

**Town of Montreat
Board of Commissioners
Town Council Meeting
January 8, 2015
Walkup Building**

Board members present: Mayor Letta Jean Taylor
Mayor Pro Tem Mary Standaert
Commissioner Martha Campbell
Commissioner Tim Helms
Commissioner Jack McCaskill

Board members absent: Commissioner Ann Vinson

Town staff present: Ron Nalley, Town Administrator
Misty R. Gedlinske, Town Clerk
Steve Freeman, Public Works Director
Barry Creasman, Senior Water Operator
Jack Staggs, Chief of Police
Stefan Stackhouse, Finance Officer
David Currie, Building Inspector/Code Administrator

Approximately 50 members of the public were also present. Mayor Taylor called the meeting to order at 7:01 p.m., led the group in reciting the Pledge of Allegiance, and gave the invocation.

Agenda Approval

Mayor Taylor explained that since no Agenda Meeting was held this month, the Board would need to vote at this time whether to include Mr. Gordon Neville's public agenda item request on tonight's meeting agenda. Commissioner Helms moved to include Mr. Neville's requested item on the meeting agenda. Commissioner McCaskill seconded. Commissioner Helms and Commissioner McCaskill voted in favor of the motion, while Commissioner Campbell and Mayor Pro Tem Standaert voted in opposition. Mayor Taylor cast a tie-breaking vote in opposition of the motion. The motion to include Mr. Neville's requested item on tonight's meeting agenda failed by a vote of 2/3.

Mayor Pro Tem Standaert then moved to adopt the meeting agenda. Commissioner McCaskill seconded and the motion carried 4/0.

Presentations to Council

- A. Metropolitan Sewerage District Update: Montreat's Metropolitan Sewerage District (MSD) Board Representative Matt Ashley gave a brief presentation on MSD's history, current operational scope of 125,000 customers, and treatment volume of more than 40 million gallons per day. He reviewed MSD's current annual operating budget of approximately \$49

million and noted that \$33.2 million of this figure is directly related to capital or system reinvestment projects. Major projects at the MSD facility this year included incinerator emissions upgrades and system-wide electrical upgrades to ensure that full treatment capabilities are maintained during a complete power loss. Approximately 50,000 linear feet of sewer piping is rehabilitated each year. Since 2000, MSD has completed the Swannanoa Interceptor Project, which involved rehabilitation of 24 miles of sewer lines serving the entire Swannanoa River Basin, as well as two complete cleanings of the area's entire drainage basin. A number of smaller-scale capital improvement projects have also been completed in Montreat during this period. In 2014, MSD responded to 20 service calls in Montreat, with an average response time of 52 minutes. Mr. Ashley also noted that a recent sewer line replacement project on State Street in Black Mountain had been accelerated to coincide with planned NCDOT street paving in this area.

In response to inquiries from the Board members, Mr. Ashley reviewed the MSD Board's membership and meeting schedule, as well as the location of the sewer treatment and physical plants. He did not expect a significant increase in sewer treatment rates for the upcoming fiscal year, but cautioned that this may be subject to change during MSD's budget preparation process.

- B. Town Hall Project Design Status Update: Mike Cox and Amy Dowty of Architectural Design Studios gave a presentation summarizing the development of the current interior and exterior design plans for the new Town Hall facility, including how those plans have changed over the past several months since the preliminary conceptual designs were first presented. Ms. Dowty reviewed the proposed site plan, including the building's proposed placement on the lot and the amount of both retained and supplemented vegetation to help blend the structure into the surrounding hillside. She noted that an additional small storage area had been added to the rear of the upper level to meet future records retention and other storage needs. She also pointed out that the entire area devoted to the Police Department's new facilities was slightly smaller than the proposed Council chambers.

Ms. Dowty then presented two proposed exterior finish designs, one with primarily brown and golden wooden tones and naturally finished wood, and another with more muted shades of green and gray with stained wood to match. Both designs featured Prairie-style windows with small stained glass accents on the first floor, with plainer second floor windows, as well as wooden accent features in the entrance canopy. Ms. Dowty said that the exterior height and scale of the building was shorter than Sylvan Heights and narrower than the President's Home. Parking lot illumination will use directional, rather than traditional pole-mounted, overhead lighting. ADS staff is currently working with a professional cost estimator on value engineering to identify options to reduce overall construction costs. Geothermal testing permits have been obtained, along with final geotechnical and soil analysis reports. ADS plans to have the project ready for bid advertisement in February.

