

Board of Commissioners – Town Council

January 8, 2026, at 6:00 PM
Meeting Minutes

Board of Commissioners in Attendance:

Commissioner Tom Widmer
Commissioner Jane Alexander
Mayor Pro Tem Kitty Fouche
Commissioner Mason Blake

Board of Commissioners Absent:

Mayor Tim Helms
Commissioner Grant Dasher

Town Staff in Attendance:

Savannah Parrish, Town Manager
Angie Murphy, Town Clerk
Brandon Freeman, Town Attorney
Marty Benson, Associate of Town Attorney
Barry Creasman, Public Works Director
Rachel Eddings, Finance Officer
Jeff Eaton, Police Chief

Members of the Public in Attendance:

Approximately 15 to 20

Call to Order

Mayor Pro Tem Kitty Fouche opened the meeting at 6:00 PM following the public forum. The Pledge of Allegiance was recited, followed by a moment of silence.

Agenda Approval

Motion to approve the agenda was made by Commissioner Jane Alexander, seconded by Commissioner Tom Widmer, and passed unanimously.

Mayor's Communications

Acting Chair/Mayor Pro Tem Kitty Fouche announced that Mayor Helms was feeling under the weather and unable to attend.

Consent Agenda

The consent agenda consisted of the minutes from the December 11th public forum and town council meeting.

Town Manager Savannah Parrish noted that the town office would be closed on January 19th for Martin Luther King Jr. Day and reported receipt of \$24,842.24 in FEMA reimbursements. She also announced that the previously scheduled Montreat Police Department gathering had been rescheduled from January 15th to January 16th at the Hamilton residence.

Public Comment

No comments were made during this period.

New Business

Conditional Zoning Request - Wade and Susie Burns

A public hearing was opened regarding the conditional zoning request submitted by Wade and Susie Burns. Mr. Burns, an architect with 60 years of experience, presented his application and emphasized that his background in town planning informed his approach to developing the property. He discussed the challenges posed by the site's unique circumstances, including an ephemeral stream running through the property that necessitated innovative stormwater management solutions. The existing stormwater management system includes a basement structure designed to collect rainwater from the roof, two 1500-gallon retention tanks, catch basins, and a sanitary stormwater basin. Mr. Burns explained that these measures were required due to the property's constraints, including the need for an 82-foot setback from a septic field, which exceeds typical setback requirements.

Mr. Burns highlighted three key setback issues: (1) a reduction in the rear setback from 30 feet to 19 feet, (2) a side yard setback of 15 feet, except for a 2-foot chimney extension, and (3) a 34-foot setback on another side to protect the ephemeral stream. He emphasized that the stormwater management system had proven effective, particularly during Hurricane Helene, preventing damage to neighboring properties.

Jacob McLean, a professional engineer and certified floodplain manager, testified as an expert witness. He stated that Mr. Burns had done an "excellent job" of managing stormwater and emphasized the system's environmental sensitivity and resilience. Mr. McLean mentioned that both gravel and paved driveways are considered impervious surfaces, and the paved driveway could be more effective in preventing erosion and safely conveying water.

Attorney TC Morphis, representing the Burns family, addressed the permitting history of the property and noted that the paving of a previously graveled driveway had been approved by the former zoning administrator. He acknowledged that the conditional zoning application should have shown the driveway as paved rather than gravel and suggested that if the Board approved the request, they could conditionally require updated site plans. Mr. Morphis addressed legal concerns raised by the neighbors and argued that they did not impact the Board's zoning authority.

William Hamilton, representing his parents, Jim and Christina Hamilton, who own neighboring property, opposed the request on environmental and legal grounds. He contended that the Burns construction violated the 30-foot stream setback requirement and listed stormwater measures that he argued had turned the stream into a storm drain for polluted water. Mr. Hamilton presented visuals detailing how stormwater from the Burns property allegedly directed polluted water onto Hamilton's property, constituting what he called an unlawful trespass. He proposed a compromise that involved piping the 26 feet of stream on the Burns property and then covering the pipe. This would prevent polluted stormwater from entering the stream. The compromise also included addressing any trespass onto Hamilton's property, as well as removing gravel and paved driveways within 30 feet of the stream.

Jim Hamilton joined by Zoom to restate legal arguments against the request, stating that if approved, the conditional zoning request would authorize an unlawful trespass and might constitute illegal spot zoning. He emphasized that the approval would violate North Carolina court rulings and also the statutory powers of the council, suggesting that the motion would be *ultra vires*. He addressed the concern about "spot zoning," arguing that the property is owned by a single entity since North Carolina law identifies joint ownership by spouses as single ownership for the purpose of zoning laws. Mr. Hamilton argued that rezoning the property to benefit a single owner at the expense of others could be seen as illegal spot zoning.

Mr. Hamilton addressed the issue of stormwater trespass, pointing out that the construction on the Burns property has allegedly diverted stormwater onto his property, stating that this constitutes an ongoing trespass every time it rains. He contended that such actions are, and would remain, illegal regardless of zoning changes and warned that authorizing the conditional zoning request would, effectively, endorse this ongoing trespass. Moreover, Mr. Hamilton highlighted the expectation that such approval could expose the town to legal challenges.

After thorough and complex discussions, including a variety of detailed legal arguments from both sides, an agreement was reached for further exploration of a compromise, to be facilitated by stormwater engineering experts. This compromise aims to resolve outstanding concerns while preserving the interests of both property owners and reducing potential environmental impacts.

The motion to continue the public hearing to April 9, 2026, was made by Commissioner Mason Blake, seconded by Commissioner Jane Alexander, and passed unanimously.

