**
- **Open Space Conservation Committee Special Meeting, Wednesday January 24th at 2:00 p.m.**
- **Board of Adjustment Meeting, January 25th at 5:00 p.m. in Town Hall with Zoom options**
- **Landcare, Wednesday February 7th at 9:00 a.m. in Town Hall with Zoom options**
- **February Town Council Meeting, Thursday February 9th at 7:00 p.m. Public Forum to begin at 6:30 p.m.**

XIV. Closed Session

- **Suggested Motion: Move to enter into Closed Session into accordance with NCGS 143-318.11 (6) for discussion of a personnel matter.**

XV. Adjournment

**Board of Commissioners
Special Meeting- Policy Workshop Minutes
November 17, 2023**

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

Board members absent: Commissioner Kitty Fouche

Town staff present: Savannah Parrish, Town Manager
Rachel Eddings, Finance Officer
Angie Murphy, Town Clerk

There were no members of the public present

Policy Workshop

The Policy Workshop began promptly at 9:00 a.m.

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

Town Manager Savannah Parrish welcomed the members of the Council who were present. She advised that the following policies were open for casual discussion at this Policy Workshop:

- Comprehensive Financial Policy
- Debt Management Policy
- Fund Balance Policy
- Personnel Policy

Ms. Parrish also advised that Town Staff has been working closely with the Local Government Commission, a part of the State Treasurer's Office, who oversees the audit process. Town Staff has been working with Representative Becky Garland and the financial policies included today are at her request to implement. All of these are new policies except for the Fund Balance Policy which exists but is unable to be located. Ms. Parrish advised that most of the policies are being followed but need to be written and approved.

Finance Officer Rachel Eddings explained how the policies were derived.

Ms. Parrish advised that the current Fund Balance Policy is 35% with the state requirement being 8%. The recommendation of 25% would put the Town of Montreat well above what is required by the State. Ms. Parrish also advised that lowering the Fund Balance would give the Town more

**Board of Commissioners
Special Meeting- Policy Workshop Minutes
November 17, 2023**

flexibility in budgeting. Mayor Pro Tem Mason Blake stated that he would want to make sure that lowering the Fund Balance would be in the public's best interest. Commissioner Tom Widmer advised that the State requires the Town of Montreat to set aside an amount of money that is defined by a specific formula and this money cannot be utilized.

Ms. Parrish advised that the Local Government Commission had recommended a Fund Balance of 25% which would amount to about three months of working cash in case of an emergency. Mayor Tim Helms stated that he would prefer 30% over 25% because he believes it will be easier to explain to the public if it is only 30%.

Ms. Eddings advised that one of the auditors, Fran Noel, notified her that although the Town had no financial or internal control issues there was an issue with the water fund. The water/sewer infrastructure is low and is less than 50%. Ms. Eddings also advised that she had to address this issue in writing and she had sent it over to the auditors for review.

Ms. Parrish feels that an infrastructure study on the Town's water system is needed in the near future. Ms. Parrish acknowledged that the work the Council did on raising the water rates was great but she is not sure they are where they need to be.

Commissioner Tom Widmer stated that the word "accessible" in the Fund Balance Policy is not a word that they use. Commissioner Widmer advised that the Fund Balance has always been referred to as "available" funds. Ms. Eddings stated that the "available" Fund Balance is the 35% while the "accessible" Fund Balance includes restrictions and amounts to about five months of working cash. Commissioner Widmer wants to make sure that the correct terms are being used in the policy. Mayor Pro Tem Blake asked if the "accessible" Fund Balance is what had been being referred to as the "available" Fund Balance previously. Both Ms. Parrish and Ms. Eddings stated that was correct. Ms. Parrish stated that Town Staff would revise the document to lower the Fund Balance percentage so that they could work on simplifying the language. Ms. Eddings advised that the 2017 audit stated that the Town of Montreat had a 35% Fund Balance requirement while previous audits stated there was not a requirement. Ms. Parrish stated that what may have happened is the 35% was accepted into the minutes as the requirement and now Town Staff is creating a policy based on that acceptance. Mayor Pro Tem Blake stated that he had a few changes that he will provide to Ms. Eddings.

There were no other questions about the financial policies.

