

**Town of Montreat
Board of Commissioners
Town Council Meeting
April 9, 2015
Walkup Building**

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

Board members absent: Commissioner Martha Campbell

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

Approximately 30 members of the public were also present. Mayor Taylor called the meeting to order at 7:04 p.m., led the group in reciting the Pledge of Allegiance, and gave the invocation.

Agenda Approval

Mayor Pro Tem Standaert said that a Closed Session would not be held at the end of tonight's meeting, and asked that the agenda be amended to reflect this change. Commissioner Helms then moved to adopt the meeting agenda as amended. Commissioner Vinson seconded and the motion carried 4/0.

Presentation to Council: Sales Tax Redistribution Plans

Senator Terry Van Duyn gave a brief summary of SB 369 and SB 608. These bills, currently under discussion in the NC Senate, propose to distribute all sales tax revenues on a per capita basis at both the state and local level. Buncombe County municipalities currently receive these distributions on an ad valorem basis. Senator Van Duyn expressed her opposition to these bills, stating that both would negatively impact Buncombe County tax revenues, while also failing to support job creation, education, and infrastructure in rural areas statewide. She predicted considerable discussion of these bills in the Senate prior to the April 30 crossover date, but felt that the bills would still be detrimental to local revenue distribution control even in an amended form. Citizens are encouraged to contact Senator Van Duyn, Senator Tom Apodaca, Representative John Ager, Representative Susan C. Fisher, and Representative Brian Turner to express their concerns and comments about these proposed bills.

During discussion, Senator Van Duyn said that the House of Representatives had also prepared its own sales tax redistribution bills, but she was not prepared to address those proposals at this time. She also suggested contacting Governor Pat McCrory to request a veto of any adopted bills that continued to mandate distribution of local sales tax revenues through an annual state appropriations process. She also noted that Mecklenburg, Durham and Dare Counties would also face marked revenue reductions as a result of the proposed bills.

Mayor's Communications

Mayor Taylor expressed her appreciation for the cooperative emergency planning and monitoring efforts made by Town staff, Montreat Conference Center and Montreat College in response to the Weed Lane wildfire.

Consent Agenda Review

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

- March 5, 2015 Agenda Meeting Minutes Adoption;
- March 12, 2015 Town Council Meeting Minutes Adoption;
- Approval of Change Order #7 from Huntley Construction Company, Inc. dated February 11, 2015 with a revised contract amount of \$276,375.36 for the Upper Kentucky Road Phase 1 Neighborhood and Residential Utility Assessment projects.

Change Order #7 establishes a final contract price for the Upper Kentucky Road Phase 1 Neighborhood and Resident Utility Assessment projects of \$276,375.36. This amount reflects a \$12,000 overall cost decrease due to no rock excavation work being required for either phase of the project.

Town Administrator's Communications

- Engineering and design work for the Texas Road bridge replacement project continues, and preliminary plans at 75% completion are expected soon. Town staff will participate in a conference call next week with NCDOT officials and KCI Associates representatives to discuss the status of this project.
- Camera inspection for the Well A02 replacement project has been completed, and a revised repair plan has been developed based on the inspection results. Mr. Freeman will discuss the proposed contract with Reuben Caldwell Drilling, Inc. in greater detail during his monthly activity report.

- 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.
- If adopted in their current form, proposed SB 369 and SB 608 would result in an estimated local sales tax revenue loss for Montreat of \$223,605, or 67% of the current amount. This equates to between 10 and 11 cents on Montreat's ad valorem tax rate, and would create a drastic reduction of funding available for all types of expenditures. The Town will continue monitor the status of these bills very closely throughout this legislative session.
- The 2015 Annual Board Retreat will be held on April 22 beginning at 9:00 a.m. at Western Carolina University's Biltmore Park Campus, in Conference Room 346. This meeting is open to the public.
- Mr. Nalley reviewed the methods and procedures the Town used to monitor public safety conditions and notify other community entities and members of the public throughout the duration of the Weed Lane wildfire. He explained that because the fire had not posed a direct property or life safety threat to Montreat, the Town had sent out updates through its Sunshine List and social media accounts rather than activating the CodeRED emergency notification system. He expressed his appreciation for the firefighters, emergency services personnel and Town staff members who provided their assistance. He also thanked the Montreat Conference Center for providing housing for two families displaced by the fire, as well as Phil's Bar-B-Que in Black Mountain for providing meals for Town staff and other emergency responders.

