

**Town of Montreat**  
**Board of Commissioners Meeting – Public Forum**  
**January 9, 2025 – 5:30 p.m.**  
**Convocation Hall**

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**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 9, 2025 – 6:00 p.m.  
Convocation Hall**

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**I. Call to Order**

- Moment of Silence

**II. Agenda Adoption**

**III. Mayor's Communications**

**IV. Consent Agenda**

**A. Meeting Minutes Adoption**

- December 12<sup>th</sup> Public Forum Meeting Minutes
- December 12<sup>th</sup> 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.*

**V. Town Manager's Communications**

- Consent Agenda Review
- Other Items

**VI. Administrative Reports**

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets
- Finance
- December Building Permits

**VII. Public Comment**

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

**VIII. Old Business**

**A. Oath of Office – Commissioner Grant Dasher**  
See Agenda Materials on page 25

**IX. New Business**

**A. TA-2024-03 – Text Amendment Public Hearing**

- **Presenter: Kayla DiCristina**
- **See Agenda Materials on pages 26-34**
- **Suggested Motion: Move to adopt/adopt with revisions.**

**B. TA-2024-03 – Adoption Ordinance**

- **Presenter: Kayla DiCristina (if needed)**
- **See Agenda Materials on pages 35-37**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #25-1-001 for TA-2024-03**

**C. TA-2024-06 – Text Amendment Public Hearing**

- **Presenter: Kayla DiCristina**
- **See Agenda Materials on pages 38-51**
- **Suggested Motion: Move to adopt/adopt with revisions.**

**D. TA-2024-06 – Adoption Ordinance**

- **Presenter: Kayla DiCristina (if needed)**
- **See Agenda Materials on pages 52-53**
- **Suggested Motion: Move to adopt/adopt with revisions Ordinance #25-1-002 for TA-2024-06**

**E. State Emergency Bridge Loan and Technical Assistance Grant**

- **Presenter: Savannah Parrish**
- **See Agenda Materials on pages 54-66**
- **Suggested Motion: Move to approve the resolution and accept the State Emergency Bridge Loan offer of \$300,000 and \$200,000 technical assistance grant**

**F. Discussion of Street Paving**

- **Presenter: Barry Creasman**
- **See Agenda Materials on 70-76**

**G. Appointment of Matt Ashley to Metropolitan Sewerage District Board**

- **Presenter: Savannah Parrish**
- **See Agenda Materials on pages 77**

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- **Suggested Motion: Move to appoint Matt Ashley as the Town of Montreat appointee to the Metropolitan Sewerage District Board for a term of three years to expire January of 2028**

**H. 2025 Board of Commissioners Regular Meeting Schedule**

- **Presenter: Savannah Parrish**
- **See Agenda Materials on page 78**
- **Suggested Motion: Move to approve the 2025 Board of Commissioners Regular Meeting Schedule**

**I. Budget Amendment #3**

- **Presenter: Savannah Parrish or Rachel Eddings**
- **See Agenda Materials on page 79**
- **Suggested Motion: Move to approve Budget Amendment #3 to transfer funds from the General Fund Departments to Fund 29 Hurricane Helene Recovery**

**J. Budget Amendment #4**

- **Presenter: Savannah Parrish or Rachel Eddings**
- **See Agenda Materials on page 80**
- **Suggested Motion: Move to approve Budget Amendment #4 to add Christmas Light Donations to current FY Budget**

**K. Advisory Board Appointments**

*\*\*(expiration years are altered to allow for staggered term limits)\*\**

- **Presenter: Savannah Parrish**
  - **David Neel, Board of Adjustment Regular Member, expiring 01/31/27\*\***
  - **Bill Scheu, Board of Adjustment Regular Member, expiring 01/31/27\*\***
  - **Matt Horne, Board of Adjustment Alternate Member, expiring 01/31/28**
  - **Mari Gramling, Board of Adjustment Regular Member, expiring 01/31/28**
  - **Clay Hamilton, Planning & Zoning Commission Regular Member, expiring 01/31/28**
  - **Eleanor James, Planning & Zoning Commission Regular Member, expiring 01/31/27\*\***
  - **Sally Jenkins, Planning & Zoning Commission, Alternate Member, expiring 01/31/27\*\***
  - **Liz Johnson, Planning & Zoning Commission, Regular Member, expiring 01/31/28**

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- Bill Tucker, Planning & Zoning Commission, Regular Member, expiring 01/31/28
- Michael Broussard, Planning & Zoning Commission, Regular Member, expiring 01/31/28
- Hugh Alexander, Audit Committee, Regular Member, expiring 01/31/27
- Brad Hestir, Tree Board, Regular Member, expiring 01/31/28
- Tyler Smith, Tree Board, Regular Member, expiring 01/31/27\*\*
- George Sawyer, Tree Board, Landcare Chair Representative, expiring 01/31/27\*\*
- Ed Kramer, Tree Board, Regular Member 01/31/28
- Mari Gramling, Open Space Conservation Committee, Regular Member, expiring 01/31/27\*\*
  - Suggested Motion: Move to appoint or reappoint the listed individuals above to serve in the advisory board positions indicated with the stated expiration dates

**X. Public Comment**

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

**XI. Commissioner Communications**

**XII. Dates to Remember**

- Planning & Zoning Commission – Thursday, January 16<sup>th</sup>, 2025, at 10:30 a.m. with location to be determined
- Town Hall Closed in observance of Martin Luther King Jr. Day – Monday, January 20<sup>th</sup>, 2025 (No sanitation services on this day)
- Sanitation Services will resume at 8:00 a.m. Tuesday, January 21<sup>st</sup>, 2025
- Board of Adjustment – Thursday, January 23rd, 2025, at 5:00 p.m.
- Landcare - Wednesday, February 5th, 2025, at 9:00 a.m. in Town Hall
- February Town Council Meeting – Thursday, February 13th, 2025, at 6:00 p.m. Public Forum will begin at 5:30 p.m. in Montreat Town Hall

**XIII. Adjournment**

**Town of Montreat  
Board of Commissioners  
Public Forum Meeting Minutes  
December 12, 2024 – 5:30 p.m.  
Convocation Hall**

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Board members present: Commissioner Jane Alexander  
Mayor Pro Tem Mason Blake  
Commissioner Kitty Fouché (arrived at 5:41 p.m.)  
Mayor Tim Helms  
Commissioner Tom Widmer

Board members absent: Commissioner Grant Dasher

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

Approximately seven members of the public were present. Mayor Tim Helms called the meeting to order at 5:30 p.m. and led the group in a moment of silence.

**Agenda Approval**

Commissioner Jane Alexander moved to adopt the agenda as presented. Commissioner Tom Widmer seconded, and the motion carried 3/0.

**Public Forum**

Mr. Seth Hagler, representing Mountain Retreat Association, advised that renovations continue in Convocation Hall with plans for the college conference to be the first group to utilize this facility. This will be the second, previously registered, conference held after Hurricane Helene with 493 students prepared to visit Montreat. The Mountain Retreat Association is looking forward to returning to normalcy. Mr. Hagler thanked Zoning Administrator Kayla DiCristina, Town Manager Savannah Parrish, and Town Attorney Brandon Freeman for their collaboration during the permitting process for the repairs to Lake Susan. There are three phases of the work to Lake Susan. The first phase was the primary bed lake dredging which was completed, the second phase, with work just beginning, was the creation of the wetland shelf on the College side of Lake Susan, and the final phase involved stream restoration above the pedestrian bridge. Mr. Hagler advised that during the wetland shelf phase an 8 -12' foot shelf would be created to facilitate wildlife and native vegetation growth. The third phase, which has yet to be started, would involve redirecting Flat Creek above the pedestrian walking bridge. Over time the creek has moved over towards McAllister Gymnasium and the third phase will work on moving it back to its historical location and rebuilding the creek side to mitigate storm damage in future events. Mr. Hagler advised that pre-Helene it was anticipated to remove 6,500 cubic yards of sediment from the lake but now it looks like 25,000 cubic yards of sediment will be removed by the time the project is completed.

Mayor Tim Helms asked Town Manager Parrish about the timeline of removing the vegetative debris from Welch Field (the “dustbowl”). Ms. Parrish advised that there is no specific date at this time. The contractor who has been hired to remove the debris from the rights-of-way intends to make one more sweep through Town for collection purposes next week. Then Town Staff will contact Ash Britt, a contractor utilized by FEMA, to haul the debris away. It was originally discussed that the debris would be chipped onsite but due to safety concerns it will now be removed from Montreat before chipping. Ms. Parrish states that the end is in sight but estimates the final step to take within two weeks to one month.

Mayor Helms asked for an update on the Greybeard Waterline Project and the Texas Road Bridge. Ms. Parrish stated that the waterline project is close to, if not already finished. Ms. Parrish also stated that the Texas Road Bridge, which sustained quite a bit of damage during Hurricane Helene, was a safety hazard and had to be removed.

Mr. Tom Frist of 99 Frist Road had concerns about the MRA-owned bridge between Anderson Auditorium and the college parking lot that he crosses with trepidation every Sunday. Mr. Frist also asked where the debris and sediment removed from Lake Susan would be taken. Mayor Pro Tem Mason Blake advised that he had previously completed some research on this bridge and there was a question of who owned the bridge. Mr. Tanner Pickett of the MRA stated that while this was the first he had heard of safety concerns to the bridge he would definitely look into it for post-Helene damages. Mr. Seth Hagler advised that the contractor for the Lake Susan project had secured a place in Swannanoa who will be able to utilize both the fine and rough materials of the fill. Mr. Frist asked a final question about contractors temporarily parking equipment on trailers down at the gate parking lot owned by MRA. Mr. Pickett advised that this was fine but prior to parking the contractors would need to check in with the MRA main office to confirm availability.

### **Adjournment**

Commissioner Kitty Fouche moved to adjourn the meeting. Mayor Pro Tem Mason Blake seconded, and the motion carried 4/0. The meeting was adjourned at 5:46 p.m.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



**Town of Montreat  
Board of Commissioners  
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December 12, 2024 – 6:00 p.m.  
Convocation Hall**

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

Board members absent: Commissioner Grant Dasher

Town staff present: Savannah Parrish, Town Manager  
Angie Murphy, Town Clerk  
Rachel Eddings, Finance Officer  
Barry Creasman, Public Works Director  
Kayla DiCristina, Zoning Administrator  
Hannah Wells, Police Officer  
Brandon Freeman, Town Attorney

Approximately ten members of the public were present in Convocation Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 6:00 p.m. and led the group in a moment of silence.

**Agenda Adoption**

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

**Mayor's Communications**

Mayor Helms wished everyone a Merry Christmas and advised that recovery from Hurricane Helene is moving slowly but Staff are working hard to restore Montreat. Mayor Helms asked for continued patience during the restoration process.

**Meeting Minutes Adoption**

- November 14<sup>th</sup> Public Forum Meeting Minutes
- November 24th Town Council Meeting Minutes

**Town Manager's Communications**

Town Manager Savannah Parrish thanked Mountain Retreat Association for the use of Convocation Hall for another month. Town Staff hopes to be back in Town Hall very soon.

### **Administrative Reports**

- Administration – 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.
- Finance – This report was given in written format
- November Building Permits – This report was given in written format.

Commissioner Tom Widmer questioned the \$77,000 deficit in Fund 29 Hurricane Helene and whether the money to make up the deficit would be pulled from the General Fund. Ms. Parrish stated that she, Ms. Eddings and the Board of Commissioners would need to have a more in-depth discussion about the matter but that it probably will have to be transferred from the General Fund.

### **Public Comment**

There was no public comment at this time.

### **Old Business**

- TA-2022-04 – Text Amendment Public Hearing:** Ms. Parrish advised that this text amendment, previously seen by the Board of Commissioners at the November meeting, was submitted by Mayor Pro Tem Mason Blake on behalf of the Montreat Board of Commissioners, to Chapter K Article III Sections 300, 301 and 309 of the Town of Montreat General Ordinances to comply with legislative updates from the NC General Assembly. Mayor Pro Tem Mason Blake moved to enter into a Public Hearing to discuss TA-2022-04. Commissioner Jane Alexander seconded, the motion carried 4/0. There were no public comments during this portion of the Public Hearing. Commissioner Tom Widmer moved to close the Public Hearing. Commissioner Kitty Fouche seconded, and the motion carried 4/0.
- TA-2024-04 – Adoption Ordinance:** Commissioner Tom Widmer moved to adopt with revisions Ordinance #24-12-01 for TA-2024-04. Commissioner Kitty Fouche seconded, and the motion carried 4/0.