Ms. Parrish advised that at each seat there was a current Personnel Policy, a revised Personnel Policy and a sample Personnel Policy from Holly Springs, NC. Ms. Parrish then asked for questions, comments, and concerns. Mayor Pro Tem Mason Blake felt that the revised policy was too long. Ms. Parrish advised that in her research to draft the revised policy it was not unusual to find a 200+ page personnel policy. Ms. Parrish feels that this is a light document compared to what other Town's are doing. Commissioner Tom Widmer stated that the Town of Montreat only has thirteen full-time employees, and the document is too long. Ms. Parrish stated that the Town of Laurel Park,

who has close, if not less, than the number of employees as Montreat, has a 200-page personnel policy.

Ms. Parrish stated that the revised policy had been reviewed by Town Attorney Susan Taylor Rash, who added more to the FMLA and Conflicts of Interest sections. Mayor Tim Helms stated that he would prefer the discrimination section to only include what is required by law and nothing else. Mayor Pro Tem Blake feels that the larger the document the more of a chance of risk is involved. Mayor Pro Tem Blake does not want to “pigeonhole” us with too much writing.

Ms. Parrish stated that the police department has its own set of rules with regards to overtime and comp pay and she wanted to incorporate those rules into the actual policy. Ms. Parrish stated that we do not want employees to earn so much compensation time that if they were to quit or retire the Town would be paying them out a large amount of money. Commissioner Tom Widmer felt that reducing the 240-hour limit would encourage employees to utilize their time off more. Ms. Parrish is not opposed to reducing it either.

Commissioner Tom Widmer stated that he would like to see “in the Town of Montreat” added to the section on political activity for further clarification. Commissioner Widmer also added Item g which stated that no employee shall wear politically inspired clothing. Mayor Pro Tem Mason Blake suggested running that by Mrs. Rash to make sure it would not be a free speech issue.

Town Manager Savannah Parrish stated that she was proposing adding two more days to the holiday calendar to align with the state and county calendar more closely. Commissioner Tom Widmer asked why that would be important. Ms. Parrish felt that it would eliminate confusion and be more consistent. Commissioner Tom Widmer suggested excluding the floating holiday list and just call it a “floating holiday”. Ms. Parrish suggested leaving Veteran’s Day as a given holiday and reducing the Christmas holiday from three days to two days. Commissioner Tom Widmer had a suggestion about Section 9 – “vacation leave manner of taking” and it involved removing the word “consecutive” before days. Commissioner Tom Widmer also questioned whether the accrual rate for sick leave should be added back to the revised policy for clarification purposes. Mayor Tim Helms asked if the Town defined “immediate family” and Ms. Parrish read the list aloud. Commissioner Tom Widmer asked for further clarification on the funeral leave policy. He suggested adding “per year” to the phrase that states employees receive three days per year. Commissioner Widmer also suggested adding some verbiage that explained the relationship to the deceased.

Commissioner Widmer questioned if sexual harassment fit in anywhere under unsatisfactory job performance. Ms. Parrish stated that she would more clearly add it to the policy. Ms. Parrish also stated that the document needs some cleanup for formatting and typographical errors. She plans to make the corrections and circulate back to the Commission for review. Ms. Parrish stated her plans to put the revised policy on the December agenda for adoption.

Mayor Tim Helms expressed his desire to have a budget planning session in late January/early February with Town Staff and the Commission. Ms. Parrish stated that it was her intent to have

Board of Commissioners
Special Meeting- Policy Workshop Minutes
November 17, 2023

three budget focused workshops before the public hearing.

Mayor Pro Tem Mason Blake moved to adjourn the meeting. Commissioner Grant Dasher seconded and the motion carried 4/0.

The policy workshop was adjourned at 10:18 a.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
December 14, 2023 – 6:30 p.m.
Town Hall**

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

Board members absent: Commissioner Grant Dasher

Town staff present: Savannah Parrish, Town Manager
Angie Murphy, Town Clerk

Approximately five 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. Commissioner Kitty Fouche seconded and the motion carried 4/0.