Administrative Reports

Police Chief: Chief Staggs presented and reviewed his March 2015 monthly departmental activity report. He also summarized the emergency response and public safety measures used by the multiple firefighting crews that assisted with the Weed Lane wildfire. He thanked the Montreat Conference Center for their cooperation and efforts to notify the public about the trail closures on Lookout Trail, Appalachian Trail, and Rainbow Mountain Trail. He also briefly explained the procedures that would have been used if home evacuations had become necessary or if structures within Montreat had been directly threatened by the blaze.

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

- Public Works Department crews have begun work to replace a damaged cross tie retaining wall on Oklahoma Road with a masonry wall. This is the final project to be funded through disaster recovery grant proceeds from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management for the 2013 summer rain events.
- Pothole patching and other roadway surface repairs will continue over the next several weeks.
- Well A02 was taken offline in July 2013 due to large concentrations of iron and silica sand caused by damage sustained during the 2013 summer flood events. In September 2014, the

Town received approval for reimbursement funding from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management to replace the well under the provisions of FEMA Declaration 4146. A new well located approximately 75 feet west of the existing well site was drilled in November 2014, but no water was found after drilling to a depth of over 800 feet. Reuben Caldwell Drilling Inc. performed a camera inspection of the existing well to determine the amount and source of the iron and sand infiltration. Upon reviewing the inspection results, it was determined that the original plan to repair the well would not be effective, and a new proposal was developed to repair the well using 4" pipe with screen intervals and a layer of pea gravel between the pipe and the well shaft. This proposal is more expensive than the original plan, but is expected to more effectively prevent further infiltration. An updated repair proposal will be presented for Board approval under New Business Item C.

- The 2014 Local Water Supply Plan has been completed and submitted to the North Carolina Division of Water Resources. Montreat's annual water demand is approximately 29% of the system's total capacity, and is expected to rise to just over 30% by 2060. Although water demand increases to about 70% of system capacity during the summer months, the four new wells on Greybeard Trail and Harmony Road have allowed the Town to meet this need for the past several years without purchasing water from the Town of Black Mountain. The average annual water loss is 5%, compared with a state-wide range of 5-15%

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

- February 2015 Financial Summary Report;
- Final February 2015 Financial Statement;
- Preliminary March 2015 Financial Statement;
- March 31, 2015 Cash and Investment Earnings Report.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed his monthly zoning and inspections activity report. The Planning and Zoning Commission will meet on April 16 to consider possible revisions to Montreat General Ordinance Chapter I, Article II "Noise Control." The Board of Adjustment did not meet during the past month and has no hearings pending at this time.

At the Board's request, Mr. Currie will provide information on how stream classifications are determined by the North Carolina Division of Water Quality, the development history of Montreat's ordinance requiring a 30' buffer between a property's built-upon area and any perennial or intermittent surface waters, and how these requirements specifically affect Mr. John Richardson's lot in the Upper Greybeard Trail area. This information will be used as a reference guide as the Board considers whether to ask the Planning and Zoning Commission to review the Town's current stream buffer regulations for potential amendments.

Public Comment – Agenda Items

Mayor Taylor opened the Public Comment period for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

Mrs. Nan Clarke of 558 Providence Terrace asked how she could get her home’s water tested. Mr. Freeman said he would provide her with contact information for the company that performs water sample testing for the Town’s water system.

Mr. Brinkley Melvin of 246 Texas Road Spur thanked Town staff for fulfilling his public records request for documents related to the Texas Road bridge replacement project. He said he felt the Town was right to seek out available funding sources for the project, but also expressed concerns about the new structure’s design and appearance. He asked the Board to carefully consider the design and function of the new bridge structure when reviewing the preliminary plans, and look for ways to postpone the project and modify the design to reduce the structure’s impact on both Welch Field and the community as a whole.