### **New Business**

- Certify Election Results:** Ms. Parrish advised that this piece of business was needed to confirm the certification of the Board of Elections. This action would show that Montreat is

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in agreement with their hard work and certification. Commissioner Widmer pointed out that the supporting documentation in the agenda packet was incomplete as it did not show results for Commissioner Kitty Fouche and Commissioner Jane Alexander. Ms. Parrish stated that the full results could be posted in the weekly Montreat Minute or interested parties could email her directly. Commissioner Jane Alexander moved to certify the election results. Commissioner Tom Widmer seconded, and the motion carried 4/0.

- B. Oaths of Office: Town Clerk Angie Murphy administered the Oaths of Office for Mayor Tim Helms, Commissioner Kitty Fouche and Commissioner Jane Alexander.
- C. Election of Mayor Pro Tempore & Oath of Office: Commissioner Tom Widmer moved to elect Commissioner Kitty Fouche as Mayor Pro Tempore. Commissioner Jane Alexander seconded, and the motion carried 4/0. Mayor Helms congratulated Mayor Pro Tem Kitty Fouche and thanked Commissioner Mason Blake for his previous two years of service as Mayor Pro Tem. Town Clerk Angie Murphy administered the Oath of Office for Mayor Pro Tem Kitty Fouche.
- D. Consideration of Disaster Management Firm Services: Ms. Parrish advised the Commission that Town Staff issued a Request for Proposals (RFP), and two firms responded. The purpose of the RFP was to identify a disaster management firm to help Town Staff navigate the intricacies of disaster recovery and the public assistance process with FEMA. Ms. Parrish hopes that by using one of the interested firms the Town will be protected, and Town Staff will be able to maximize the amount of reimbursement money received by FEMA. Ms. Parrish advised that Commissioner Mason Blake expressed an interest in requiring a contract to be put into place with the chosen firm to ensure that the Town's out of pocket expenses were limited. Ms. Parrish and Attorney Freeman agreed this was possible but final details will need to be worked through with the chosen firm. This would also be a reimbursable administrative expense through FEMA. The firms for consideration are IEM (a N.C. based firm) and WithersRavenel (a local firm that has previously completed projects for the Town). Commissioner Widmer stated that at the November meeting it was mentioned that the chosen firm would probably want to be compensated by a percentage of what money was collected for the Town. Commissioner Widmer then stated that both companies had submitted hourly rates. Commissioner Widmer preferred the percentage structure because it would give the firms more incentive to dig a little deeper and work a little harder. Ms. Parrish had mentioned to Commissioner Widmer previously that she felt she could discuss this request with the chosen firm to see if they would consider using a percentage structure. Commissioner Blake suggested utilizing a small committee chosen by the mayor to interview the firms in order to establish a first and second choice. Mayor Helms selected Commissioner Tom Widmer and Commissioner Mason Blake to sit with Ms. Parrish during an interview process. Mayor Pro Tem Kitty Fouche moved to authorize the committee consisting of Ms. Parrish, Commissioners Widmer and Blake to interview and select the disaster management firm, without any approval by the Board of Commissioners being required, and to authorize

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the Town Manager to negotiate and finalize a contract for services with the chosen firm. Commissioner Jane Alexander seconded, and the motion carried 4/0. At the request of Town Attorney Freeman Mayor Helms polled the Board to ratify the last motion. All members agreed to ratify the motion.

- E. Discussion of Advisory Board Term Limits: Ms. Parrish advised there have been discussions among Staff and members of the Commission that there are individuals who are interested in continuing to serve on advisory boards but the terms the Town has in place prevent them from doing so. Commissioners Blake and Widmer had previously discussed expanding the term limits, changing the term limits, or at least starting a discussion about the issue to keep individuals who want to be engaged on advisory boards. Attorney Freeman was asked by Commissioner Widmer if there were state statutes limiting the ability for the Commission to expand or change term limits. Mr. Freeman advised that there are boards in which the state statutes determine the term limit but generally speaking the state statutes remain silent on how long members of boards can serve. Mr. Freeman advised that if state statute does not address it then the Board is not required by state statute or case law to follow any set term limits. Mayor Helms asked Attorney Freeman to look further into this and report back to Ms. Parrish and Ms. Murphy his findings. Commissioner Widmer also advised that there has always been difficulty in appointing ETJ representatives and suggested Attorney Freeman should add this to his research to see if term limits could be eliminated as well. Ms. Parrish advised that care would need to be taken to appropriately stagger appointments to advisory boards.
  
- F. Consideration of Amending an Easement and Maintenance Agreement: Ms. DiCristina stated that this item was a request to revise the easement agreement that was granted in February of 2023 to Gary Higgins, who is the property owner of a lot on the east side of Harmony Lane, to allow access to cross Little Piney Branch so Mr. Higgins could get access to his lot from the established right-of-way. Mr. Higgins approached Ms. DiCristina to obtain his development permits, and she requested approval from Metropolitan Sewerage District (MSD), which would allow him to tap into the sewer line. Mr. Higgins approached MSD and was told that his access easement did not include the area in which he would need to tap into the sewer line. Commissioner Mason Blake moved to approve the Easement and Maintenance Agreement Amendment as amended by a revision to paragraph 1 and to authorize staff to undertake all acts necessary to accomplish the same with the advice and consent of Town Legal Counsel. Mayor Pro Tem Kitty Fouche seconded, and the motion passed unanimously.

**Public Comment**

Mr. Tom Frist of 98 Frist Road expressed how grateful the Town is for the Commissioners, Town Staff and Advisory Boards who serve the Town.

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Ms. Jean Norris of 192 Mississippi Road, representing Montreat Landcare as Secretary/Treasurer, wanted to advise the Commission that at the December meeting of Landcare a consideration was passed to ask the Town of Montreat, Montreat College and Mountain Retreat Association to incorporate appropriate ADA standards in the rebuilding of infrastructure in Montreat.

**Commissioner Communications**

Mayor Pro Tem Kitty Fouche thanked those residents and concerned citizens who regularly attend the Council Meetings and for their continued support of the Commission and Staff.

Commissioner Mason Blake thanked the Town Staff for their continued hard work during this time of recovery and restoration.

Commissioner Tom Widmer mentioned a Montreat “first” that occurred the previous Friday night when the Town, the MRA, and the Montreat Adult Summer Club came together to host a special gate lighting celebration with refreshments, music and lots of children. The kids handled the countdown while Mayor Helms flipped the switch to turn on the Christmas lights surrounding the gate.

Commissioner Jane Alexander thanked the members of the Planning & Zoning Commission, who recently met to review text amendments, for their hard work and participation.

Mayor Tim Helms asked each Commission member to contact him within the next month to let him know which advisory boards and organizations they would like to continue to participate in or which they would like to switch their participation.

For a more detailed discussion please visit the Town’s YouTube page and watch the full meeting at the following link: [December Board of Commissioners Meeting](#)

**Dates to Remember**

- Town Hall Closed for Christmas Holiday – Wednesday, December 25<sup>th</sup> and Thursday, December 26<sup>th</sup>
- Town Hall Closed for New Years Holiday - Wednesday, January 1<sup>st</sup>, 2025
- January Town Council Meeting – Thursday, January 9th, 2025, at 6:00 p.m. Public Forum will begin at 5:30 p.m. (location TBD)

**Closed Session**

Commissioner Mason Blake moved to enter into Closed Session in accordance with NCGS 143-318.11(6) for discussion of a personnel matter. Commissioner Tom Widmer seconded, and the motion carried 4/0.

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**Adjournment**

Commissioner Jane Alexander moved to adjourn the meeting. Mayor Pro Tem Kitty Fouche seconded, and the motion carried 4/0. The meeting was adjourned.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of December 2024

Monthly Statistics	2023	2024
Public Meetings	4	2
Public Records Requests Processed	3	5
Water Bills Processed & Mailed	681	601
Water Bills Processed & Emailed	NA	52
Leak Adjustments	3	3
Sunshine List Messages	14	11
Website Posts	14	11
Social Media Posts	16	11

#### Upcoming Events and Schedule Changes

Happy New Year from Town Hall!

#### Comments

N/A

#### Staff Communications

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### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of December 2024

#### Monthly Statistics

	2023	2024
Building Permits Issued	7	9
Pending Building Permits	0	0
Building Inspections Performed	21	22
Stop Work Order 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

0

#### Staff Communications

Happy New Year from the Buildings & Inspections Department1



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### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of December 2024

#### Monthly Statistics

	2023	2024
Public Trees Removed	0	4
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Road Closures	2	4

#### Comments

0

#### Staff Communications:

Happy New Year from the Streets Department!



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### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of December 2024

Monthly Statistics	2023	2024
Animal Issue	0	2
Assist EOC	0	2
Check Business	0	3
Community Outreach	0	1
#REF!	#REF!	#REF!
Contact Public	0	5
Debris Blocking Road	0	1
Detox Transport (BCSD)	0	1
#REF!	#REF!	#REF!
Follow Up Investigation	0	1
Foot Patrol	0	2
#REF!	#REF!	#REF!
Harassing Phone Calls	0	0
Investigate_BCS	0	3
Locked Vehicle (BCSD)	0	1
Security Check BCSD	0	23
Improper Parking	0	2
Loud Noise	0	1
Motor Vehicle Accident	0	1
Missing Adult	0	1
Suspicious Vehicle	0	4
Larceny Report	0	0
Traffic Stop	0	34
Residential Alarm	0	3

#### Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670. Happy New Year from the Montreat Police Department!



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### ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of December 2024

Monthly Statistics	2023	2024
Calls for Service	24	30
Water Leaks Repaired	2	3
New Water Lines Installed	0	0
Water Meter Replacements	3	0
Gallons of Water Produced	2,903,215	3,258,736
Hours Pumped (11 wells combined)	1,413	2,013
Water Samples Taken	1	21

#### Comments

Yearly lead and copper water samples were taken this month. We should have results back in a few weeks.



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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of December 2024

Monthly Statistics	2023	2024
Tons of Curbside Trash Collected	19,41	11.53 Net
Tons of Curbside Recycling Collected	4.39	2.37 Net
Unique Curbside Sanitation Stops	1680	2150
Special Pickup Stops	0	7
Bagged Leaf Pickup	208	165 Bags
Brush Pickup (cubic yards)	4 Loads	22 Loads
Hauling Fees	4779.8	8921.78
Tipping Fees	1300.37	830.49
Dumpster Rental Fees	460.27	217.63
Convenience Center Usage-Trash	0	8.37 Net
Convenience Center Usage-Recycle	0	2.04 Net

#### Comments:

We had Bulk pickup on Dec 3 . The crew picked up a total of 4 - 30 yd dumpsters and 2 - 17 yd dumpsters during that time. You may also see the hauling fees are double from last year. It is because of the bulk pickup and some carry over from Novembers hauls. Happy New Year from the Sanitation Department!



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### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of December 2024

Monthly Statistics	2023	2024
Approved Zoning Permits	2	2
Denied Zoning Permits	0	0
Pending Zoning Permits	1	1
Variance/Interpretation Granted	1	0
Special Use Permits Granted	1	0
Permit Extensions Granted	0	0
Notice of Violations	0	0

#### Comments

Happy New Year from the Zoning Department!!