- C. 2015-2020 Capital Improvement Plan Overview: Mr. Nalley gave a brief introductory presentation on the 2015-2020 Capital Improvement Plan (CIP), a flexible financial planning tool used to forecast the Town's future equipment, building and infrastructure needs. Items included in the CIP generally have both a monetary value greater than \$5,000 and a useful life expectancy greater than one year. The presentation also included information on how each project or expenditure is prioritized on both the departmental and organizational levels, as well as how CIP information is used to develop the annual Budget for the upcoming fiscal year. Staff will present a completed CIP draft at the February Town Council Meeting, which will also be available in print and electronic formats for public review and comment. The final Plan will be eligible for adoption following a Public Hearing during the March Town Council Meeting.

Mayor's Communications

Mayor Taylor thanked the members of the Town's various appointed board and committees and other community volunteers for their service. She also thanked ADS staff for their responsiveness in developing the plans for the new Town Hall facility.

Consent Agenda Review

With the adoption of the Consent Agenda, the Board approved the following items:

- December 4, 2014 Agenda Meeting Minutes Adoption;
- December 11, 2014 Town Council Meeting Minutes Adoption;
- December 16, 2014 Special Meeting Minutes Adoption.

Town Administrator's Communications

- Town staff has recently learned that the North Carolina State Historic Preservation Office will not require a Memorandum of Agreement to allow the new Texas Road bridge structure to be similar in appearance to other existing bridges in Montreat. The completed Categorical Exclusion (CE) document can now be forwarded to the Federal Highway Administration for signature, and the right-of-way acquisition and design phases of the project can soon begin.
- The final geotechnical and soil evaluation reports for the Town Hall project have been received, and will soon be posted to the Town's website. The reports confirm the absence of any underground rock that would negatively impact site development within the proposed building footprint or parking area.

- No water was found after drilling to a depth of over 800 feet for the Well A02 replacement project on Greybeard Trail. The North Carolina Rural Water Association will provide an inspection camera that can be used to explore the existing well to determine whether it can be repaired. If repair of the existing well is not feasible, the Federal Emergency Management Agency (FEMA) will provide additional reimbursement grant funding to cover the cost of drilling a replacement well in another location near the site of the existing well.
- The Upper Kentucky Road Phase 1 Neighborhood and Residential Utility Assessment projects are now complete, along with gravel roadway installation. Paving assessments in this area will be completed this coming spring.
- In late 2013, Mr. Wade Burns discussed with the Board his efforts to develop a petition for voluntary annexation of the Upper Greybeard Trail area. At that time, Mr. Burns had proposed that an offer from the Town to extend 1865 feet of 8" sewer lines, 1120 feet of 6" sewer lines and approximately 500 feet of water lines and gravel roadway improvements to this area might encourage more property owners to agree to voluntary annexation, a process which requires a petition signed by all owners of the affected properties. At that time, the Board had indicated its willingness to provide only the necessary 8" sewer trunk line extensions for approximately 1300 feet along Greybeard Trail along Greybeard Trail at the Town's expense, but not the 6" sewer lines to the cross streets. To date, the Town has not received a petition for voluntary annexation of this area. Following Board direction given during the August 27, 2014 Special Meeting, staff has been working with the Town Attorney on revisions to Montreat General Ordinance Chapter M – "Extensions of Public Utilities and Streets," to be discussed in more detail during the Board's upcoming Annual Retreat.

During discussion, Commissioner Campbell also asked Town staff to provide a report on the intermittent and perennial stream setback requirements of Montreat General Ordinance Chapter K, Article III "Stormwater Management," and how these regulations would affect properties located in the Upper Greybeard Trail area.