Public Forum

Nancy Midgette of 168 Oak Lane, on behalf of the Firewise Committee which is operated under the auspices of Landcare, advised Council that she provided them with an annual Firewise Report which was included in their meeting packets. Ms. Midgette feels that Firewise has accomplished a lot in the past four years: numerous opportunities for education, over 50 people have asked for property assessments to reduce the risk of wildfire threatening their homes, documented hours spent removing debris and documenting the number of cubic yards that the Town removes from properties. Ms. Midgette has noticed there has been a significant drop in cubic yards of debris removed by the Town and the number of hours reported by the residents. Ms. Midgette informally asked around and residents advised her that they could get the leaves away from their home, but it was much more problematic to stuff the leaves in the paper biodegradable bags required by the Town. Ms. Midgette stated that leaves are then blown away from the homes but are piled up under mountain laurel and rhododendron. The problem with this is that leaves are fuel for wildfires and both mountain laurel and rhododendrons are extremely flammable. Ms. Midgette went on to say that if the leaves catch fire and spread to the mountain laurel and rhododendron it can then spread to the tree canopy and move rapidly. Ms. Midgette and her Firewise Committee would like the Town to explore the cost-effectiveness of adopting a plan for next year whereby some sort of

vacuum equipment could be used to utilized to remove the leaves. Town Manager Savannah Parrish advised that the Town of Black Mountain was contracting their leaf removal service this year and so far they are frustrated with the service provided. Leaves are piling up longer on the side of the roads than they would like. Ms. Parrish stated that Town Staff would investigate other alternatives during next year's budget process.

Tom Frist of 98 Frist Road asked to hear an update on the covered (Texas Road Bridge Project) bridge and hopes that by next Christmas it will be lit up like the beautiful trees in Town. Mayor Pro Tem Mason Blake stated that after huge increases in the project budget and many frustrating meetings with the State over the grant that was received, the Town decided to withdraw participation in the government grant program and are now pursuing other options.

Adjournment

Commissioner Tom Widmer moved to adjourn the meeting. Mayor Pro Tem Mason Blake seconded and the motion carried 4/0. The meeting was adjourned at 6:50 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Board of Commissioners
Meeting Minutes
December 14, 2023**

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

Board members absent: Commissioner Grant Dasher

Town staff present: Savannah Parrish, Town Manager
Angie Murphy, Town Clerk
Barry Creasman, Public Works Director
David Arrant, Police Chief

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.

Agenda Approval

Commissioner Kitty Fouche moved to approve the agenda as presented. Commissioner Tom Widmer seconded and the motion carried 4/0.

Mayor's Communications

Mayor Tim Helms took a moment to wish everyone a Merry Christmas especially Town Staff. He thanked Staff for all they do all year long.

Meeting Minutes Adoption

- October 24th Board Retreat Meeting Minutes
- November 9th Public Forum Meeting Minutes
- November 9th Town Council Meeting Minutes

Town Manager's Communications

Town Manager Savannah Parrish advised that tomorrow in the weekly Montreat Minute there will be a survey from the Black Mountain Fire Department and she encouraged everyone to take the short survey. Ms. Parrish advised that bear hunting is back in season until January 1st. She encouraged everyone to be safe and if anything needs to be reported to call Town Staff at Town

Hall.

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.
- Additional Planning & Zoning Information – This report was given in written format.

Mayor Pro Tem Mason Blake asked about the \$5,000 that was transferred from the General Fund to the Water Fund last year. Finance Officer Rachel Eddings clarified that the transfer was to pay for the storage tank cleaning from funds that were set aside and budgeted in the General Fund and payable to the Water Fund for this purpose.

Public Comment

Mrs. Shirley Mitchell of 201 Harmony Lane encouraged all residents to read the minutes from the recent Board of Commissioner's Board Retreat. Mrs. Mitchell found the minutes to be fascinating and indicative of what the Commissioner's do in their positions.

Old Business

There was no Old Business to discuss.

New Business

- A. Consideration of Financial Policies: Town Manager Savannah Parrish advised that the Comprehensive Financial Policy, the Debt Management Policy, and the Fund Balance Policy were included in the meeting packet for tonight's meeting. Ms. Parrish advised that the Fund Balance Policy needed to be pulled for further simplification. Commissioner Tom Widmer moved to table the Fund Balance Policy but to move forward with the Comprehensive Financial Policy and Debt Management Policy. Commissioner Jane Alexander seconded, and the motion carried 4/0. Ms. Parrish advised that most of the Comprehensive Financial Policy was being adhered to by Staff but it needed to be written and solidified that these are the procedures to be followed. The Debt Management Policy is something that the Local Government Commission of the State Treasurer's

Office would like Montreat to have in place. Ms. Parrish thanked Ms. Eddings for all her work on drafting these policies alongside the Local Government Commission. Commissioner Kitty Fouche moved to adopt the Comprehensive Financial Policy and Debt Management Policy. Mayor Pro Tem Mason Blake seconded and the motion carried 4/0.

Public Comment

There was no public comment at this time.