**December 2024 - MONTH 6 OF FISCAL YEAR 2024-2025**

**REVENUES**

Fund	Fund #	YTD		YTD Projected		YTD Actual Percentage	Difference
		Budget	Budget	Percentage	Collected		
GENERAL FUND	10	2,551,295.00	1,275,647.50	50.00%	1,599,663.96	62.70%	324,016.46
WATER FUND	30	423,744.00	211,872.00	50.00%	188,702.57	44.53%	(23,169.43)
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,975,039.00</b>	<b>1,487,519.50</b>	<b>50.00%</b>	<b>1,788,366.53</b>	<b>60.11%</b>	<b>300,847.03</b>

**EXPENSES**

Dept Name	Fund #	YTD		YTD Projected		YTD Actual Percentage	Difference
		Budget	Budget	Percentage	YTD Exp		
GOVERNING BODY	10	54,791.00	27,395.50	50.00%	40,374.55	73.69%	(12,979.05)
ADMINISTRATION	10	513,430.00	256,715.00	50.00%	279,335.97	54.41%	(22,620.97)
PUBLIC BUILDINGS	10	128,353.00	64,176.50	50.00%	37,467.54	29.19%	26,708.96
POLICE	10	475,950.00	237,975.00	50.00%	210,840.29	44.30%	27,134.71
BUILDING AND ZONING	10	101,900.00	50,950.00	50.00%	42,793.55	42.00%	8,156.45
PUBLIC WORKS	10	477,473.00	238,736.50	50.00%	411,560.83	86.20%	(172,824.33)
STREET	10	555,202.00	277,601.00	50.00%	300,205.79	54.07%	(22,604.79)
SANITATION	10	220,146.00	110,073.00	50.00%	113,779.79	51.68%	(3,706.79)
ENVIRON,CONS,REC	10	24,050.00	12,025.00	50.00%	8,472.59	35.23%	3,552.41
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>2,551,295.00</b>	<b>1,275,647.50</b>	<b>50.00%</b>	<b>1,444,830.90</b>	<b>56.63%</b>	<b>(169,183.40)</b>

Dept Name	Fund #	YTD		YTD Projected		YTD Actual Percentage	Difference
		Budget	Budget	Percentage	YTD Exp		
WATER	30	423,744.00	176,560.00	41.67%	176,705.73	41.70%	(145.73)
<b>TOTAL EXPENSES WATER FUND</b>		<b>423,744.00</b>	<b>176,560.00</b>	<b>41.67%</b>	<b>176,705.73</b>	<b>41.70%</b>	<b>(145.73)</b>
<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>		<b>\$2,975,039.00</b>	<b>\$1,452,207.50</b>	<b>48.81%</b>	<b>\$1,621,536.63</b>	<b>54.50%</b>	<b>(\$169,329.13)</b>
<b>GENERAL FUND INCOME/LOSS - YTD</b>				<b>\$154,833.06</b>			
<b>WATER FUND INCOME/LOSS - YTD</b>				<b>\$11,996.84</b>			
<b>NET INCOME - YTD 2024</b>				<b>\$166,829.90</b>			

SPECIAL PROJECTS							
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	Balance Remaining		% Spent
FEMA-MISC	25	220,590.00	0.00	206,378.50	14,211.50		93.56%
LANDCARE	26	109,224.43	0.00	9,033.28	115,332.64		8.27%
AMERICAN RESCUE PLAN ACT	28	277,266.78	0.00	277,266.78	0.00		100.00%
Hurricane Helene	29	696,274.00		614,447.67	81,826.33		
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 1,303,355.21</b>	<b>\$ -</b>	<b>\$ 492,678.56</b>	<b>\$ 129,544.14</b>		<b>37.80%</b>

## TOWN OF MONTREAT – TAX RECIEPT REPORT

Oct-23	Oct-24	% +/-	Nov-23	Nov-24	% +/-	Date of Deposit	Dec-23	Dec-24	% +/-
146,659.11	113,200.78	<b>-30%</b>	72,079.39	67,804.72	<b>-6.30%</b>	AdVal/RMV	293,841.04	298,581.86	<b>1.59%</b>
52,397.02	50,660.91	<b>-3%</b>	51,397.25	50,244.97	<b>-2.29%</b>	Sales	50,334.71	44,719.23	<b>12.56%</b>
			186.60	209.30	<b>10.85%</b>	Solid Waste (Quarterly)			
						Utility Fran (Quarterly)	26,453.45	31,727.74	<b>16.62%</b>
						Wine/Beer (Annual-May)			QE 9/30/24

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	Zoning		PIN	CONTRACTORS	Fee Amount
					Approval	Cost			
6072	12/3/2024	Sara Hill	403 W Virginia Ter	bldg	resi remodel		30,000.00	Davies David LTD	na
6073	12/3/2024	Bill Tucker	133 John Knox Rd	elec/mech				Gentry Service Group	\$ 100
6074	12/3/2024	Janet McRae	130 Eastminster Terr	bldg	resid repairs/remod		93,982.03	Semper Fi Custom Remodeling	\$ 633
6075	12/9/2024	Mountain Laurel Lodge LLC	427 WV Terrace	bldg	resid repairs/storm damage			Forrest Edens Bldrs LLC	na
6076	12/12/2024	Francis Burris	376 Arkansas Trail	elec/mech				Morris Heating & Cooling	\$ 100
6077	12/16/2024	Rick Dick	341 Yale Rd	bldg	resid renovation		\$7,500	Key Mobley	\$ 50
6078	12/17/2024	Sally Miller	220 Louisiana Rd	bldg	resi renovation		62101.91	Semper Fi Custom Remodeling	NA
6079	12/24/2024	Ron Smalenberger	220 Tennessee Rd	bldg	elect/service wiring upgrade			Blue Ridge Electrical	\$200
6080	12/24/2024	John Hinkle	121 Mecklenburg Cir	plumb	sewer line replacement			Dan Hildebrand	\$ 100



## TOWN OF MONTREAT

---

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

### **COMMISSIONER OATH OF OFFICE GRANT DASHER**

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

Effective this 9<sup>th</sup> day of January, 2025.

---

Grant Dasher  
Commissioner

---

Angela M. Murphy  
Town Clerk

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_



## ORDINANCE AMENDMENT APPLICATION

Town of Montreat Planning and Zoning

1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002

**REQUIRED FEE: \$50.00 (CASH OR CHECK)**

### INSTRUCTIONS

All applications for amendments to the Town of Montreat's Ordinances must include a completed and signed application and fee, set forth by the Town of Montreat Fee Schedule. Completed applications are submitted to the Town Clerk. All fees must be made payable to the Town of Montreat. Fees are non-refundable except where an application is withdrawn prior to its consideration by the Planning and Zoning Commission. The Zoning Administrator will determine whether the application is complete following its submittal and will notify the applicant via the contact information listed below of the tentative meeting dates that the Planning and Zoning Commission and Board of Commissioners will hear the proposal and of any action taken or decision made concerning this request. All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

### APPLICANT INFORMATION

APPLICANT NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

LOCAL ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

### PROPOSED AMENDMENT

ORDINANCE TO BE AMENDED:

GENERAL ORDINANCE

ZONING ORDINNACE

SUBDIVISION ORDINANCE

WIRELESS COMM. ORDINANCE

CHAPTER, ARTICLE, & SECTION TO BE AMENDED: \_\_\_\_\_

PROPOSED TEXT IN FULL (ATTACH SHEETS AS NECESSARY): \_\_\_\_\_

\_\_\_\_\_

STATE THE REASON FOR THE REQUEST (ATTACH SHEETS AS NECESSARY): \_\_\_\_\_

\_\_\_\_\_

LIST SUPPORTING & ATTACHED DOCUMENTS: \_\_\_\_\_

**SIGNATURES AND ACKNOWLEDGEMENT**

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

# Mason Blake

---

*Signature of Applicant*

---

*Date*

---

*Printed Name of Applicant***OFFICE USE ONLY**

Complete

Incomplete

---

*Kayla DiCristina*  
\_\_\_\_\_  
Zoning Administrator Signature

---

*Date*

---

*Printed Name of Zoning Administrator*

Fee: \_\_\_\_\_

Paid: Yes      No

Payment Method: \_\_\_\_\_

Scheduled Planning and Zoning Commission Meeting Date: \_\_\_\_\_

Scheduled Board of Commissioner Meeting Date: \_\_\_\_\_

PZC date moved due to T.S. Helene to 12/11/2024.  
BOC date is 01/09/2025. (KD 11/18/2024)



**TOWN OF MONTREAT**  
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# Staff Report

## TA-2024-03

**Text Amendment Request (TA-2024-03)** – A Text Amendment request (TA-2024-03), submitted by Mason Blake (on behalf of the Board of Commissioners) to amend Sections 201, 618, and 701.3 of the Montreat Zoning Ordinance to comply with legislative updates from S.L. 2023-108 for private driveway standards and S.L. 2023-137 for electric fences.

Created by:

Kayla DiCristina, AICP,  
Zoning Administrator  
Town of Montreat

Created for:

Town of Montreat Board of Commissioners  
January 9, 2025

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## REQUEST SUMMARY

The General Assembly convened for their “long session” in January 2023. Their work continued into the Fall of 2023 and produced several noteworthy bills for local development regulation. Of note to the Town of Montreat’s Zoning Ordinance are .S.L. 2023-108 and S.L. 2023-137. The University of North Carolina Chapel Hill School of Government prepared guidance for local governments to make necessary changes to comply with new regulations. A link to the full legislative bulletin from the School of Government is provided below. Verbatim excerpts relevant to this text amendment are included below.

<https://www.sog.unc.edu/publications/bulletins/2023-north-carolina-legislation-related-planning-and-development-regulation>

### SL. 2023-108

Local government authority to regulate private-driveway standards is limited. Section 3 of S.L. 2023-108 (H.B. 488) adds a new subsection (j) to G.S. 160D-804. The new language provides as follows. Local government pavement design standards for new private driveways must not be more stringent than NCDOT’s minimum pavement design standards. Even if a local government has adopted driveway standards consistent with NCDOT, the local government must accept engineered-pavement design standards that do not meet minimum standards if the design is signed and sealed by a licensed engineer and meets vehicular traffic and fire apparatus access requirements. In the case of such driveways that do not meet minimum standards, the developer must provide disclosures to prospective buyers and the local government is discharged from liability. This provision applies to “new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction.” The new section does not limit local government or NCDOT authority “to regulate private roads, driveways, or street connections to a public system, or to regulate transportation and utilities.” The provision became effective October 1, 2023.

The Town of Montreat does not have private-driveway standards, but does include surfacing standards for parking spaces for non-residential development (Section 701.3 MZO). As such, language is added to this section stating that paving designs not meeting NCDOT’s minimum standards sealed by a licensed engineer are acceptable.

### S.L. 2023-137

Section 44 of S.L. 2023-137 (H.B. 600) adds new statutes, G.S. 160A-194.1 and G.S. 153A-134.1, to limit local government authority to regulate battery-charged security fences, especially on nonresidential property.

The Town of Montreat 618 of the MZO prohibits electric fences. Language is proposed to permit electric fences (referred to as “battery-charged security fences”) on non-residentially zoned property and to incorporate the requirements for such fences listed in N.C.G.S. 160A-194.1(b). A definition of “battery-charged security fence” is also added to Section 201.

Proposed changes and existing language are provided as supplemental attachments to this staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

At a special called meeting on December 11, 2024, the Planning and Zoning Commission reviewed TA-2024-03. The Planning and Zoning Commission recommended approval of TA-2024-03 with a minor grammatical revision to the text in Section 618.2 and a request to capitalize the newly defined term.

## **BOARD OF COMMISSIONERS ACTION**

The Board of Commissioners must approve, approve with revisions, or deny the proposed amendments. If revisions to the recommended revisions provided by the Planning and Zoning Commission are requested, please clarify the alternative text. As required by, N.C.G.S. 160D-605 the Board of Commissioners is also required to address consistency with the Comprehensive Plan and other matters as deemed appropriate when adopting or rejecting any zoning text amendment. The Board of Commissioners may use the consistency statement provided by the Planning and Zoning Commission if applicable to the adopted revisions. The Planning and Zoning Commission found the revisions proposed for TA-2024-03 as consistent with Montreat Tomorrow and supportive of compliance with the General Statute.

A link to the Town of Montreat’s Comprehensive Plan is provided below.

### [Montreat Tomorrow Comprehensive Plan](#)

Example Language:

The proposed text amendment [is/is not] consistent with Montreat Tomorrow because...

- [identify policies in Montreat Tomorrow which the amendment is/is not consistent with]
- [identify policies in Montreat Tomorrow which the amendment advances/hinders]

For more information on consistency statements, please review [“Plan Consistency and Reasonableness Statements” Guidance prepared by the University of North Carolina – Chapel Hill’s School of Government](#)

## **MONTREAT ZONING ORDINANCE**

Key: Text to Remain | **New Text** | **Deleted Text**

### **Private Driveway Design Standards - MZO Section 701.3**

#### **701.3 SURFACING.**

**701.35** Notwithstanding any other regulation adopted by the Town, engineered pavement design standards that do not meet minimum standards required by the Department of Transportation shall be accepted if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the North Carolina General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in N.C. Gen. Stat. § 136-102.6(f) prior to entering into any agreement or any conveyance with any prospective buyer.

### **Electric Fences – MZO Sections 201 & 618**

#### **Section 201 Definitions**

**Battery-Charged Security Fence:** An alarm system and ancillary components, or equipment attached to that system, including a fence, a battery-operated energizer that is intended to periodically deliver voltage impulses to the fence, and a battery charging device used exclusively to charge the battery.