Mr. Don Reid of 127 Shenandoah Terrace also thanked Town staff for fulfilling his public records request for documents related to the Texas Road bridge replacement project. He summarized the timeline of the project’s development and related Board actions, and noted the increases in project cost that have occurred as the project has progressed. He said he suspected that the early engineering work performed by TGS and McGill Associates would not be reimbursable under the Municipal Bridge Program’s contract terms, and predicted that the total cost of the project could exceed \$1 million by the time it is completed.

Old Business

- A. Proposed 2015-2020 Capital Improvements Plan: Mayor Pro Tem Standaert noted that the Board had received no comments from the public during last month’s Public Hearing on this matter. She then moved to adopt the 2015-2020 Capital Improvements Plan as presented. Commissioner Vinson seconded and the motion carried 4/0.

New Business

- A. Contract to Audit Accounts – Martin Starnes & Associates, P.A.: Commissioner Helms moved to approve an annual audit contract with Martin Starnes & Associates, P.A. in the amount of \$19,675. Commissioner Vinson seconded. During discussion, staff noted that the proposed price was only slightly higher than the current fiscal year’s contract amount. In response to Mayor Pro Tem Standaert’s inquiry, Mr. Stackhouse also explained that the Audit Committee was satisfied with this Martin, Starnes & Associates’ work, and did not recommend a change in auditing firms at this time. The motion then carried 4/0.

- B. Worker's Compensation Insurance Renewal – NC Interlocal Risk Management Agency: The NC Interlocal Risk Management Agency's preliminary Workers Compensation insurance policy renewal quote for Fiscal Year 2015-2016 is \$13,472.30, a 39% reduction from the current year's premium. Commissioner Helms then moved to approve the Worker's Compensation Insurance renewal from the N.C. Interlocal Risk Management Agency in the amount of \$13,472.30 and to authorize the Town Administrator and Finance Officer to execute the necessary contract documents. Commissioner Vinson seconded and the motion carried 4/0.
- C. Well A02 Repair Contract – FEMA-4146-DR-NC - PW#143: Mayor Pro Tem Standaert moved to approve the proposed well repair contract with Reuben Caldwell Drilling Inc. in the amount of \$6,625.00 and authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner Vinson seconded. During discussion, Mr. Nalley noted that the full cost of the well repairs would be funded by the grant monies received from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management.
- D. Police Vehicle Purchase – 2015 Ford Utility Interceptor: Commissioner Vinson moved to approve the purchase of a 2015 Ford Utility Interceptor from Asheville Ford in the amount of \$28,364. Commissioner Helms seconded. During brief discussion, Town staff confirmed that funding for this purchase was already allocated in the current fiscal year's Budget. The motion to approve the purchase then carried 4/0.
- E. Supplemental Agreement #3 – Texas Road Bridge Replacement Project: During the preliminary design phase of this project, it was discovered that approximately 120 feet of existing 8-inch sewer line and two residential connections would have to be relocated to accommodate a portion of the wing wall for the new bridge structure. KCI Associates has submitted Supplemental Engineering Agreement #3 in the amount of \$19,575.87 for engineering design work related to the necessary sewer work. North Carolina Department of Transportation (NCDOT) representatives have reviewed the proposal and believe this cost is appropriate.

Mr. Nalley reiterated that 80% of the total cost of this project will be reimbursed to the Town through the Municipal Bridge Program. Montreat's share of the additional costs for Supplemental Agreement #3 is less than \$4,000. Mr. Nalley addressed Mr. Reid's comment about cost increases throughout the history of this project by explaining that initial cost estimates performed several years ago had been done in anticipation of repairing, rather than replacing the bridge. Other cost increases during the project's timeline were caused by a number of factors outside the Town's control, including FEMA floodplain development requirements and additional historic structure and archeological studies mandated by the North Carolina State Historic Preservation Office. Mr. Nalley said that even if the project's overall expenses reached the \$1 million Mr. Reid suggested, the Town's portion of that cost would be \$200,000, which was less than the 2008 cost estimates for repairing or replacing the bridge using only Town funds.

During Board discussion, Commissioner McCaskill said he would not recommend pursuing similar shared-cost grant funding sources for future capital projects due to additional bureaucracy and lack of local control associated with these programs. He also said he was disappointed with the proposed design of the new structure, and felt that the Metropolitan Sewerage District should bear more of the responsibility of relocating the sewer line.

After further brief discussion, Mayor Pro Tem Standaert moved to approve Supplemental Engineering Agreement #3 with KCI Associates for the Texas Road Bridge replacement project in the amount of \$19,575.87 and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner Vinson seconded. The motion carried 3/1, with Commissioner McCaskill voting in opposition.

- F. Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Public Hearing – Upper Kentucky Road Phase 1 Neighborhood Assessment Project: Commissioner Helms moved to adopt Resolution #15-04-01 Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Public Hearing – Upper Kentucky Road Phase 1 Neighborhood Assessment Project. Commissioner Vinson seconded. During discussion, Mr. Nalley used a color-coded map to indicate the location and scope of both the Phase 1 Neighborhood and Phase 1 Residential Assessment Projects. He also confirmed that all but six of the affected lots were currently on the public tax rolls as undeveloped property, and reiterated that the costs of the utility extensions were initially borne by the Town and recouped with interest over the next ten years through assessment of the benefitted property owners on a per lot basis. After further brief discussion, the motion carried 4/0. A copy of this Resolution is attached to these minutes and incorporated herein by reference.
- G. Resolution Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Public Hearing – Upper Kentucky Road Phase 1 Resident Assessment Project: Commissioner Helms moved to adopt Resolution #15-04-02 Declaring Cost, Ordering Preparation of Preliminary Assessment Roll, and Setting Public Hearing – Upper Kentucky Road Phase 1 Resident Assessment Project. Commissioner Vinson seconded and the motion carried 4/0. A copy of this resolution is attached to these minutes and incorporated herein by reference.
- H. Resolution Commending Emergency Services Personnel for Weed Lane Fire Response: Commissioner Vinson moved to adopt Resolution #15-04-03 Commending Emergency Services Personnel for Weed Lane Fire Response. Commissioner Helms seconded. Mayor Taylor read the text of the Resolution aloud, and Mayor Pro Tem Standaert asked that “on behalf of the entire Montreat community” be added to the text of the last paragraph. The Board agreed to this change by consensus, and the motion to adopt Resolution #15-04-03 as amended carried 4/0. A copy of this resolution is attached to these minutes and incorporated herein by reference.

Public Comment – Other Topics

Mayor Taylor opened the Public Comment period for remarks pertaining to public business items not listed on the meeting agenda, including any reports or communications from other community entities.

Mr. Wade Burns of 232 North Carolina Terrace said he had spoken to the Board several times over the past year concerning the developmental limitations placed on his and other lots in the Upper Greybeard Trail area by the Town's current zoning and stormwater regulations, and had also sent a letter to the Board concerning these issues. He said that his letter had not been answered, and that the only verbal response he had received was that the Board had already discussed this matter. He said he felt slighted by the Board's direction to staff to report on the effects of stream buffer restrictions on Mr. Richardson's lot, and again asked the Board to refer review of those regulations to the Planning and Zoning Commission.

Mr. Don Reid said he had not completed his previous remarks concerning the Texas Road bridge replacement project, and requested additional time to finish his comments on this topic. Mayor Taylor denied Mr. Reid's request, stating that an opportunity for comments regarding this topic had already been provided under the first Public Comment period.

Montreat Conference Center Vice President for Program Carol Steele thanked Mr. Nalley and Chief Staggs for their communication efforts during the Weed Lane wildfire, and expressed her appreciation of the Town's assistance and support in advance of the upcoming summer conference season.

Mr. Erskine Clarke of 558 Providence Terrace expressed his opinion that the Board's new Public Comment rules were a further attempt to control and restrict public discourse on Town business matters.

Mr. Don Reid also expressed his objections to the Board's public comment policies, stating he felt he should be able to comment on business items both before and after the Board's discussion of those matters.

Commissioner Communications

Commissioner Vinson reported on the following items on Commissioner Campbell's behalf:

- The Presbyterian Heritage Center Board met on March 15 and 16. An exhibit on early Presbyterian missions to Japan will open in early May, to be accompanied by displays of Japanese art. The Heritage Center is co-sponsoring a symposium on May 29 and 30 entitled "Great Awakenings: Evangelists and their Impact on American Cultures." Speakers at this event will include Duke Divinity School Professor of Christian History and Rev. Billy Graham

biographer Dr. Grant Wacker, Montreat resident Rev. Dr. John Akers, who served as Dr. Graham's personal assistant, and Dr. Edith Blumhofer, Professor of History at Wheaton College. An exhibit highlighting historical evangelists will also be opened in conjunction with this symposium.

- During their April 1 meeting, the Montreat Landcare Committee continued its preparations for the upcoming 2015 Native Plant Sale and Arbor Day Celebration. This event will include a variety of educational workshops as part of the Committee's efforts to obtain Tree City USA designation for the Town of Montreat. Montreat resident John Johnson also reported on his efforts to begin a cooperative program for controlling Hemlock Woolly Adelgid infestations through the release of *Laricobius Nigrinus* beetles, a non-invasive insect native to the Pacific Northwest. Montreat resident Joe Standaert is also initiating a project to research native rhododendron die-off recently discovered in the Montreat area. More information on these projects will be reported in the future.

Mayor Pro Tem Standaert said she had asked Town staff to give a presentation on the development of the Town's stream buffer regulations and their effect on Mr. John Richardson's property in the Upper Greybeard Trail area so the full Board could hear this information as it decides whether to refer this matter to the Planning and Zoning Commission for further review. She also commented on her recent meeting with Mr. and Mrs. Wade and Susie Burns, Commissioner McCaskill and Mr. Currie to discuss options for development of Mr. Burns' lot in the Upper Greybeard Trail area. She stated that, based on those discussions and after reviewing information provided by Mr. Burns, the lot is 0.21 acres in size and can accommodate a building footprint of 25 feet by 25 feet without triggering the Town's setback distance requirements or stream buffer regulations. A larger footprint may be allowed if Mr. Burns wished to seek a variance from the Board of Adjustment or combine this lot with adjacent property owned by Mrs. Burns. She stated that all of the lots in the Upper Greybeard Trail area were buildable, and that these property owners had the same legal ability to submit petitions for public water and street assessment procedures as owners of property located with the Town limits.

Mayor Taylor stated that the Board's public comment regulations had been part of its Rules of Procedure for some time, but had not previously been enforced. She explained that comments on agenda items were received prior to Board discussion so that those comments can be considered during the Board's deliberation of those matters.

Upcoming Meeting Dates

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

April Planning and Zoning Commission Meeting:

April 16, 2015, 7:00 p.m.
Walkup Building

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2015 Annual Board Retreat: April 22, 2015, 9:00 a.m.
Western Carolina University –
Biltmore Park Campus Room #346

Agenda Items Due: May 1, 2015, 5:00 p.m.
Town Services Office

2015 Native Plant Sale and Arbor Day
Celebration: May 2, 2015, 10:00 a.m. – 2:00 p.m.
Moore Center Field
Agenda Packets Available: May 5, 2015
[http://www.townofmontreat.org/
TownGovernment.php](http://www.townofmontreat.org/TownGovernment.php)
or Town Services Office

May Montreat Landcare Committee Meeting: May 6, 2015, 9:00 a.m.
Moore Center Meeting Room

May Agenda Meeting: May 7, 2015, 7:00 p.m.
Walkup Building

May Open Space Conservation Committee
Meeting: May 12, 2015, 3:30 p.m.
Moore Center Meeting Room

May Town Council Meeting: May 14, 2015, 7:00 p.m.
Walkup Building

Town Services Office Closed: May 25, 2015
Memorial Day Holiday

Rescheduled Household Garbage and Recycling
Collection Date: Tuesday, May 26, 2015
Curbside collection begins at 8:00 a.m.

Adjournment

There being no further items of business to discuss, Commissioner Vinson moved to adjourn the Town Council Meeting. Commissioner Helms seconded. The motion carried 4/0 and the meeting was adjourned at 8:35 p.m.

Letta Jean Taylor, Mayor

Misty R. Gedlinske, Town Clerk