Commissioner Communications

Mayor Pro Tem Mason Blake advised that both Montreat Landcare and Montreat Presbyterian Church were independently working with NC Wildlife Resources Commission to have a BearWise presentation in the spring. Mayor Pro Tem Blacke recommended that the two groups work together to have only one event. Montreat Presbyterian Church will promote, and the event could be held in the Town Hall Community Room.

Commissioner Jane Alexander thanked Ms. Parrish, Ms. Eddings and Town Clerk Angie Murphy for all the work they have done and continue to do on the policy revisions.

Commissioner Tom Widmer expressed his appreciation to Town Clerk Murphy on the extremely detailed minutes from the recent Board Retreat. Commissioner Widmer encouraged residents to read the minutes to better understand the planning process and the direction that the Town hopes to go in the future. Commissioner Widmer also thanked Ms. Parrish for her direction.

Dates to Remember

- Board of Adjustment Regular Meeting, Thursday December 21st at 5:00 p.m. in Town Hall with Zoom options
- Town Hall Closed for Christmas Holiday, Monday and Tuesday December 25th and 26th. Sanitation Services will resume on Wednesday, December 27th
- Montreat Landcare, Wednesday January 3rd at 9:00 a.m. in Town Hall with Zoom options
- Planning & Zoning Commission Spring Training, Thursday January 11th from 10:00 a.m. to 11:30 a.m. in Town Hall
- January Board of Commissioners Meeting, Thursday January 11th at 7:00 p.m. Public Forum to begin at 6:30 p.m. in Town Hall with Zoom options

**Board of Commissioners
Meeting Minutes
December 14, 2023**

- Town Hall Closed for Martin Luther King, Jr. Holiday, Monday January 15th. Sanitation Services resume on Tuesday January 16th
- Planning & Zoning Commission Regular Meeting, Thursday January 18th at 10:30 a.m. in Town Hall with Zoom options
- Tree Board, Tuesday January 23rd at 9:30 a.m. in Town Hall with Zoom options
- Open Space Conservation Committee Special Meeting, Wednesday January 24th at 2:00 p.m. in Town Hall

Adjournment

Mayor Tim Helms offered a closing prayer.

Commissioner Tom Widmer moved to adjourn the meeting. Mayor Pro Tem Mason Blake seconded and the motion carried 4/0. The meeting was adjourned at 7:19 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**ADMINISTRATIVE REPORTS:
ADMINISTRATION**

Town Administration report for the month of December 2023

Monthly Statistics	2022	2023
Public Meetings	4	4
Inter-Organizational /Intergovernmental Meetings	1	0
Agendas Prepared	3	3
Minutes Transcribed	7	1
Resolutions Drafted	0	0
Public Records Requests Processed	3	3
Water Bills Processed	675	681
Leak Adjustments	3	3
New Water Accounts Established	2	1
Purchase Orders	65	77
Professional Development Hours	0	251
Sunshine List Messages		14
Website Posts	18	14
Social Media Posts	0	16
Code Red Alerts	0	0
Workers Compensation Claims	0	0

Upcoming Events and Schedule Changes

Comments

N/A

Staff Communications

Angie, Rachel & Debbie have been busy learning the utility water billing system!! Over 200+ hours of training!



TOWN OF MONTREAT

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

ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of December 2023

Monthly Statistics	2022	2023
Building Permits Issued	8	7
Pending Building Permits	1	0
Building Inspections Performed	41	21
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 December , 2023

Monthly Statistics	2022	2023
Miles of Road Maintained	17.12	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	\$459.88
Contracted Employee Staff Hours	0	68
Road Closures	0	2

Comments



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ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of December , 2023

Monthly Statistics	2022	2023
Mileage	2,596	2,117
Dispatched Calls	18	18
Officer-Initiated Calls	739	727
Fire Assistance Calls	2	1
EMS Assistance Calls	1	1
Motorist/Other Assistance Calls	12	11
Traffic Stops	18	23
Parking Issues	7	0
Burglar Alarm Responses	1	0
Fire Alarm Responses	0	6
Residential/Building Checks	668	641
Ordinance Violations	7	2
Law Enforcement Agency Assistance Calls	17	12
Animal Control Calls	0	2
Larcenies	0	0
Breaking & Entering Calls	0	1
Suspicious Person Investigations	1	0
Suspicious Vehicle Investigations	7	8
Disturbance Calls	5	1
Accident Responses	1	2
Auxiliary Hours Worked (Regular)	24	8
Auxiliary Hours Worked (Addittional)	24	12
Truck Turns at Gate	11	4
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	24	36
Town Service	654	616
MRA Service	225	249
College Service	8	5

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 December , 2023

Monthly Statistics	2022	2023
Calls for Service	33	24
Water Leaks Repaired	7	2
New Water Lines Installed	0	0
Water Meters Read	674	679
Water Meter Replacements	2	3
Gallons of Water Produced	2958039	2,903,715
Monthly Fuel Cost	292.07	\$ 192.52
Hours Pumped (11 wells combined)	1780	1,413

Comments

We hope that everyone had a blessed and safe Christmas and New Year. We would like to remind everyone that as the winter temps continue to drop that if they are going to be leaving their homes for any amount of time that they have their houses winterized or at least set their heaters at a lower setting so that they avoid having frozen pipes.



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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of December , 2023

Monthly Statistics	2022	2023
Tons of Curbside Trash Collected	27.6	19.41
Pay-As-You-Throw Trash Bags Collected	N/A	N/A
Tons of Curbside Recycling Collected	2.97	4.39
Pay-As-You-Throw Recycling Bags Collected	N/A	N/A
Cardboard Recycling Collected	0.73	N/A
Unique Curbside Sanitation Stops	1825	1,680
Bagged Leaf Pickup	388	208.00
Brush Pickup (cubic yards)	4 Loads	4 Loads
Hauling Fees	2718.6	\$4,779.80
Tipping Fees	1121.77	\$1,300.37
Dumpster Rental Fees	454.26	\$460.27
Sanitation Fuel	249.27	\$ 233.99

Comments:

We had one trash related issue with one citation issued and we did seven special bulk pickups this month.



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ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of October 2023

Monthly Statistics	2022	2023
Approved Zoning Permits	0	2
Denied Zoning Permits	0	0
Pending Zoning Permits	0	1
Variance/Interpretation Granted	0	1
Conditional Use Permits Granted	0	1
Permit Extensions Granted	0	0
Sign Permits Issued	0	0
Notices of Violation	0	0

Comments

0

December 2022 - MONTH 6 OF FISCAL YEAR 2022-2023

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	2,074,556.00	1,037,278.00	737,166.96	(300,111.04)
WATER FUND	30	359,734.00	179,867.00	167,905.33	(11,961.67)
TOTAL REVENUES GENERAL & WATER FUNDS		2,434,290.00	1,217,145.00	905,072.29	(312,072.71)

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	45,572.00	22,786.00	39,778.43	(16,992.43)
ADMINISTRATION	10	471,922.00	235,961.00	247,269.03	(11,308.03)
PUBLIC BUILDINGS	10	120,862.00	60,431.00	28,537.43	31,893.57
POLICE	10	439,974.00	219,987.00	202,598.84	17,388.16
BUILDING AND ZONING	10	94,600.00	47,300.00	51,916.00	(4,616.00)
PUBLIC WORKS	10	117,593.00	58,796.50	67,783.67	(8,987.17)
STREET	10	624,083.00	312,041.50	127,445.42	184,596.08
SANITATION	10	136,900.00	68,450.00	66,905.41	1,544.59
ENVIRON,CONS,REC	10	23,050.00	11,525.00	1,260.88	10,264.12
TOTAL EXPENSES GENERAL FUND		2,074,556.00	1,037,278.00	833,495.11	203,782.89

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	359,734.00	179,867.00	106,765.82	73,101.18
TOTAL EXPENSES WATER FUND		359,734.00	179,867.00	106,765.82	73,101.18

TOTAL EXPENSES GENERAL & WATER FUNDS	\$2,434,290.00	\$1,217,145.00	\$940,260.93	\$276,884.07
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GENERAL FUND INCOME/LOSS - YTD	(\$96,328.15)
WATER FUND INCOME/LOSS - YTD	\$61,139.51
NET INCOME - YTD 2022	(\$35,188.64)

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,389,579.77	0.00	2,389,579.77	100.00%
PUBLIC WORKS BLDG	14	403,888.86	0.00	398,393.11	98.64%
FEMA-GREYBEARD	15	242,760.00	0.00	238,360.30	98.19%
FEMA-TEXAS ROAD	16	38,272.00	0.00	38,272.00	100.00%
FEMA-PROVIDENCE TERR	17	15,883.00	0.00	15,883.00	100.00%
FEMA-CALVIN TRAIL	20	13,691.00	0.00	13,691.00	100.00%
FEMA-CULVERT PROJECT	21	47,491.00	0.00	46,966.00	98.89%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	5,841.28	58.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	214,747.00	0.00	44,770.03	20.85%
LANDCARE	26	1,560.00	0.00	306.00	19.62%
CARES ACT GRANT	27	9,697.06	0.00	7,981.06	82.30%
AMERICAN RESCUE PLAN ACT	28	138,633.39	0.00	55,405.23	39.97%
TOTAL SPECIAL PROJECTS		\$ 3,536,317.08	\$ -	\$ 3,257,801.19	92.12%



December 2023 - MONTH 6 OF FISCAL YEAR 2023-2024

REVENUES

Fund	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Collected	YTD Actual Percentage	Difference
GENERAL FUND	10	2,030,592.00	1,015,296.00	50.00%	934,322.13	46.01%	(80,973.87)
WATER FUND	30	399,844.00	199,922.00	50.00%	214,237.25	53.58%	14,315.25
TOTAL REVENUES GENERAL & WATER FUNDS		2,430,436.00	1,215,218.00	50.00%	1,148,559.38	47.26%	(66,658.62)

EXPENSES

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
GOVERNING BODY	10	50,903.00	25,451.50	50.00%	38,303.68	75.25%	(12,852.18)
ADMINISTRATION	10	533,616.00	266,808.00	50.00%	251,106.79	47.06%	15,701.21
PUBLIC BUILDINGS	10	120,116.00	60,058.00	50.00%	26,955.46	22.44%	33,102.54
POLICE	10	494,744.00	247,372.00	50.00%	245,928.34	49.71%	1,443.66
BUILDING AND ZONING	10	91,400.00	45,700.00	50.00%	40,705.65	44.54%	4,994.35
PUBLIC WORKS	10	133,205.00	66,602.50	50.00%	61,956.96	46.51%	4,645.54
STREET	10	391,358.00	195,679.00	50.00%	135,749.11	34.69%	59,929.89
SANITATION	10	192,200.00	96,100.00	50.00%	114,601.87	59.63%	(18,501.87)
ENVIRON,CONS,REC	10	23,050.00	11,525.00	50.00%	7,757.81	33.66%	3,767.19
TOTAL EXPENSES GENERAL FUND		2,030,592.00	1,015,296.00	50.00%	923,065.67	45.46%	92,230.33

Dept Name	Fund #	Budget	YTD Budget	YTD Projected Budget Percentage	YTD Exp	YTD Actual Percentage	Difference
WATER	30	399,844.00	199,922.00	50.00%	168,216.77	42.07%	31,705.23
TOTAL EXPENSES WATER FUND		399,844.00	199,922.00	50.00%	168,216.77	42.07%	31,705.23

TOTAL EXPENSES GENERAL & WATER FUNDS		\$2,430,436.00	\$1,215,218.00	50.00%	\$1,091,282.44	44.90%	\$123,935.56
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GENERAL FUND INCOME/LOSS - YTD	\$11,256.46
WATER FUND INCOME/LOSS - YTD	\$46,020.48
NET INCOME - YTD 2024	\$57,276.94

SPECIAL PROJECTS							
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	Balance Remaining		% Spent
FEMA-MISC	25	214,747.00	0.00	72,853.03	141,893.97		66.07%
LANDCARE	26	35,132.24	0.00	6,565.00	28,567.24		81.31%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00	204,124.37	73,142.41		26.38%
TOTAL SPECIAL PROJECTS		\$ 527,146.02	\$ -	\$ 283,542.40	\$ 243,603.62		46.21%

Date of Deposit	Jul-22	Jul-23	% +/-	Aug-22	Aug-23	% +/-	Sep-22	Sep-23	% +/-	Oct-22	Oct-23	% +/-	Nov-22	Nov-23	% +/-	Date of Deposit	Dec-22	Dec-23	% +/-	Jan-23	Jan-24
AdVal/RMV (Includes Sp Assess&Ded Fees)	2,467.17	2,021.44	-22%	8,783.55	9,164.35	4%	115,574.01	69,593.42	-68%	96,696.17	146,659.11	34%	84,706.01	72,079.39	-17.52%	AdVal/RMV	250,138.43	293,841.04	14.87%	371,502.07	0.00
Sales	48,247.41	47,103.37	-2%	50,254.48	51,442.97	2%	52,432.25	55,100.98	5%	51,787.47	52,397.02	1%	51,747.54	51,397.25	-0.68%	Sales	52,079.05	50,334.71	-3.47%	51,498.73	0.00
Solid Waste (Quarterly)				157.37	198.73	21%							186.60	203.58	8.34%	Solid Waste (Quarterly)					
Utility Fran (Quarterly)							19,305.00	20,713.30	7%							Utility Fran (Quarterly)	26,761.50	26,453.45	-1.16%		
Wine/Beer (Annual-May)								QE 6/30/23								Wine/Beer (Annual-May)		QE 9/30/23			

NOTES:

AdVal Tax is received the month after the tax is collected
 RMV Tax is received two months after the tax is collected
 Sales Tax is received three months after the tax is collected

December Permit Information

Permit Number	Date	Name	Property Address	Permit Type	Project	Zoning Approval	Cost	PIN	CONTRACTORS	Fee Amount
5969	12/1/2023	Edwin Rencher	369 Nisbet Dr	mech	gas	no			Blossman Gas	\$ 200
5970	12/5/2023	John Hager	400 Appalachian Way	elect	upgrade amp to 200	no			Unfused Electric	\$ 100
5971	12/5/2023	Janella & Tom Longtha	510 Wyck Road	bldg	resid repairs addition	yes			Black Mountain Handyman	\$ 372
5972	12/11/2023	MRA	411 Assembly Circl	bldg	commercial upgrades	yes			Quinzi Builders	\$ 2,890
5973	12/18/2023	Rick & Robin Wise	210 Hanover Terrace	bldg	new single family home	yes	1601000		Sineath Construction	\$ 3,732
5974	12/19/2023	Robert Hope	218 NC Terrace	gas	gas piping	no			Blossman Gas	\$ 100
5975	12/21/2023	Clay & Elizabeth Hamilton	160 Maryland Pl	bldg	resi remodel	no	65000		Blk Mtn Handyman	\$ 860

ORDINANCE # 24-01-0001

AN ORDINANCE AMENDING THE TOWN OF MONTREAT SUBDIVISION ORDINANCE
TA-2022-01

WHEREAS, the Town of Montreat Board of Commissioners is responsible for adopting, amending, or repealing development regulations, under Chapter 160D Article 6 of the North Carolina General Statutes; and

WHEREAS, the Town's existing Subdivision Ordinance was adopted on December 11, 1980; and

WHEREAS, pursuant to Section 160D-601(a) of the North Carolina General Statutes, the Town of Montreat used the adoption process mandated for development regulation amendments. A public hearing was noticed on November 24, 2022, and December 1, 2022, in the *Black Mountain News* newspaper and held on December 8, 2022; and

WHEREAS, the Planning and Zoning Commission, pursuant to Section 160D-604 of the North Carolina General Statute, reviewed the proposed development regulation amendments on November 10, 2022, and recommended approval of the proposed development regulation amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA THAT:

The following revisions (shown in **bold**) be made to the 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.

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.

Subdivider. 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.

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 a common sidewalls.

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**.

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~~ 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.

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 sSection 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 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 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.

604.24 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.

604.25 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 or 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 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.~~

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 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.

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

This ordinance shall be in full force and effect from and after the date of its adoption.

READ, APPROVED, AND ADOPTED this the ____ day of ____, 2024.

Tim Helms, Mayor

Savannah Parrish, Town Manager

ATTEST:
I hereby certify this is a true and correct copy of this document, duly adopted by the Town of Montreat on the ____ day of _____, 2024 as it appears of record in the official minutes.

Angie Murphy
Town Clerk

ORDINANCE # 24-01-0002

AN ORDINANCE AMENDING THE TOWN OF MONTREAT
WIRELESS COMMUNICATIONS ORDINANCE
TA-2022-02

WHEREAS, the Town of Montreat Board of Commissioners is responsible for adopting, amending, or repealing development regulations, under Chapter 160D Article 6 of the North Carolina General Statutes; and

WHEREAS, the Town's existing Wireless Communications Ordinance was adopted on December 9, 1999; and

WHEREAS, pursuant to Section 160D-601(a) of the North Carolina General Statutes, the Town of Montreat used the adoption process mandated for development regulation amendments. A public hearing was noticed on November 24, 2022, and December 1, 2022, in the *Black Mountain News* newspaper and held on December 8, 2022; and

WHEREAS, the Planning and Zoning Commission, pursuant to Section 160D-604 of the North Carolina General Statute, reviewed the proposed development regulation amendments on November 10, 2022, and recommended approval of the proposed development regulation amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA THAT:

The following revisions (shown in **bold**) be made to the Town of Montreat Wireless Communications Ordinance:

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 **standards (set forth in Article V). criteria provided in Section V of this Ordinance.** 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. 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.