- The Town's current Comprehensive Plan was adopted in April 2008. To date, 73% of the 97 total recommended goals have been achieved or are nearly completed, while others have been postponed or discontinued for various reasons at the Board's direction. During the upcoming Annual Retreat, staff will ask the Board how it wishes to proceed with updating the current Comprehensive Plan, a process that will include multiple opportunities for public participation and input.

- There is no new information to report on the Town's continued efforts to correct township name and ZIP code inaccuracies in Montreat's voter registration database.
- The Board members were asked to provide potential dates for a Special Meeting to conduct the Town Administrator's annual performance review.
- The Board members will also provide Town staff with potential dates for the 2015 Annual Board Retreat, which is generally held in either late February or early March.
- Mr. Nalley also thanked a number of Montreat residents who recently hosted a catered luncheon for Town staff members.

Administrative Reports

Police Chief: Chief Staggs presented and reviewed the December 2014 monthly departmental activity report. He noted that Officers were working with Black Mountain Fire Department personnel to assign GPS coordinates to all of Montreat's fire hydrants, which will allow first responders to more easily locate the closest operational hydrant during emergencies. Commissioner Campbell said her grandchildren were thankful that the Police Department "protected" Santa during his Christmas visits to Montreat.

Public Works Director: Mr. Freeman reported on the following items:

- Due to the upcoming Martin Luther King, Jr. Day holiday, household garbage and recycling collection will be delayed for that week until Tuesday, January 20. Residents are asked to place their items at curbside by 8:00 a.m. Starting this week, bagged leaves will be collected on a bi-weekly schedule through June 2015. Discarded Christmas trees may be disposed of on Wednesdays as part of weekly brush collection.
- Street Department crews will continue leaf and brush collection along street rights-of-way over the next several weeks.
- A stormwater retention feature will be installed on Community Center Circle over the next two weeks, weather permitting. This project is funded through reimbursement grant proceeds from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management.
- Water Department staff will continue annual Town-wide fire hydrant testing and flushing over the next six weeks. Anyone experiencing discolored water as a result of this testing is encouraged to contact the Town Services Office.
- Two residential water leaks were also detected during the past month.

Finance Officer: Mr. Stackhouse presented and reviewed the following financial reports:

- November 2014 Financial Summary Report;
- Final November 2014 Financial Statement;
- Preliminary December 2014 Financial Statement;
- December 31, 2014 Cash and Investment Earnings Report.

Mr. Stackhouse also noted a discrepancy in ad valorem tax revenue receipts caused by a reporting error from the Buncombe County Tax Department. This issue should be resolved in next month's financial reports.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed his December 2014 zoning and inspections activity report. The Planning and Zoning Commission is scheduled to meet next week to discuss possible revisions to Montreat General Ordinance Chapter I, Article II "Noise Control." The Board of Adjustment is scheduled to meet on January 29 to hold a public hearing on a variance request.

Commissioner Reports

Mayor Pro Tem Standaert noted the return of two Smurf figurines to the top of the Stop sign at the intersection of Louisiana Road and Assembly Drive. She thanked Mr. Gordon Neville for his interest in the Town Hall project, and for submitting his agenda item request on his personal letterhead over his own signature. She referred to a recent flyer from a group called "Montreaters for a Responsive Government" that did not include signatures or otherwise indicate the name of its authors. She asked anyone present at the meeting who was a part of this group to identify themselves during Public Comment so that the Board members could respond directly to these individuals.

Commissioner Campbell reported on the following items:

- The Montreat Landcare Committee met on January 6 and discussed the history, evolution, and mission of the Landcare Committee, as well as reports on the Native Plant Sale and further development of the Committee's website. Newly-elected officers are Chair Bill Seaman, Vice-Chair Martha Campbell and Co-Secretaries Dr. Maggie Ray and Mary Nell Todd.
- The Presbyterian Heritage Center's official Facebook page now contains a post with photographs and an audio excerpt of Dr. Martin Luther King, Jr.'s 1965 Christian Action Conference speech in Montreat, given during the immediate aftermath of the Watts Riots in

Los Angeles. The page can be accessed from the Center's website, www.PHCMontreat.org. There will be more efforts to commemorate the anniversary of Dr. King's speech during the coming months.

Commissioner Helms had no report at this time.