**618.1 NEW FENCE REQUIREMENTS.** All new Fences, except Battery-Charged Security Fences, installed after the effective date of this Ordinance shall comply with the following requirements:

**618.2** Battery-Charged Security Fences are prohibited on properties within the R-1, R-2, and R-3, Zoning Districts. A Battery-Charged Security Fence shall:

- (1) Interface with a monitored alarm device enabling the alarm system to transmit a signal intended to summon the business or law enforcement in response to an intrusion or burglary.
- (2) Be located on property that is not designated by the Town and/or another local government as exclusively for residential use.
- (3) Have an energizer that is powered by a commercial storage battery that is not more than 12 volts of direct current.
- (4) Meets the standards established by the most current version of the International Electrotechnical Commission Standard 60335-2-76.
- (5) Be surrounded by a non-electric perimeter fence or wall that is not less than 5 feet in height.

(4) Not exceed 10 feet in height or 2 feet higher than the non-electric perimeter fence or wall, whichever is higher.

(5) Marked with conspicuous warning signs that are located on the Battery-Charged Security Fence at not more than 30-foot intervals and read: "WARNING—ELECTRIC FENCE."

618.~~23~~ PROHIBITED FENCES. ~~Electrically~~ Battery-Charged Security Fences prohibited by and/or not in compliance with Sec. 618.2 above, and sharp metal or glass Fences are prohibited. Barbed wire Fences are prohibited except only for special security or safety needs (such as to limit access to high towers, electrical high voltage sites, hazardous equipment and the like).

618.~~34~~ EXISTING FENCES

ORDINANCE #\_\_\_\_\_

**AN ORDINANCE AMENDING THE TOWN OF MONTREAT ZONING ORDINANCE  
TA-2024-03**

**WHEREAS**, the Town of Montreat Board of Commissioners is responsible for adopting and rejecting development ordinance 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 December 26, 2024, and January 2, 2024, in the *Black Mountain News* newspaper and held on January 9, 2025; 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 December 11, 2024, and recommended approval with revisions of the proposed zoning text amendment as it is consistent with Town's Comprehensive Plan, Montreat Tomorrow, and supportive of compliance with the General Statute.

**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:

Section 201 Definitions

**Battery-Charged Security Fence:** An alarm system and ancillary components, or equipment attached to that system, including a fence, a battery-operated energizer that is intended to periodically deliver voltage impulses to the fence, and a battery charging device used exclusively to charge the battery.

The following revisions (shown in **bold**) be made to Article VI Section 618:

618.1 NEW FENCE REQUIREMENTS. All new Fences, **except Battery-Charged Security Fences**, installed after the effective date of this Ordinance shall comply with the following requirements:

**618.2 Battery-Charged Security Fences are prohibited on properties within the R-1, R-2, and R-3, Zoning Districts. A Battery-Charged Security Fence shall:**

**(1) Interface with a monitored alarm device enabling the alarm system to transmit a signal intended to summon the business or law enforcement in response to an intrusion or burglary.**

**(2) Be located on property that is not designated by the Town and/or another local government as exclusively for residential use.**

**(3) Have an energizer that is powered by a commercial storage battery that is not more than 12 volts of direct current.**

**(4) Meets the standards established by the most current version of the International Electrotechnical Commission Standard 60335-2-76.**

**(5) Be surrounded by a non-electric perimeter fence or wall that is not less than 5 feet in height.**

**(4) Not exceed 10 feet in height or 2 feet higher than the non-electric perimeter fence or wall, whichever is higher.**

**(5) Marked with conspicuous warning signs that are located on the Battery-Charged Security Fence at not more than 30-foot intervals and read: "WARNING—ELECTRIC FENCE."**

**618.23 PROHIBITED FENCES.** **Electrically**-Battery-Charged Security Fences prohibited by and/or not in compliance with Sec. 618.2 above, and sharp metal or glass Fences are prohibited. Barbed wire Fences are prohibited except only for special security or safety needs (such as to limit access to high towers, electrical high voltage sites, hazardous equipment and the like).

#### **618.34 EXISTING FENCES**

The following revisions (shown in **bold**) be made to Article VI Section 701.3:

#### **701.3 SURFACING.**

**701.35** Notwithstanding any other regulation adopted by the Town, engineered pavement design standards that do not meet minimum standards required by the Department of Transportation shall be accepted if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the North Carolina General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in N.C. Gen. Stat. § 136-102.6(f) prior to entering into any agreement or any conveyance with any prospective buyer.

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 \_\_\_\_ , 2025.

---

Tim Helms, Mayor

---

Savannah Parrish, Town Manager



## ORDINANCE AMENDMENT APPLICATION

Town of Montreat Planning and Zoning

1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002

**REQUIRED FEE: \$50.00 (CASH OR CHECK)**

### INSTRUCTIONS

All applications for amendments to the Town of Montreat's Ordinances must include a completed and signed application and fee, set forth by the Town of Montreat Fee Schedule. Completed applications are submitted to the Town Clerk. All fees must be made payable to the Town of Montreat. Fees are non-refundable except where an application is withdrawn prior to its consideration by the Planning and Zoning Commission. The Zoning Administrator will determine whether the application is complete following its submittal and will notify the applicant via the contact information listed below of the tentative meeting dates that the Planning and Zoning Commission and Board of Commissioners will hear the proposal and of any action taken or decision made concerning this request. All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

### APPLICANT INFORMATION

APPLICANT NAME: Rick Giles TELEPHONE: 904.219.0475  
MAILING ADDRESS: 145 36<sup>th</sup> Av S CITY: Jax Bch STATE: FL ZIP: 32250  
LOCAL ADDRESS: 426 Kentucky Rd CITY: Montreat STATE: N.C. ZIP: \_\_\_\_\_  
EMAIL: rgiles@giles-mcivor.com

### PROPOSED AMENDMENT

ORDINANCE TO BE AMENDED:  GENERAL ORDINANCE  ZONING ORDINANCE  
 SUBDIVISION ORDINANCE  WIRELESS COMM. ORDINANCE

CHAPTER, ARTICLE, & SECTION TO BE AMENDED: Section 310.643

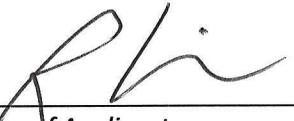
PROPOSED TEXT IN FULL (ATTACH SHEETS AS NECESSARY):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE THE REASON FOR THE REQUEST (ATTACH SHEETS AS NECESSARY): To allow Zoning Administrator to amend an approved SVP in specific ways  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LIST SUPPORTING & ATTACHED DOCUMENTS:  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURES AND ACKNOWLEDGEMENT**

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

  
\_\_\_\_\_  
*Signature of Applicant*

9.17.24  
\_\_\_\_\_  
*Date*

Rick Giles  
\_\_\_\_\_  
*Printed Name of Applicant*

**OFFICE USE ONLY**

Complete  Incomplete

Kayla DiCristina  
\_\_\_\_\_  
*Zoning Administrator Signature*

09.18.24  
\_\_\_\_\_  
*Date*

Kayla DiCristina  
\_\_\_\_\_  
*Printed Name of Zoning Administrator*

Fee: \$50.00

Paid:  Yes  No

Payment Method: \_\_\_\_\_

Scheduled Planning and Zoning Commission Meeting Date: TBD

Scheduled Board of Commissioner Meeting Date: 11.14.24

PZC date moved due to T.S. Helene to 12/11/2024.  
BOC date is 01/09/2025. (KD 11/18/2024)



**TOWN OF MONTREAT**  
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# Staff Report

## TA-2024-06

**Text Amendment Request (TA-2024-06)** – A Text Amendment request (TA-2024-06), submitted by Rick Giles (Property Owner of 426 Kentucky Road PIN#072007755800000) to amend Section 310.643 of the Montreat Zoning Ordinance to allow the Zoning Administrator to approve specific minor modifications to Special Use Permits.

Created by:

Kayla DiCristina, AICP,  
Zoning Administrator  
Town of Montreat

Created for:

Town of Montreat Board of Commissioners  
January 9, 2025

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## REQUEST SUMMARY

The Applicant, Rick Giles (Property Owner of 426 Kentucky Road PIN#072007755800000), submits this text amendment application to Section 310.643 of the Montreat Zoning Ordinance to allow the Zoning Administrator to approve specific minor modifications to Special Use Permits.

Rick Giles ("Applicant") was granted a Special Use Permit for an Accessory Dwelling Unit on their property located at 426 Kentucky Road PIN#072007755800000. At the time of development permitting, the Applicant requested a modification of the location of the approved stairs and permission to construct a secondary entrance to the structure. Changes in development approvals require additional approval, as stated specifically for Special Use Permits in the North Carolina General Statute 160D-403(d). The Montreat Zoning Ordinance ("Ordinance") dictates how approvals and modifications of those approvals are to be obtained. If the Ordinance does not specify the process, then the original approval process is followed. Section 310.643 of the Ordinance requires strict compliance with approved Special Use Permit plans.

The Ordinance does not grant any powers to the Zoning Administrator to modify approved Special Use Permits at the administrative level. Since the Ordinance does not specify that the Zoning Administrator has this authority, the Zoning Administrator informed the Applicant that any revision to the approved Special Use Permit would have to be approved by the Board of Adjustment. To obtain approval for the proposed revisions, the Applicant would have to either (1) request approval from the Board of Adjustment for the proposed revisions or (2) apply for a text amendment to the Ordinance to allow the Zoning Administrator authority to approve specific revisions.

The North Carolina State Statute allows for the Zoning Administrator to approve minor amendments to Special Use Permits under NCGS 160D-703(b) if the power granted is defined in the ordinance and constrained by clear limitations. The Zoning Administrator is also not permitted to grant changes in use or density at the administrative level as these changes are considered major amendments.

The University of North Carolina Chapel Hill's School of Government provides guidance on allowing minor modifications of development approvals at the administrative level. A link to this document is below. In addition to Special Use Permits, minor administrative modifications are also permitted for conditional zoning districts and development agreements. For the purposes of this text amendment, only minor modifications of Special Use Permits are discussed/reviewed.

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/1\\_AdministrativeModification\\_160DGuidanceDoc\\_6-24-20.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/1_AdministrativeModification_160DGuidanceDoc_6-24-20.pdf)

There are several considerations a local government should make when considering allowing the Zoning Administrator to approve modifications to Special Use Permit. The following are summarized from the above document.

- 1. Distinguish between site design modifications and dimensional standard modifications.** There are two distinct types of minor modifications. Site design modifications are changes to design, such as orientation of parking spaces. Under these changes, the approval still meets the underlying zoning requirements. Site design modifications are clearly permitted under NCGS 160D. Dimensional standard modifications are those that change the underlying zoning requirements, such as reducing the number of parking spaces. This is similar to a variance and may require a quasi-judicial examination, which is not under the authority of the Zoning Administrator regardless of what an ordinance says. These types of changes are arguably authorized under general zoning powers and case law, but care must be taken to avoid requiring the Zoning Administrator to make a quasi-judicial examination.
- 2. Define minor modification.** Set clear limits on what changes qualify for administrative review. As a general rule, do not include changes in use or density. Be clear about the permissible amount of modification.
- 3. Determine qualifying criteria for modifications.** Determine when a minor modification is authorized. Remember that the examination must be administrative (i.e. black and white) not quasi-judicial (i.e. discretionary).
- 4. Determine decision-maker.** Determine what official or board is charged with reviewing a request for administrative modification.
- 5. Consider impact on major amendments.** Consider whether multiple or sequential minor modifications trigger a major amendment.

The applicant's proposed changes and the existing language in the Ordinance are provided as supplemental attachments to this staff report.

## STAFF RESEARCH

The Zoning Administrator reviewed the Unified Development Ordinances of Buncombe County, Asheville, Black Mountain, Woodfin, Weaverville, and Biltmore Forest to examine existing regulations for minor amendments authorized at the administrative level to Special Use Permits. Verbatim excerpts from these ordinances are included at the end of this staff report.

### [Buncombe County Unified Development Ordinance \(Chapter 78\)](#)

Buncombe County authorizes the Zoning Administrator to permit minor changes to the location, siting or character of buildings and structures of Special Use Permits. The applicant must demonstrate that these changes are required by engineering or other circumstances not foreseen at the time the final development program was approved. The Zoning Administrator may not permit changes that increase the size of any building or structure by

more than ten percent, nor change the location of any building or structure by more than ten feet in any direction or alter any underlying zoning regulation. There are six specific changes listed that cannot be authorized by the Zoning Administrator. Any changes not permitted to be authorized by the Zoning Administrator must be made by the Board of Adjustment.

#### **City of Asheville Unified Development Ordinance (Chapter 7)**

The City of Asheville permits minor modifications to Special Use Permits at the administrative level that do not involve changes in uses permitted or the density of the overall project. It is not clear who at the administrative level makes this decision. Any changes not permitted to be authorized at the administrative level must be made by the Board of Adjustment.

#### **Town of Black Mountain Unified Development Ordinance (Chapter 8)**

The Town of Black Mountain authorizes the Zoning Administrator to approve minor modifications to Special Use Permit if the building floor areas and/or structure heights are not increased by more than 20 percent, density is not increased, relocated buildings, roads or uses maintain the same general relationships, landscaping, road, and utility standards, and the amendment is in compliance with the underlying zoning regulations. Any changes not permitted to be authorized by the Zoning Administrator must be made by the Board of Adjustment.

#### **Town of Weaverville Unified Development Ordinance (Chapter 20)**

The Town of Weaverville allows the Zoning Administrator to approve minor modifications to Special Use Permits if the modification does not involve a change in uses permitted or the density of overall development permitted and does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval. The change must also continue to meet all other ordinance requirements. Modifications to site plans must comply with the underlying zoning regulations and are limited to minor changes such as a minor adjustment to road configuration or internal circulation, a minor adjustment to building locations, or a minor adjustment to utility alignment.

#### **Town of Woodfin Unified Development Ordinance (Chapter 54)**

The Town of Weaverville permits the Planning Director to approve minor modifications to Special Use Permits. These modifications cannot involve a change in uses permitted or the density of overall development permitted and cannot increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval. The change must also continue to meet all other ordinance requirements. Modifications to site plans must comply with the underlying zoning

regulations and are limited to minor changes such as a minor adjustment to road configuration or internal circulation, a minor adjustment to building locations, or a minor adjustment to utility alignment. The Planning Director may also permit dimensional standard modifications to adjust parking requirements up to the greater of five spaces or 10 percent and/or to setback requirements up to greater of 24 inches or ten percent. Granting these modifications are based on evidence from the applicant that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval.

#### **Town of Biltmore Forest Unified Development Ordinance (Chapter 153)**

The Town of Biltmore Forest does not allow minor modifications of Special Use Permits at the administrative level.

### **PLANNING AND ZONING COMMISSION RECOMMENDATION**

At a special called meeting on December 11, 2024, the Planning and Zoning Commission reviewed TA-2024-06. The Planning and Zoning Commission recommended approval of TA-2024-06 with revisions to the organization of the proposed text.

### **BOARD OF COMMISSIONERS ACTION**

The Board of Commissioners must approve, approve with revisions, or deny the proposed amendments. If revisions to the recommended revisions provided by the Planning and Zoning Commission are requested, please clarify the alternative text. As required by, N.C.G.S. 160D-605 the Board of Commissioners is also required to address consistency with the Comprehensive Plan and other matters as deemed appropriate when adopting or rejecting any zoning text amendment. The Board of Commissioners may use the consistency statement provided by the Planning and Zoning Commission if applicable to the adopted revisions. The Planning and Zoning Commission found the revisions proposed for TA-2024-06 as consistent with Montreat Tomorrow and supportive of Development Objective #4.

A link to the Town of Montreat's Comprehensive Plan is provided below.

#### **Montreat Tomorrow Comprehensive Plan**

Example Language:

The proposed text amendment [is/is not] consistent with Montreat Tomorrow because...

- [identify policies in Montreat Tomorrow which the amendment is/is not consistent with]
- [identify policies in Montreat Tomorrow which the amendment advances/hinders]

For more information on consistency statements, please review ["Plan Consistency and Reasonableness Statements" Guidance prepared by the University of North Carolina – Chapel Hill's School of Government](#)

## **STAFF RESEARCH ORDINANCE EXCERPTS**

### [Buncombe County Unified Development Ordinance \(Chapter 78\)](#)

#### **Sec. 78-677.**

(j) *Changes; limitations.* Minor changes in the location, siting or character of buildings and structures may be authorized by the zoning administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved; provided, however, that no change authorized by the zoning administrator under this section may increase the size of any building or structure by more than ten percent, nor change the location of any building or structure by more than ten feet in any direction, nor make any changes beyond the minimum or maximum requirements set forth in this article. All other changes, including changes in the site plan and in the development schedule, must be submitted to the board of adjustment. In no case shall the following changes be made without resubmission of the development plan according to the procedures in this section:

- (1) A change in the use or character of the development.
- (2) An increase in overall density.
- (3) An increase in intensity of use.
- (4) Alteration of the traffic circulation system.
- (5) A reduction in approved open space.
- (6) A reduction of off-street parking and loading space.

### [City of Asheville Unified Development Ordinance \(Chapter 7\)](#)

#### **Sec 7-5-5**

(k) *Minor Modifications.* Minor modifications to a special use permit that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modifications or revocation of a special use permit shall follow the same process for the granting of the original special use permit.

### [Town of Black Mountain Unified Development Ordinance \(Chapter 8\)](#)

#### **Sec 7.2.10**

A. The owner of property that is subject to an approved special use permit may apply for a modification of the special use permit by following the same procedure as if applying for a new special use permit. Applications for a modification must include a new site plan that identifies the

proposed changes. Evidence presented at the hearing on the proposed modification will be limited to the effect of the proposal on the original special use permit, any plans or conditions that were a part of the original special use permit, and the standards and requirements of the ordinance under which the original special use permit approved.

B. Changes to the plans and conditions of development that were the basis of the approval of the special use permit require board of adjustment approval; provided, however, that certain minor changes may be approved by the zoning administrator without board of adjustment approval, if:

1. Building floor areas are not changed by more than 20 percent;
2. Building or structure heights are not increased by more than 20 percent;
3. Density is not increased;
4. Relocated buildings, roads or uses maintain the same general relationships, landscaping, road, and utility standards; and
5. The amendment preserves compliance with any specific requirement of this chapter and the zoning district requirements at the time of the amendment request.

If the zoning administrator determines that a proposal is not a minor change, the application for changes shall be forwarded to the board of adjustment for consideration.

#### **Town of Weaverville Unified Development Ordinance (Chapter 20)**

#### **Sec 20-1303**

After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained as set out herein.

(a) *Major amendments.* Except as allowed under Minor Modifications below, all changes to approved conditional districts, special use permits, subdivision plats, and/or other development approvals, are major amendments and shall follow the same process applicable for the original approval.

(b) *Changes to individual parcels within a conditional district or special use permit.* For a conditional district or special use permit applicable to multiple parcels, the owners of individual parcels may apply for minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved change shall only be applicable to those properties whose owners petitioned for the change.

(c) *Minor modifications.* The subdivision administrator is authorized to review and approve administratively a minor modification to an approved subdivision plat, and the zoning administrator is authorized to reviewed and approve administratively a minor modification to an approved conditional district, special use permit or any other development approval. All minor modifications are subject to the following limitations:

- i. *General limitations.* The modification:

1. Does not involve a change in uses permitted or the density of overall development permitted;
2. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
3. Meets all other ordinance requirements.

ii. *Site design.* Site design minor modifications are limited to adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a conditional zoning district or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:

1. Comply with underlying zoning standards and other applicable conditions of approval;
2. Be limited to minor changes such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building locations, or a minor adjustment to utility alignment.

(d) *Appeals and variances.* A decision on minor modifications is an administrative decision and may be appealed to the board of adjustment. An application for a minor modification does not preclude an applicant from seeking a variance from the board of adjustment.

(e) *Notice to governing board.* Staff is required to notify the governing board of any minor modifications to conditional districts that have been administratively approved or denied.

#### **Sec 20-3204**

(l) *Modifications.* Minor modifications and major amendments to approved special use permits shall be in accordance with Code section 20-1303.

#### **Town of Woodfin Unified Development Ordinance (Chapter 54)**

#### **Sec. 54-319**

a) *Minor modifications.* The planning director is authorized to review and approve administratively a minor modification to subsequent plans and permits for a development within a conditional zoning district or approved by special use permit.

(1) *General limitations.* The minor modification shall not involve a change in uses permitted or the density of the overall development or increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development. The modification shall meet all other ordinance requirements.

(2) *Site design.* Site design minor modifications are limited adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a

conditional zoning or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:

- a. Comply with underlying zoning standards and other applicable conditions of the approval;
- b. Be limited to a minor change such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building location, or a minor adjustment to utility alignment.

(3) *Dimensional standards.* Dimensional standard minor modifications are adjustments to the dimensional standards of the zoning ordinance. Dimensional standards may only be modified upon a finding by the planning director, based on evidence from the permit holder, that the modification is needed to address a site characteristic or technical design consideration not known at the time of initial approval. In addition to the general limitations for minor modifications, dimensional standard minor modifications are limited to:

- a. An adjustment to parking requirements up to the greater of five spaces or 10 percent.
- b. An adjustment to setback requirements up to greater of 24 inches or ten percent.

(4) *Appeals and variances.* A decision on a minor modification may be appealed to the board of adjustment as an administrative determination. An application for a minor modification does not preclude an applicant from seeking a variance from the board of adjustment.

## **MONTREAT ZONING ORDINANCE**

Key: Text to Remain | **New Text** | **Deleted Text**

**310.64 DECISION OF THE ZONING BOARD OF ADJUSTMENT.** The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to grant a Special Use Permit. The Board of Adjustment shall determine contested facts, make decisions within a reasonable time, and base quasi-judicial decisions on competent, material and substantial evidence in the record. Quasi-judicial decisions of the Board shall be in writing and shall reflect the Board's determination of contested facts and their application to standards found in this Ordinance. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decision of the Board shall be delivered by personal delivery, electronic mail, or first-class mail to the applicant, the property owner, and any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

**310.641** If it approves the Special Use Permit, the Board of Adjustment may impose such conditions as will assure that the Use in its proposed location will be harmonious and with 40 the spirit and intent of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted and also onto the Special Use Permit and on the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Special Use Permit, its heirs, successors and assigns. In order to ensure that such conditions and requirements of each Special Use Permit will be fulfilled, the applicant for the Special Use Permit may be required to provide physical improvements required as a basis for the issuance of the Special Use Permit.

**310.642** In addition to the specific conditions required and whatever additional conditions the Board of Adjustment deems to be reasonable and appropriate, Special Uses shall comply with the height, Yard, area and parking regulations of the Zoning District in which the property is located.

**310.643** If the holder of the Special Use Permit fails to comply with the plans submitted with the application for the Special Use Permit or fails to comply with any conditions of the Special Use Permit, the Board of Adjustment may revoke the Special Use Permit by following the same process as required for approval of the Special Use Permit. See N.C.G.S. Section 160D-403(f). During the pendency of any such revocation proceedings, the Town and any person(s) operating under a Building Permit(s) shall be subject to the proceedings described in N.C.G.S. 160D-405.

**310.644 Minor Modifications.**

a) The Town of Montreat Zoning Administrator is authorized to review and approve administratively minor modifications to an approved Special Use Permit if the minor modification proposes to:

1. Change the location of any building or structure by ten feet or less in any direction.
2. Change the height of any building or structure by ten percent or less.
3. Change the square footage of any building or structure by ten percent or less.
4. Modify the number, location, and/or size of entrances to any building or structure.
5. Add, delete, or relocate architectural elements such as attached steps, roof, gutters, chimneys, dormers and similar fixtures.

b) These modifications are subject to the following limitations:

1. The modification does not involve a change in uses permitted or the density of overall development permitted.
2. The modification does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval.
3. The modification complies with all development ordinance requirements of the Town of Montreat and other applicable conditions of approval.

ORDINANCE #\_\_\_\_\_

**AN ORDINANCE AMENDING THE TOWN OF MONTREAT ZONING ORDINANCE  
TA-2024-06**

**WHEREAS**, the Town of Montreat Board of Commissioners is responsible for adopting and rejecting development ordinance 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 December 26, 2024, and January 2, 2025, in the *Black Mountain News* newspaper and held on January 9, 2025; 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 December 11, 2024, and recommended approval of the proposed zoning text amendment as it is consistent with Development Objective #4 listed in the Town's Comprehensive Plan, Montreat Tomorrow.

**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 III Section 310.64:

**310.644 Minor Modifications.**

- a) The Town of Montreat Zoning Administrator is authorized to review and approve administratively minor modifications to an approved Special Use Permit if the minor modification proposes to:**
  - 1. Change the location of any building or structure by ten feet or less in any direction.**
  - 2. Change the height of any building or structure by ten percent or less.**
  - 3. Change the square footage of any building or structure by ten percent or less.**
  - 4. Modify the number, location, and/or size of entrances to any building or structure.**
  - 5. Add, delete, or relocate architectural elements such as attached steps, roof, gutters, chimneys and similar fixtures.**
- b) These modifications are subject to the following limitations:**
  - 1. The modification does not involve a change in uses permitted or the density of overall development permitted.**
  - 2. The modification does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval.**

- 3. The modification complies with all development ordinance requirements of the Town of Montreat and other applicable conditions of approval.**

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 \_\_\_\_, 2025.

---

Tim Helms, Mayor

---

Savannah Parrish, Town Manager



**NORTH CAROLINA**  
Environmental Quality

**ROY COOPER**  
*Governor*

**MARY PENNY KELLEY**  
*Secretary*

November 19, 2024

Savannah Parish, Town Manager  
Town of Montreat  
P.O. Box 423  
Montreat, NC 28757

Subject: Emergency Loan Award for Hurricane Helene Water Infrastructure Damage

Dear Ms. Parrish:

I am very pleased to award you interest-free financing that should act as a cash flow bridge between your immediate needs and federal reimbursement of disaster expenses.

I have never seen such severe and extensive damage in the western part of our state. The force of water it took to sweep away infrastructure, carve out river channels, and deposit silt across some riverside streets and buildings was astounding. I am similarly amazed by the hard work and dedication that you and your community demonstrated in the aftermath to take care of each other and begin to put things right again.

For our part, as soon as the reports came in on the devastation, I directed my staff to do everything we could to support you in rebuilding. Upon their recommendation, I activated emergency loan funding and waived program fees. The Legislature authorized and Governor Cooper signed into law the disaster relief package that provided additional funding to the program.

As a loan that bridges the time gap between your current expenses and federal reimbursement, you will not repay the loan until the earlier of June 2030 or receipt of federal disaster relief. You may also ease cash flow demands by submitting invoices to us for your incurred costs prior to paying your contractors. Federal agencies may reimburse emergency loans, including this loan. I and my staff will continue to partner with you and with federal agencies to ensure this works seamlessly for you and eases the burden of rebuilding public infrastructure.

Your partner in natural disaster recovery,

Mary Penny Kelley  
Secretary



North Carolina Department of Environmental Quality  
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601  
919.707.5661  
**Packet Page 54**



ROY COOPER  
*Governor*

MARY PENNY KELLEY  
*Secretary*

SHADI ESKAF  
*Director*

NORTH CAROLINA  
*Environmental Quality*

November 20, 2024

Savannah Parrish, Town Manager  
Town of Montreat  
P.O. Box 423  
Montreat, North Carolina 28757

Subject: Letter of Intent to Fund and Funding Offer Transmittal  
Emergency Bridge Loan for Hurricane Helene Damages  
DWI Project No.: HEL-0014

Dear Savannah Parrish:

The Division of Water Infrastructure (Division) has received your local government unit's (Recipient's) *Request for Emergency Loan Funding* to repair damages to your drinking water and/or wastewater infrastructure resulting from Hurricane Helene. The Division is offering up to \$300,000, repayable at 0% interest from the DEQ Water Infrastructure Emergency Bridge Loan Program as established in Session Law (S.L.) 2024-53 Section 4C.7. Projects must meet applicable State laws, rules and guidance for the expenditure of these funds. If additional emergency loan funds are needed, please submit another *Request for Emergency Loan Funding* to the Division with a project scope and project budget demonstrating the need for additional funds.

Eligible Costs:

DEQ Water Infrastructure Emergency Bridge Loan (Emergency Loan) funds can only be used to cover eligible costs arising from damage caused by Hurricane Helene to the drinking water and/or wastewater system of the Recipient. Eligible costs under the Emergency Loan are limited to those allowed under Session Law 2024-53, Section 4C.7, to conduct emergency repairs to restore operational capacity until receipt of federal disaster relief and for any other purpose specifically provided by an act of the General Assembly. If there are questions about the eligibility of potential costs, please contact the Division's project manager for discussion prior to incurring the costs.

Emergency Loan Terms:

There is no fee for the Emergency Loan. Per S.L. 2024-53, Section 4C.6, this Emergency Loan does not require the approval of the Local Government Commission that is required under NC G.S. 159G-40.

Per S.L. 2024-53, Section 4C.7.(a), the Emergency Loan costs must be encumbered by the Division by October 31, 2028. **The Recipient must submit all requests for Emergency Loan disbursements for eligible costs to the Division by October 31, 2028.** The Division will not make any disbursements on the Emergency Loan for which eligible disbursement requests were not received from the Recipient by that date.



Per S.L. 2024-53, Section 4C.7.(j)(2), the Emergency Loan matures upon the earlier of the receipt of federal disaster relief by the Receipt or June 30, 2030. The Emergency Loan repayments are not amortized for the Recipient by the Division. **The Recipient is responsible for repaying the full balance of the Emergency Loan to the Division by June 30, 2030 or upon receipt of federal disaster relief, whichever comes first.**

Alternative Funding:

**The Recipient should and is encouraged to obtain alternative funds** to cover the losses or needs for which the Emergency Loan funds are provided, including any available federal disaster aid (e.g., FEMA Public Assistance). Alternative funds, including federal disaster relief funds, received by the Recipient to cover the same losses or needs for which this Emergency Loan was issued must be used to repay the Emergency Loan.

Project Scope and Budget:

Upon acceptance and execution of the Emergency Loan offer, the Recipient must submit a preliminary scope and budget to the Division via the Laserfiche link below. The preliminary scope and budget must be received by the Division at the time or prior to the request for first disbursement of Emergency Loan funds. The preliminary scope and budget can be amended by the Recipient as the repairs and project progresses. Documented, eligible costs incurred by the Recipient prior to the execution of the funding offer can be included in the preliminary scope and budget and in the disbursement requests. Please note that the accompanying funding offer is being issued before the Division has received a preliminary scope and budget from the Recipient.

Disbursement of Emergency Loan Funds:

These funds will be disbursed to the Recipient after relevant costs are incurred and invoices are submitted to the Division. Funds will be disbursed as invoices for incurred pre-construction and construction costs are submitted by the Recipient during construction/repairs, which may be submitted prior to or after paying the contractors for the incurred costs. Only costs eligible under Session Law 2024-53 may be covered by these funds.

Electronic Document Submittal through Laserfiche:

Recipients should submit all project documents via the supporting documentation submittal form located at <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. The link and a list of frequently asked questions can also be accessed from the Division's I Have Funding page, <https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding>.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding.

Acceptance of the Emergency Loan Offer:

To accept this Emergency Loan funding offer, please email the Division project manager within two weeks of receipt of this letter with a statement accepting this offer. Upon acceptance, please submit the items below via the Laserfiche link:

- 1) One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative of the project, along with the Conditions and Assurances. **Please retain a copy for your files.**
- 2) A Resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached).
- 3) Federal Identification Number and Unique Entity ID Number of the Recipient.



- 4) Sales Tax Certification (attached).
- 5) Preliminary project scope and project budget.

The Site Certification and a Capital Project Ordinance (or budget ordinance covering the project) and the items above are due before disbursements begin.

Declination of the Emergency Loan Offer:

To decline this Emergency Loan funding offer, please email the Division project manager within two weeks of receipt of this letter with a statement declining this offer. An email from the Authorized Representative declining the loan will result in the rescission of the Emergency Loan funding offer.

Division's Project Manager:

If you have any questions concerning this matter or require general assistance, please contact the Division's project manager assigned to your project: Keith Krzywicki, P.E. either by telephone at 919.707.9184 or by email at [keith.krzywicki@deq.nc.gov](mailto:keith.krzywicki@deq.nc.gov)

Sincerely,

DocuSigned by:  
  
Stephanie Suter  
ECDB3F178E434D9...

For Shadi Eskaf

Shadi Eskaf, Director  
Division of Water Infrastructure

Enclosures: Offer and Acceptance Document  
Assurances & Conditions  
Federal ID and UEID Number Request Memo  
Resolution to Accept Funding Offer (suggested format)  
Sales Tax Certification Form  
Disbursement Request Form  
Site Certification  
Capital Project Ordinance (sample)

cc: Savannah Parrish, Town Administrator ([sparrish@townofmontreat.org](mailto:sparrish@townofmontreat.org))  
Mark Hubbard, P.E. (DWI, via DocuSign)  
Keith Krzywicki, P.E. (DWI, via DocuSign)  
DWI Administrative Unit (DWI, via DocuSign)  
Teresa Tripp (DWI, via DocuSign)  
[DEQ.DWI.FundingOffer@deq.nc.gov](mailto:DEQ.DWI.FundingOffer@deq.nc.gov)  
LF Project File (COM – LOIF)  
DWI Agreement ID:



**STATE OF NORTH CAROLINA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**DIVISION OF WATER INFRASTRUCTURE**

**Funding Offer and Acceptance**

**Legal Name and Address of Award Recipient**

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

**Project Number(s):** HEL-0014

**Unique Entity ID Number:** Y4PHW3M1VYT7

**Funding Program**

		<b>Additional Amount for Funding Increases</b>	<b>Previous Total</b>	<b>Total Offered</b>
Drinking Water	<input checked="" type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
DEQ Water Infrastructure Emergency Bridge Loan – Hurricane Helene	<input checked="" type="checkbox"/>			\$300,000
State Emergency Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)	<input type="checkbox"/>			
American Rescue Plan Act– Choose an item.	<input type="checkbox"/>			

**Project Description:**

Emergency Bridge Loan for Hurricane Helene Damages

**Total Financial Assistance Offer:**

**\$300,000**

**Closing Fee:**

\$0

For Loans

**Interest Rate:**

0% Per Annum

**Maturity:** June 30, 2030 or Upon receipt of federal  
disaster relief, whichever comes first

Pursuant to North Carolina Session Law 2024-53:-

- The applicant is eligible under State law,
- The project is eligible under State law, and
- The project has been approved by the Department of Environmental Quality as being an emergency situation in a County declared as a disaster county as a result of Hurricane Helene, and eligible under Session Law 2024-53.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure  
North Carolina Department of Environmental Quality**

DocuSigned by:

For Shadi Eskaf

11/20/2024

  
Signature  
E0D9178E434D9...

Date

On Behalf of:

Town of Montreat

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature

**Packet Page 58**

Date

**STANDARD CONDITIONS & ASSURANCES FOR EMERGENCY LOAN – Hurricane Helene Emergencies****Project Recipient: Town of Montreat****Project Number(s): HEL-0014****Conditions**

1. Any funds received from the Emergency Loan shall only be used to cover eligible costs arising from damage caused by Hurricane Helene to drinking water or wastewater systems located in the affected area.
2. Eligible costs under the Emergency Loan are limited to those allowed under Session Law 2024-53, Section 4C.7(e).
3. The Recipient is responsible for paying for the costs ineligible for Division of Water Infrastructure funding.
4. All funds awarded to the Recipient from the Emergency Loan must be expended or encumbered by October 31, 2028.
5. The Recipient agrees to repay the full amount disbursed in this Emergency Loan to DEQ when due in accordance with this Agreement. Per Section 4C.7.(j)(2) of Session Law 2024-53, the total balance of this loan shall be due upon the earlier of:
  - a. Receipt of federal disaster relief by the Recipient; or
  - b. June 30, 2030.
6. The Recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. The Recipient shall provide any documentation requested by DEQ to show that (1) funds requested by Recipient are necessary to repair damages caused by Hurricane Helene and (2) Emergency Loan funds are used for an authorized purpose.
8. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs. The Recipient will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Recipient is expected to uphold its contract obligations including those regarding timely payment.
9. Failure to comply with local government audit requirements may result in delays in disbursement of the funds to the Recipient.
10. Pursuant to Session Law 2024-53, Section 3.1(b), the Recipient is required to use best efforts and take all reasonable steps to obtain alternative funds to cover the losses or needs for which Emergency Loan funds are provided, including any available federal disaster aid.
11. The Recipient will promptly notify DEQ of the existence and status of any award for federal disaster aid to cover the costs for which this loan was issued.
12. Pursuant to Session Law 2024-53, Section 3.1.(c), if the Recipient receives federal disaster aid to cover the same losses or needs for which this Emergency Loan was issued, the Recipient shall use the federal funds to promptly repay the Emergency Loan.

- 13.** Recipient shall assist and fully cooperate with DEQ in meeting its reporting obligations to OSBM under Section 3.1(g) of Session Law 2024-53.
- 14.** The Recipient will strive to acquire goods and services from historically underutilized business vendors.

### **Assurances**

- 15.** The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
- 16.** The Recipient will provide and maintain adequate engineering supervision and inspection.

**FEDERAL ID & Unique Entity ID # REQUEST MEMO**

TO: All Loan and Grant Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their Federal Identification Number to this office upon acceptance of your loan/grant offer. Therefore, please provide the information below and return to the Division via email at DEQ.DWI.FundingOffer@deq.nc.gov.

**RECIPIENT:**

---

**PROJECT NUMBER:**

---

**FEDERAL IDENTIFICATION NUMBER:**

---

**UNIQUE ENTITY ID:**

(Suggested Format)

**RESOLUTION BY GOVERNING BODY OF RECIPIENT**

**WHEREAS**, the North Carolina General Assembly has enacted Session Law 2024-53 to assist eligible units of government in meeting their Hurricane Helene disaster-related water infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Emergency Bridge Loan in the amount of \$\_\_\_\_\_ to repair a wastewater and/or drinking water system, and

**WHEREAS**, the (unit of government) intends to perform said project in accordance with the terms of the Agreement with the NC Department of Environmental Quality,

**NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):**

That (unit of government) does hereby accept the State Emergency Bridge Loan offer of \$\_\_\_\_\_.

That the (unit of government) does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That (name and title of authorized representative), and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

Date

**SALES-TAX REIMBURSEMENT CERTIFICATION FORM**  
(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: \_\_\_\_\_

Project Number: \_\_\_\_\_

Check If Applicant is not a unit of government under North Carolina law

***If Applicant noted above is a Unit of Government in North Carolina, check the applicable box below.***

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

The construction contract was bid with sales taxes and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

The construction contract was bid with sales taxes and the unit of government will not request reimbursement from the DOR.

The construction contract was bid without sales taxes

---

(Printed Name and Title of Authorized Representative)

---

(Signature of Authorized Representative)

---

(Date)

**DISBURSEMENT REQUEST FORM****NC Division of Water Infrastructure**Funding Recipient: \_\_\_\_\_  
DWI Project No. \_\_\_\_\_Payment No. \_\_\_\_\_  
Period Covered From: \_\_\_\_\_ To: \_\_\_\_\_

<b>CONSTRUCTION</b> (Rename as appropriate)	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
<b>ENGINEERING</b> (Rename as appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
<b>OTHER COSTS</b> (Rename as Appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1									
Item 2									
Item 3									
<b>PAY REQUEST TOTALS</b>	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order		Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Total Requested For This Pay Request
	\$1,955,000	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000

## Certification

Grant Percentage for SRF Projects:

%

- I certify that to the best of my knowledge and belief the incurred costs being requested for disbursement are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.

- For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.

## You must check ONE of the boxes below or your payment will not be processed:

The funds requested above have already been paid to the respective vendors, consultants &amp; contractors by the funding recipient

OR

The funds requested above have not been paid to the respective vendors, consultants &amp; contractors.

Funds received from the State will be disbursed to these entities within three (3) banking days.

Type or Print Name and Title

Signature of Authorized Representative

Date

DWI comments

**Instructions and notes on how to use this form**

- Complete guidance for preparing disbursement requests can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
- The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
- Please submit ONE COPY of this form and backup documents when requesting funds.
- Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
- Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.



CERTIFICATION REGARDING UNIFORM RELOCATION  
ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES  
(URLAP) ACT OF 1970

Applicant: \_\_\_\_\_  
Project No.: \_\_\_\_\_  
Project Name: \_\_\_\_\_

Please check appropriate boxes:

I certify that all real property (including easements) has been acquired or condemnation proceedings have been entered into for property thereby providing legal access for this project.

AND

I certify to the best of my knowledge and belief that the acquisition of property specifically for the above referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition either:

- Acquisition of real property did not result in the displacement of any person, business or farm operation.
- or relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance.

OR

Compliance with the Uniform Act does not apply because the land and/or easements associated with the above referenced project were acquired prior to the inception of the project. Date land acquired: \_\_\_\_\_

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

---

Signature of Applicant's Authorized Representative or Attorney Date

---

Typed Name and Title

## Capital Project Ordinance

Be it ORDAINED by the Governing Board of the (Town of Anywhere), North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the (construction/rehabilitation of a wastewater treatment/collection System) to be financed by (the sale of general obligation bonds/ARRA loan /federal loan/state loan / state grants and reserves).

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering	\$ 120,000
Land	90,000
Construction	1,440,000
	<u>\$ 1,650,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Federal/ARRA Loan	\$ 1,100,000
Proceeds from general Obligation Bonds	\$ 500,000
Transfer from Wastewater treatment capital Reserve	\$ 20,000
	<u>\$ 1,650,000</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 5: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner. Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this \_\_\_\_ day of \_\_\_\_ 201\_.

---

Signature, (Authorized Rep)

(Seal)

Attest: \_\_\_\_\_

Signature (Town Clerk)



## TOWN OF MONTREAT

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

### **Resolution by the Board of Commissioners of the Town of Montreat**

**WHEREAS**, the North Carolina General Assembly has enacted Session Law 2024-53 to assist eligible units of government in meeting their Hurricane Helene disaster-related water infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Emergency Bridge Loan in the amount of \$300,000 to and a technical assistance grant of \$200,000 to repair damages to water infrastructure as a result of Hurricane Helene.

**WHEREAS**, the Town of Montreat intends to ~~and~~ perform said project in accordance with the terms of the Agreement with the NC Department of Environmental Quality.

### **NOW, THEREFORE, BE IT RESOLVED BY THE MONTREAT BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT:**

That the Town of Montreat does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Savannah Parrish, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required.

Adopted this the \_\_\_\_\_ at \_\_\_\_\_, North Carolina.

\_\_\_\_\_  
Mayor Tim Helms

\_\_\_\_\_  
Date

Attested by:

\_\_\_\_\_  
Town Clerk Angie Murphy





# Pavement Maintenance Proposal

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**Town Of Montreat**

**Barry Creasman**

**Project:**

**Town of Montreat**

1200 Montreat Rd  
Montreat, NC 28757



Lilli Culbertson  
Estimator

# Service Provider Information

## Company Info



C&T Paving  
125 Sweeten Creek Road  
Asheville, NC 28803

P: 828-683-6564  
F: 828-867-6564

<http://www.candtpave.com>

## Contact Person

Lilli Culbertson  
Estimator

[lilli@candtpave.com](mailto:lilli@candtpave.com)

Cell: 828-9894301  
Office 828-683-6564

## About Us

### We Solve Problems and Make Complicated Simple!

We understand that as a manager, owner or investor of properties all over the United States, you need a partner to develop a strategic plan that will preserve your investment for the long term for the least amount of money.

**C & T Paving** provides pavement design, maintenance & construction services to the residential, commercial, recreational and industrial markets throughout the United States.

Please find the enclosed proposal and do not hesitate to call us with any questions.

## Provided Milling

1. Mill out old material

Total Price: \$128,700.00

## New Asphalt Paving

1. The area under consideration for a new asphalt surface comprises approx. 3,015 square yards.
2. Install 8 inches of crushed gravel and compact with a steel drum vibratory roller.
3. **Asphalt Surface 9.5** : Install 2 inches compacted thickness surface asphalt and compact with a vibratory steel drum roller.

Total Price: \$175,300.00

## New Asphalt Patching

1. The area under consideration for a new asphalt surface comprises approx. 2,273 square yards.
2. Install 6 inches of crushed gravel and compact with a steel drum vibratory roller.
3. **Asphalt Surface 9.5** : Install 2 inches compacted thickness surface asphalt and compact with a vibratory steel drum roller.

Total Price: \$119,074.00

## Stamped Concrete

1. We have identified area(s) comprising approx. 16 sq. ft for a new concrete surface.
2. **New Concrete Surface**: We will form, place and finish 4 inches of 4,000 psi new concrete. Control & Expansion joints will be installed as necessary.
3. **Finish**: The final finish of the new concrete surface will be Brush-Finished. If you desire a different finish, please let us know prior to the acceptance of this proposal.

Total Price: \$4,500.00

## 18" Curb and Gutter

1. Pour and finish 18" curbing, up to (128) LF using 4,000 psi concrete.

Total Price: \$3,622.00

# Price Breakdown: Town of Montreat



Please find the following breakdown of all services we have provided in this proposal.

This proposal originated on December 18, 2024.

Item	Description	Cost
1.	Provided Milling	\$128,700.00
2.	New Asphalt Paving	\$175,300.00
3.	New Asphalt Patching	\$119,074.00
4.	Stamped Concrete	\$4,500.00
5.	18" Curb and Gutter	\$3,622.00
<b>Total:</b>		<b>\$431,196.00</b>

## Authorization to Proceed & Contract

**The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined. When signed, this document becomes a contract. E&OE**

We understand that if any additional work is required different than what is stated in this proposal/contract, it must be in a new contract or added to this contract. The parties also acknowledge that the time for performance of the work may be impacted by market conditions beyond contractor's control in which event the contract time shall be extended.

Please see all attachments for special conditions that may pertain to aspects of this project.

This price of this contract is based upon completion of the work within thirty days from the date hereof, thus the price is good for a period of up to 30 days from the date listed herein. If the work is not completed within thirty days, and the contractor experiences price increases for materials in excess of those upon which the price of this contract were based as of the date hereof, the contract price shall be increased by the amount of the documented price increase.

## Acceptance

We agree to pay the total sum or balance in full upon completion of this project.

I am authorized to approve and sign this project as described in this proposal as well as identified below with our payment terms and options.

Date: \_\_\_\_\_

---

Barry Creasman  
Town Of Montreat  
1200 Montreat Rd  
Montreat, NC 28757  
[bcreasman@townofmontreat.org](mailto:bcreasman@townofmontreat.org)

---

Lilli Culbertson | Estimator  
C&T Paving  
125 Sweeten Creek Road  
Asheville, NC 28803  
E: [lilli@candtpave.com](mailto:lilli@candtpave.com)  
C: 828-9894301  
P: 828-683-6564  
F: 828-867-6564  
<http://www.candtpave.com>

## Contract Terms & Conditions

1. **Asphalt Price Index:** Proposal is based on the current price of liquid asphalt. If there is a price increase in liquid asphalt, there will be additional charge for the difference.  
*The asphalt cost based on a NCDOT price index of \$601.88 per liquid ton + tax as of June 1, 2024 and good until June 30, 2024.*
2. The owner is responsible to notify all landscapers and garbage companies to not show on the area of work the day we are performing work. In the event of a reschedule due to unforeseen conditions, you are required to let all service providers know about the change.
3. 90% of contract amount and change orders must be paid prior to completing punch list items and/or any changes for additional work required by cities or municipalities.
4. It is understood and agreed that all work is performed "weather permitting".
5. Towing fees, if necessary, billed as actual. Any vehicles left in the construction area at commencement of the work will be relocated on site and billed to the Owner/Authorized Agent
6. Change orders, additions or extras requested by Owner, Contractor or Municipality will be invoiced as an addition to the contract and shall not delay payment of the original contract sum. All Change Orders must be approved and signed by Management/Board President/Building Owner (whichever applies.)
7. Asphalt Repairs/Paving: If the actual asphalt is determined to be thicker than the proposed depth once the area(s) are excavated, ASP will provide photo documentation showing the additional depth and a change order will be sent to ownership for the additional material.
8. C & T Paving, LLC cannot guarantee 100% drainage in areas where the design grade is less than 1% fall.
9. **C & T PAVING, LLC will not accept responsibility for reflective cracking of new asphalt overlay due to the cracked condition of the existing asphalt pavement.**
10. All underground utilities including electrical, plumbing and irrigation lines if damaged or broken are the responsibility of the owner and not C & T Paving. If C & T Paving needs to repair damages, the costs will be billed to the owner as a change order.
11. C & T Paving, LLC will not be responsible for trafficking, paint tracking or damage to cars or persons trespassing in designated construction areas.
12. Plans, engineering, layout, testing, bonds and as-builts by others.
13. The prices used in this proposal are based on the condition that all work quoted will be accepted in total.
14. This proposal, including all terms and conditions, shall become a legally binding attachment to any contract entered into between C & T Paving, LLC and the financially responsible company for which the work will be performed.
15. In the event of a dispute regarding this contract, the prevailing party agrees to pay reasonable attorney fees, collection costs and all related costs incurred until such dispute is settled.
16. C & T Paving, LLC will add a 1½% finance charge to any unpaid proper invoice past due at least (30) thirty days.
17. No warranties are honored unless payment is made in full. C & T Paving will provide a one (1) year warranty, starting on last day of substantial completion, on materials and workmanship. Normal wear and tear is not covered under this warranty.