Section B.

4. Relationship to Other Ordinances. **Except for Historic Districts,** ~~This~~ 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** above 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 properties in similar locations; and considering ground elevations, topographical conditions and other site development **criteria standards (set forth in Article V)** within this Ordinance.

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.

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.

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.

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:

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 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.

This ordinance shall be in full force and effect from and after the date of its adoption.

READ, APPROVED, AND ADOPTED this the ____ day of ____, 20____.

Tim Helms, Mayor

Savannah Parrish, Town Manager

ATTEST:

I hereby certify this is a true and correct copy of this document, duly adopted by the Town of Montreat
on the ____ day of _____, 2024 as it appears of record in the official minutes.

Angie Murphy
Town Clerk

ORDINANCE # 24-01-0003

AN ORDINANCE AMENDING THE TOWN OF MONTREAT ZONING ORDINANCE
TA-2023-01

WHEREAS, the Town of Montreat Board of Commissioners is responsible for adopting and rejecting zoning text amendments, under Chapter 160D Article 6 of the North Carolina General Statutes; and

WHEREAS, the Town's existing Zoning Ordinance was adopted on June 10, 2021; and

WHEREAS, pursuant to Section 160D-601(a) of the North Carolina General Statutes, the Town of Montreat used the adoption process mandated for zoning text amendments. A public hearing was noticed on October 26, 2023, and November 2, 2023, in the *Black Mountain News* newspaper and held on November 9, 2023; and

WHEREAS, the Planning and Zoning Commission, pursuant to Section 160D-604 of the North Carolina General Statute, reviewed the proposed zoning text amendment on October 5, 2023, and recommended approval with revisions of the proposed zoning text amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA THAT:

The following revisions (shown in **bold**) be made to Article II Section 201 - Definitions:

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, **for the purpose of Setback and minimum Yard requirements** neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, **a retaining wall**, nor a fence shall be considered a Structure ~~for the purpose of Setback and minimum Yard requirements~~. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

This ordinance shall be in full force and effect from and after the date of its adoption.

READ, APPROVED, AND ADOPTED this the ____ day of ____, 2024.

Tim Helms, Mayor

Savannah Parrish, Town Manager

ATTEST:

I hereby certify this is a true and correct copy of this document, duly adopted by the Town of Montreat on the ____ day of _____, 2014 as it appears of record in the official minutes.

Angie Murphy
Town Clerk



Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757

Phone: (828) 669-8002 • Fax: (828) 669-3810

Resolution #24-01-0001

RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY LESS THAN \$30,000 (G.S. 160A-266; 267)

WHEREAS, the Town of Montreat owns certain items of personal property that have become surplus for its current needs; and

WHEREAS, North Carolina General Statute 160A-266 permits the town to sell such property by private sale, upon authorization by the Board of Commissioners at a regular meeting and notice to the public; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT RESOLVES THAT:

1. The Board of Commissioners authorizes the Town Clerk to sell by private sale the following item of surplus personal property:

2010 Ford Escape VIN#1FMCU9C70AKC96816

2. The clerk to the Board of Commissioners shall publish a notice summarizing this resolution, and no sale may be execute pursuant to this resolution until at least 10 days after the day the notice is published.

READ, APPROVED AND ADOPTED, this the 11th day of January, 2024.

Tim Helms, Mayor

[SEAL]

Savannah Parrish, Town Manager

ATTEST:

I hereby certify that this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 11th day of January, 2024, as it appears of record in the official minutes.

Angie Murphy, Town Clerk

Rule 30. Appointments

- A. The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Board may not consider or fill a vacancy among its own membership except in open session.
- B. Rather than proceeding by motion, the Board shall use the following procedure to make appointments to various other boards and offices:
- The Mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by Board members.
 - The names submitted shall be debated.
 - When the debate ends, the Mayor shall call the roll of the Board members, and each member shall cast his or her vote.

If more than one appointee is to be selected, then each Board member shall have as many votes as there are slots to be filled. The votes from a majority of the Board members voting shall be required for appointment. A Board member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.