Commissioner McCaskill had no report at this time.

On Commissioner Vinson's behalf, Mayor Pro Tem Standaert reported that Mike Morgan and former Montreat Mayor Andy Andrews were awarded honorary doctorate degrees during King University's recent Fall Commencement ceremony. The keynote speaker was King University Interim President Dr. Richard A. Ray.

Commissioner Campbell also reported on Montreat College's recent Fall Commencement and upcoming Spring Convocation ceremonies, and mentioned the athletic events schedule available on the College's website.

Public Comment

Mountain Retreat Association Vice President for Development Lynn Gilliland spoke about a conference scheduled from August 21-23, 2015 to coincide with the anniversary date of Dr. Martin Luther King, Jr.'s 1965 Christian Action Conference speech in Montreat.

Mr. Tom Frist of 98 Frist Road said he had spoken individually with the Town of Black Mountain's Mayor and Town Manager, who informed him that Montreat had never formally approached Black Mountain to request de-annexation of the subject lot. Mr. Frist also said that while the Town of Black Mountain took no official position regarding the location of Montreat's Town Hall, Black Mountain's Mayor had expressed his personal support of this site as a potential Montreat Town Hall site, and would be receptive to discussing de-annexation if Montreat submitted a formal request. Mr. Frist also stated that although the subject lot was located within a floodplain area and was bisected by an active sewer line, professional engineers had indicated that the property could be developed safely and cost-effectively. He felt that for these reasons, the Board should to halt its development of the Florida Terrace Town Hall site and reconsider locating the new facility on property located just outside the Montreat Gate.

Mr. Wade Burns of 232 North Carolina Terrace summarized his efforts to pursue voluntary annexation of the Upper Greybeard Trail area. He read aloud a letter he submitted to the Town in January 2014 along with a status report and other related materials. The letter requested that the materials be placed on the following month's meeting agenda for consideration, and also asked for an opportunity for Mr. Burns to meet with the Board for further discussion of this

issue. Mr. Burns stated that current Town ordinances prohibit the property owners in this area from developing their lots without also providing street and public utility extensions consistent with Town standards at their own expense. Having exceeded his allotted comment period, Mr. Burns requested three additional minutes to continue his remarks. The Board declined to grant this request. Mayor Taylor noted that the Board had held a Special Meeting devoted to discussion of Mr. Burns' voluntary annexation proposals in November 2013.

Mrs. Anne Seaman of 425 Appalachian Way thanked the Board for selecting Architectural Design Studios to design the new Town Hall facility, and spoke in favor of placing the Town Hall facility on Florida Terrace. She listed a number of what she felt were positive characteristics and benefits of the site, including its unobtrusive location and the proposed placement of the building on the lot. She felt that building the new Town Hall in this location would result in the least amount of change to Montreat's current appearance and character. She also felt that the new facilities would provide Town employees with appropriate work spaces that met all applicable state and federal requirements, and would allow the Town to share its meeting spaces with the community instead of needing to rent facilities from other entities.

Mrs. Janie Moore of 100 Frist Road sought to clarify the statements read on her behalf during the December 11, 2014 Town Council Meeting. She stated that, regardless of the cause of any disagreement, decisions about how to express disappointment with or opposition to another party's opinions or actions were a matter of individual, personal responsibility. She reiterated her belief that the Board of Commissioners was not accountable for the manner in which relationships between community members are conducted, or for any damage to those relationship caused by the way individuals chose to express their differences of opinion over the Town Hall project.

Mrs. Karen Boyd of 208 Harmony Lane expressed her disappointment that Mr. Wade Burns was not given additional time to complete his public comments concerning voluntary annexation, and that his proposals had not been included for consideration on the Board's meeting agendas during the past year. She commented on the celebrations of Dr. Martin Luther King Jr.'s work for racial justice and equality, and questioned whether the Board was acting in a just manner.

Mr. Bill Goodwin of 519 Providence Terrace cited the community division over the Town Hall project, and claimed that the Board was prematurely designing a building on a parcel of land it did not properly own. He asked the Board to defer its development of the Florida Terrace site and focus on building community consensus on this issue before resuming work on the project.