2026 Town Council Meeting Schedule

Town Manager Parrish presented the proposed 2026 meeting schedule, maintaining the second Thursday of each month pattern and including an Audit Committee meeting on December 3, 2026, before the December 10 Town Council meeting.

Motion to approve the 2026 Town Council meeting schedule was made by Commissioner Tom Widmer, seconded by Commissioner Mason Blake, and passed unanimously.

Appointment of Landcare Committee Members

Commissioner Tom Widmer recommended the reappointment of Kathy Putnam and Jean Norris as town representatives to the Landcare Committee.

Motion to reappoint Kathy Putnam and Jean Norris as town representatives to the Landcare Committee for a two-year term expiring on January 31, 2028, was made by Commissioner Tom Widmer, seconded by Commissioner Jane Alexander, and passed unanimously.

Sanitation Ordinance Review

Commissioner Mason Blake noted that while staff had done excellent work on the ordinance and it was very close to completion, there were still minor adjustments needed.

Motion to continue the Sanitation Ordinance review to the February meeting was made by Commissioner Mason Blake, seconded by Commissioner Tom Widmer, and passed unanimously.

Budget Amendment #6

Town Manager Parrish presented a budget amendment to add the \$24,842 FEMA reimbursement to Fund 29 (Helene Fund).

Motion to approve Budget Amendment #6 was made by Commissioner Jane Alexander, seconded by Commissioner Mason Blake, and passed unanimously.

Wildlife Feeding Ordinance

The ordinance is part of the town's broader effort to manage the bear problem, establishing a test period from April 1, 2026, to March 31, 2027. During this period, residents would be asked to refrain from feeding birds and other wildlife. Town Manager Savannah Parrish emphasized the ordinance's aim to reduce bear interactions by removing easy food sources, noting that the test period gives the community a chance to evaluate its effectiveness before making it a permanent regulation. The ordinance specifies that it does not impact planted materials that might incidentally attract wildlife.

During the discussion, Commissioner Tom Widmer expressed reservations, stressing that implementing two new regulations simultaneously—this ordinance and the mandatory bear-resistant containers in the upcoming sanitation ordinance—could make it hard to assess which measure effectively addresses the bear issue. He suggested waiting a year and evaluating the impact of the bear-resistant containers before enacting a bird-feeding ban. He noted an important scientific principle: changing multiple variables simultaneously makes it

difficult to determine which change brought about a result. If the containers successfully deter bears, the additional restriction of the wildlife feeding ordinance might be unnecessary.

Commissioner Widmer highlighted that defining enforcement measures for the wildlife feeding ordinance is complicated and questioned whether the town has the resources necessary for such monitoring.

Commissioner Jane Alexander agreed with Commissioner Widmer's ideas, pointing out that the new bear-resistant containers should serve as a significant deterrent to bears. Additionally, she mentioned that enforcing the bird-feeding ban would present challenges, raising questions about whether the ordinance's benefits outweighed its regulatory complexity.

Commissioner Mason Blake voiced understanding of both sides and recounted his experience with bears, mentioning that after discontinuing bird feeding, he had observed a decrease in bear visits to his property. He acknowledged the enforcement challenges but underscored the reality of the bear problem, recounting an incident where a bear was killed after breaking into a home for bird food.

Mayor Pro Tem Fouche shared a contrasting experience, noting that removing her bird feeder had not curtailed bear activity in her yard, questioning if the ordinance would achieve its desired effect. She articulated concerns about removing an enjoyable aspect of life in Montreat, asking whether such a tradeoff was necessary without conclusive evidence of its impact.

Motion to approve the Wildlife Feeding Ordinance was made by Commissioner Mason Blake but failed for lack of a second, indicating a consensus that further deliberation, potentially separating it from the sanitation initiative, was needed before moving forward.

Audit Committee's Recommendation

Hugh Alexander, Chair of the Audit Committee, reported that they had reviewed the audited financial statements for the period ending June 30, 2025. The audit was clean with three minor compliance findings that had been addressed. The auditors gave an unmodified opinion that the town's financial statements present fairly the financial position of the town. The general fund increased by over \$700,000 during the year.

Motion to approve the audited financial statements for fiscal year 2024-2025 was made by Commissioner Mason Blake, seconded by Commissioner Tom Widmer, and passed unanimously.

Public Comment

Letta Jean Taylor, 386 Oklahoma Road, commented that her yard is full of acorns, and bears eat those rather than her birdseed.

Commissioner Communications

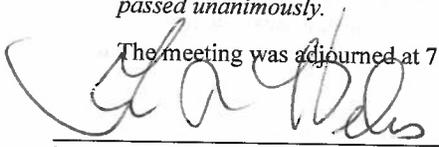
Commissioner Mason Blake announced that Montreat resident John Ellington had written a book titled "If Bears Could Talk," written from the perspective of a young bear in Montreat. The book addresses bear-proof containers and bird feeders. The book is available for purchase at the Montreat store and is being promoted by the Landcare Committee.

Commissioner Tom Widmer expressed appreciation for Finance Officer Rachel Eddings' financial management, noting that the audit committee was impressed by the auditor's comments about the clean audit and high-quality work that had kept the town financially stable despite a year with higher expenses.

Adjournment

Motion to adjourn was made by Commissioner Tom Widmer, seconded by multiple commissioners, and passed unanimously.

The meeting was adjourned at 7:46 p.m.



Mayor Pro Tem Kitty Fouche



Town Clerk Angie Murphy