## Sealcoating Commercial | Owners Resp & Conditions

1. **Barricaded Parking Lot:** It is vital that all vehicles are removed from our area of work no later than 7:15 am, unless otherwise agreed. As you can imagine, our project costs are based on the property having all cars, people and objects off the area of work. Tow Trucks need to be arranged 5 days prior to the start of any work and must be on call to remove cars from the scheduled work zone. If any cars are left on the area of work, we cannot be held responsible for any damage to the vehicles. **There will be additional costs if we are unable to access the work area billed at a minimum of (\$1500 for Sealcoating)**
2. **Cleaning:** Customer is responsible for any "heavy cleaning"; otherwise Atlantic Southern Paving & Sealcoating, LLC will bill for this additional cleaning.
3. **Lawn Fertilization:** should not be installed seven days before or after service.

4. **Rain:** If it's raining the day of scheduled service, assume we aren't coming and we will contact you to reschedule as soon as possible. If it rains after our installation, please contact your representative. We monitor the weather closely and can generally predict this very well. In the event that an unexpected storm happens, we will touch up any areas where sealer has not bonded.
5. **Sprinklers:** should be off 24 hours prior until 48 hours after service. Avoid lawn cutting during this same period of time. The surface must be dry for our arrival. Areas where the newly sealed pavement is wet may wear prematurely.
6. **Site Services:** The property is responsible to notify all landscapers and garbage companies to not show on the area of work the day we are performing work. In the event of a reschedule due to unforseen conditions, you are required to let all service providers know about the change.
7. **Pavement Sealer:** will take a minimum of 30 days to fully cure and is sensitive to **animal droppings, tree droppings; water stains from irrigation systems, ponding water & tire markings** during this time. This is normal and no reason to be concerned, it will fade over time. Areas of shade will take longer to dry and cure then areas in the direct sunlight.
8. **Driving on Surface:** Once you start driving on sealed surface, avoid turning your wheels unless your car is moving. We understand this may be difficult to do, but understand that when wheels are turned on a freshly sealed parking lot, scuffing and turn marks wil be evident, no worries in time they will blend in with surrounding surface.
9. **Overspray on Grass:** where grass meets your pavement, you may expect a small "drift spray" of pavement sealer. This is normal and will disappear generally after the next mowing.
10. **Weeds:** It is important to note that we have proposed all work at the time of the assessment. If you decide to do work 3 months after we look at the project, if your parking area has developed excessive weeds in the cracked areas as well as the edge lines for any reason, there may be additional costs for treatment & removal.
11. **Crack Sealing:** Hairline cracks, alligated or spider web cracks or other failing asphalt areas cannot and will not be crack sealed. Crack sealing is designed to keep water out, not in, so ground water is subject to seep from wet areas.

## Paving Commercial | Owner Responsibility & Conditions

1. **Asphalt Price Index:** Proposal is based on the current price of liquid asphalt. If there is a price increase in liquid asphalt, there will be additional charge for the difference.
2. **Barricaded Parking Lot:** It is vital that all vehicles are removed from our area of work no later than 7:15 am, unless otherwise agreed. As you can imagine, our project costs are based on the property having all cars, people and objects off the area of work. Tow Trucks need to be arranged 5 days prior to the start of any work and must be on call to remove cars from the scheduled work zone. If any cars are left on the area of work, we cannot be held responsible for any damage to the vehicles. **There will be additional costs if we are unable to access the work area billed at a minimum of (\$5,000 for Paving)**
3. **Site Services:** The property is responsible to notify all landscapers and garbage companies to not show on the area of work the day we are performing work. In the event of a reschedule due to unforseen conditions, you are required to let all service providers know about the change.
4. **Rain:** If it's raining the day of scheduled service, assume we aren't coming and we will contact you to reschedule as soon as possible. If it rains after our installation, please contact your representative. We monitor the weather closely and can generally predict this very well. In the event that an unexpected storm happens, we will touch up any areas where sealer has not bonded.
5. **Sprinklers:** should be off 24 hours prior until 48 hours after service. Avoid lawn cutting during this same period of time. The surface must be dry for our arrival. Areas where the newly sealed pavement is wet may wear prematurely.
6. **Drainage:** C & T Paving cannot guarantee 100% drainage in areas where the design grade is less than 1% fall.
7. **Asphalt Over-Runs:** will be billed to owner at \$125.00 per ton.

## Line Striping & ADA Conditions

1. **Barricaded Parking Lot:** It is vital that all vehicles are removed from our area of work no later than 7:15 am, unless otherwise agreed. As you can imagine, our project costs are based on the property having all cars, people and objects off the area of work. Tow Trucks need to be arranged 5 days prior to the start of any work and must be on call to remove cars from the scheduled work zone. If any cars are left on the area of work, we cannot be held responsible for any damage to the vehicles.  
**There will be additional costs if we are unable to access the work area billed at a minimum of (\$500 for**

## Striping)

2. **Line Striping:** If there are existing car stops on the property, the new line striping of the parking stalls will not be installed beyond the car stop(s) unless they are removed. The striping machine cannot fit between the car stops. If you would like the existing car stops removed during the striping phase, there will be additional costs associated with this scope of work. It is the owner's responsibility to inform C & T if this is desired prior to commencement of the project.
3. Line striping will match all existing pavement markings unless approved changes are made by owner(s) or an authorized owner's representative.
4. C & T Paving is not responsible for any tracking of paint caused by any vehicles and/or pedestrians if the barricades are moved prematurely or without authorization. The project manager will remove the barricades once the material has cured properly.
5. If existing curbs are flaking, it is not recommended to re-paint them without sand-blasting or power-washing them first. C & T Paving will not be held responsible for flaking if proper procedure is not taken prior to painting.

## Warranty & Conditions

1. **Asphalt Price Index:** Proposal is based on the current price of liquid asphalt. If there is a price increase in liquid asphalt, there will be additional charge for the difference.
2. All work will be warranted for a period of (1) one year from date of installation on materials and workmanship, **except cracks.**
3. All material guaranteed to be installed exactly as specified.
4. Due to unforeseeable conditions during excavation, depths may go deeper than anticipated. A change order may be necessary should this occur.
5. Any necessary permits or permit fees are owners' responsibility.
6. **NOTE: This proposal may be withdrawn by us if not accepted within 20 days.**
7. The cost of and obtaining of all permits, bonds, stakeouts, cut sheets, layout engineering, testing, etc. are excluded.
8. If, after being made aware of undesirable sub-base or base coarse conditions, the owner or owner agent insists on the installation of any part of the pavement without authorizing corrective action, our firm will not be responsible for any subsequent pavement failures, and will be paid as stated in the contract. Our firm shall not be liable for any failure to undertake or complete the work for causes beyond our control.
9. Unless weekend work is clearly identified in the proposal, price is for work to be completed during the week (Monday-Friday). Night or weekend work available at additional cost.
10. **Existing Surface:** The existing surface will be expected to support the weight of all required construction equipment. In the event that due to poor sub-grade conditions sinking may occur when we drive onto your site, Our firm will not be held responsible for damages to any concrete or asphalt due to the weight of our trucks & equipment.
11. Our firm assumes no liability for damage to any utilities such as but not limited to gas, electric, plumbing, phone, cable, dog fencing, sprinklers, culvert pipes, etc.

## Paving Projects Quoted

Appalachian Way – (From Oklahoma Terrace to sharp curve just above the Blake residence)

Lookout Terrace – (Intersection at Appalachian to just below College Maintenance Shop)

Kentucky Road – (Just below the Ray residence to above the Clark's residence at Wyck Road)

Frist Road – (At the end right before the Maintenance shops)

Salem Road

Calvin Trail- (At the end and a section at the beginning)

Greybeard Trail -Multiple sections

Mississippi Road - Multiple sections

Tennessee Road – Small section

Shenandoah Terrace Bridge

Paved Walking Path – sections

Texas Road – below the pool

Community Center Circle Bridge

Lookout Terrace Bridge

Assembly Circle Bridge

Assembly Drive – section below dam

Yale Road

Concrete curbing in multiple areas

Stamped sidewalks on Assembly Drive

\*\*List does not include areas that are in the engineering report that we should have soon



# Metropolitan Sewerage District

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## OF BUNCOMBE COUNTY, NORTH CAROLINA

December 2, 2024

Ms. Angie Murphy, Town Clerk  
Town of Montreat  
PO Box 423  
Montreat, North Carolina 28757

Dear Ms. Murphy:

This is to remind you that the term of Matt Ashley, a Town of Montreat appointee to the Metropolitan Sewerage District Board, expires January, 2025.

Mr. Ashley is a member of the CIP and Right of Way Committees. From January, 2024 to date, Mr. Ashley attended 5 of 8 regular Board Meetings and 4 Committee Meetings.

Accordingly, on behalf of the District Board, I am respectfully requesting that the Town of Montreat take action as may be appropriate.

Thank you for the valuable service Mr. Ashley provides to the District and its ratepayers. If I can be of assistance, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink.

M. Jerry VeHaun, Chairman  
MSD Board of Directors

MJV:pn

Cc: Matt Ashley



**TOWN OF  
MONTREAT**  
NORTH CAROLINA

## **Montreat Town Council 2025 Regular Meeting Schedule**

**Public Forum at 5:30 p.m.**

**Meeting at 6:00 p.m.**

**Thursday, January 9, 2025**

**Thursday, February 13, 2025**

**Thursday, March 13, 2025**

**Thursday, April 10, 2025**

**Thursday, May 8, 2025**

**Thursday, June 12, 2025**

**Thursday, July 10, 2025**

**Thursday, August 14, 2025**

**Thursday, September 11, 2025**

**Thursday, October 9, 2025**

**Thursday, November 13, 2025**

**Thursday, December 11, 2025**

**TOWN OF MONTREAT  
FISCAL YEAR 2024-2025  
BUDGET AMENDMENT #3**

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Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2025.

**Department(s):** Fund 29 – HURRICANE HELENE

**Purpose:**

- To include and appropriate donations received for Hurricane Helene expenses including but not limited to payroll and debris removal to the Fiscal year 24-25 budget.
- To appropriate CFWNC Grant to Hurricane Helene Recovery.
- To move funds from General Fund Departments: Governing Body, Administration, Public Works, Recreation, and Streets, to Fund 29 – Hurricane Helene.

**Section 1.** To amend the General Fund as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
Travel and Training	10-4100-140	3,000		0
Salary Contingency	10-4100-332	6,000		0
Travel and Training	10-4200-140	11,000		5000
Contingency	10-4200-331	5,000		0
Machinery and equip	10-5550-735	5,000		5300
Road Maintenance	10-5600-750	15,000		5000
Repairing and widening	10-5600-340	30,000		7500
Capital Outlay	10-5600-730	61,000		0
Tree Maintenance	10-6190-753	12,000		8000
CFWNC Grant	10-3340-300	50,000		0
Hurricane Helene	10-1525-030	29,884		0
Fund 29 Hurricane Helene Donations	29-3300-300		29,884	223,274
Professional Services – Debris Removal	29-5600-040		198,000	596,990

Notes: This total reflects donations as of 12.15.24. Donations will be distributed throughout Fund 29 to cover costs for Hurricane Helene expenses including but not limited to payroll and debris removal.

**Section 2.** I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

*Rachel L. Eddings*  
\_\_\_\_\_  
Finance Officer

12/15/24  
\_\_\_\_\_  
Date

**TOWN OF MONTREAT  
FISCAL YEAR 2024-2025  
BUDGET AMENDMENT #3**

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**Section 3.** Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Recorded and filed:**

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Budget Officer/Town Manager

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Date

---

Town Clerk

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Date

**TOWN OF MONTREAT  
FISCAL YEAR \_2024-2025\_  
BUDGET AMENDMENT #\_4\_**

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Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2025.

**Department(s):** Streets

**Purpose:**

- To include and appropriate donations received for the purchase and hanging of the Gate Christmas lights.

**Section 1.** To amend the General Fund as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
Donations – Christmas Lights	10-3300-300	2,065		2,065
Streets	10-5600-450		2,065	3,065

Notes: This total reflects donations for new Christmas lights for the gate as of 12.15.24. Donations will be distributed to the Streets Dept. to cover costs for the new Christmas lights for the gate.

**Section 2.** I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

*Rachel L. Eddings* \_\_\_\_\_ 12/15/24  
Finance Officer Date

**Section 3.** Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Recorded and filed:**

\_\_\_\_\_  
Budget Officer/Town Manager \_\_\_\_\_ Date  
\_\_\_\_\_  
Town Clerk \_\_\_\_\_ Date