Mr. Monroe Gilmour of 94 Penland Cove Road in Black Mountain spoke about an incident of racial prejudice he experienced years ago when hosting a group of African-American Boy Scouts in Montreat, and felt it served as an example of local history related Dr. Martin Luther King's work and the 50th anniversary of the Selma-to-Montgomery March. He also objected to Mayor

Pro Tem Standaert's comments about the lack of signatures on the recent flyer from the "Montreaters for a Responsive Government" group, noting that the Board's meeting agenda was also unsigned.

Mr. Rick Harbaugh of 223 Alabama Terrace said that while he agreed that Town employees needed better working accommodations, he did not view the Florida Terrace site as a suitable location for a new Town Hall facility. He described the Florida Terrace site as an awkward location which he only rarely visited, and said that he would prefer the Police Department to be located at the Montreat Gate entrance. He also felt that the proposed facility was too expensive for a town of Montreat's size and population.

Mr. Gordon Neville of 226 Alabama Terrace said he understood the reasons why the Board declined his public agenda item request, and offered to provide the information regarding his alternative Town Hall proposal upon request if the Board expresses an interest in it at some point in the future. He also expressed his hope that as the Town Hall project moves forward, Montreat can find a way to regain its community spirit.

Old Business

There were no items of Old Business to discuss at this time.

New Business

- A. **Town Hall Financing Resolution**: Mayor Pro Tem Standaert moved to adopt Resolution #15-01-01 Authorizing Staff to Solicit Installment Purchase Financing for the Town Hall Project. Commissioner Campbell seconded. Following brief discussion of the scope of the Resolution, the motion carried 4/0. A copy of Resolution #15-01-01 is attached to these minutes and incorporated herein by reference.

- B. **Upper Kentucky Phase I Water & Sewer Assessments Financing Resolution**: Commissioner Campbell moved to adopt Resolution #15-01-02 Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute §160A-20 for the Upper Kentucky Phase I Water & Sewer Assessment Projects. Commissioner Helms seconded and the motion carried 4/0. A copy of Resolution #15-01-02 is attached to these minutes and incorporated herein by reference.

Public Comment

Mr. Wade Burns said that his packet of voluntary annexation materials had been prepared and submitted after the Board's November 2013 Special Meeting. He felt that the Board's willingness to extend only the 8" sewer trunk lines to this area would prevent him from obtaining the required number of petition signatures to proceed with a voluntary annexation

procedure. He stated that the Town's current ordinances and building regulations were preventing him from developing his property in this area. He also said he was frustrated that the Board had postponed further discussion of his annexation proposal pending a letter from the Town to the affected property owners, but had not yet prepared or sent out that letter.

Mr. Bill Hollins of 116 Shenandoah Terrace described his experience with litigation during his professional career and during his service as a former Commissioner. He stated that legal matters were costly and time-consuming, and encouraged the Board to seriously consider resolving the recent litigation over the Town Hall project quickly and without the need for court hearings. He also noted that he was not a party to the current suit against the Town, nor did he support it.

Mr. Emory Underwood of 120 John Knox Road favored a more subdued color palette for the exterior of the new Town Hall facility, and said he liked the current building designs and floor plans more than some of the previous draft plans. He encouraged the Board to investigate wireless electronic technologies and audio-visual capabilities for the new Town Hall facility. He also felt it was important to discuss and give comments on the current building design and appearance regardless of individual opinions about the facility's location.

Mrs. Grace Nichols of 527 Suwannee Drive said she had been attending Town Council meetings over the past several years, and had witnessed the Board's deliberation of the issues related to the Town Hall project. She said that, prior to this past summer there had been very little public involvement in these discussions. She disagreed with claims that the Board was not listening to the public concerning this project, citing the changes made to the proposed building's size, design, appearance, parking and street access as examples of instances where the Board had considered and concurred with concerns and ideas expressed by community members. Mrs. Nichols also noted that in response to objections over the proposed location, the Board had requested suggestions for suitable alternative sites, received professional evaluation of three additional locations, and solicited public input on each site. She said that the Board had then considered the comments received when making their final site selection decision. She felt that listening and agreeing were not the same, and that it would not be possible for the Board to agree with every comment, suggestion or idea expressed. She also said that the Board members had responded individually to public concerns through numerous phone calls, e-mails, and one-on-one meetings, and thanked the Board for their efforts and their patience.

Mrs. Janie Moore said she'd recently heard statements that the lawsuit filed against the Town might be dropped if the Board agreed to a one-year moratorium on development of the Florida Terrace site. She described such tactics as coercive, and said she hoped the Board would not allow itself to be manipulated in this way. She felt that doing so would encourage any constituent who was unhappy with the Board's decisions to use litigation as an inappropriate means of exerting control over an elected body. She predicted that if the Board did agree to a

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moratorium, litigation would likely be re-filed if development of the Florida Terrace site resumed in the future. She felt that the decision regarding the location of the new Town Hall had already been made, and that it was time now to focus on discussion of the building's appearance and design features. She described the proposed exterior building design as attractive in appearance and comparable in size and style with other buildings in Montreat, and offered to assist anyone who may be unable to find or access the completed facility.

Mrs. Frances Kennedy, a Black Mountain resident who also owns property on Greybeard Trail in Montreat, said she had not yet heard an adequate explanation of why Florida Terrace was a reasonable location for the new Town Hall facility.

Mr. Tom Frist said he could not understand why the Board would not consider making a formal proposal to the Town of Black Mountain to de-annex the proposed alternative Town Hall outside the Montreat Gate. He believed that doing so would resolve the community division over the Town Hall project and would eliminate the current litigation against the Town. He asked the Board to listen to the public and to allow an opportunity for open discussion of acceptable solutions to the Town Hall controversy, and disagreed with claims that those opposed to the Florida Terrace site were not interested in seeking compromise.

Upcoming Meeting Dates

Mayor Taylor reviewed the following list of upcoming meeting dates and deadlines:

<u>January Planning & Zoning Commission Meeting:</u>	January 15, 2015, 7:00 p.m. Walkup Building
<u>Town Services Office Closed:</u>	January 19, 2015 Martin Luther King, Jr. Holiday
<u>Rescheduled Household Garbage and Recycling Collection Date:</u>	Tuesday, January 20, 2015 Collection will begin at 8:00 a.m.
<u>Board of Adjustment Meeting – Variance Hearing:</u>	January 29, 2015, 7:00 p.m. Walkup Building
<u>Agenda Items Due:</u>	January 30, 2015, 5:00 p.m. Town Services Office
<u>Agenda Packets Available:</u>	February 3, 2015 http://www.townofmontreat.org/ TownGovernment.php or Town Services Office

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<u>February Montreat Landcare Committee Meeting:</u>	February 4, 2015, 9:00 a.m. Moore Center Meeting Room
<u>February Agenda Meeting:</u>	February 5, 2015, 7:00 p.m. Walkup Building
<u>February Town Council Meeting:</u>	February 12, 2015, 7:00 p.m. Walkup Building

Closed Session

Mayor Pro Tem Standaert moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(3) for attorney consultation regarding the Civil Action: Carolyn Zoe Crowder, John L. Currie, Nancy B. Thomas, Henry W. Darden, Jr., and wife, Carolyn V. Darden, Plaintiffs, versus the Town of Montreat, Defendant. Commissioner McCaskill seconded and the motion carried 4/0.

No action was taken during the Closed Session.

Upon returning to open session at 9:19 p.m., Commissioner Helms moved to hold a Special Meeting on January 14, 2015 at 9:00 a.m. in the Town Services Office for the purpose of holding a Closed Session in accordance with North Carolina General Statute §143-318.11(3) for attorney consultation regarding the Civil Action: Carolyn Zoe Crowder, John L. Currie, Nancy B. Thomas, Henry W. Darden, Jr., and wife, Carolyn V. Darden, Plaintiffs, versus the Town of Montreat, Defendant. Commissioner Campbell seconded and the motion carried 4/0.

Adjournment

There being no further items of business to discuss, Commissioner Helms moved to adjourn the Town Council Meeting. Mayor Pro Tem Standaert seconded. The motion carried 4/0 and the meeting was adjourned at 9:20 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk