

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
January 12, 2017  
Walkup Building**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Kitty Fouche  
Commissioner Bill Gilliland  
Commissioner Kent Otto  
Commissioner Mary Standaert  
Commissioner Ann Vinson

Board members absent: None

Town staff present: Al Richardson, Interim Town Administrator  
Steve Freeman, Public Works Director  
Angie Murphy, Town Clerk  
Jack Staggs, Chief of Police  
Barry Creasman, Senior Water Operator  
David Currie, Code Administrator/Building Inspector  
Stefan Stackhouse, Finance Officer

Approximately 40 members of the public were also present. Mayor Helms called the meeting to order at 7:03 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

**Agenda Approval**

Commissioner Standaert moved to adopt the agenda. Commissioner Vinson seconded and the motion carried 5/0.

**Presentation to Council: Town Hall Committee**

Vice-Chair Bill Scheu introduced the members of the Committee that were in attendance and thanked Interim Town Administrator Al Richardson and Town Clerk Angie Murphy for their assistance during the process as well. The Committee held four meetings that allowed ample time for public comment and participation. These meetings were transparent and open, had no time limits and involved a lot of interactive conversations. The purpose of the Committee, as charged by Mayor Helms, was to hear from Montreat residents concerning their views about the location of a proposed new town hall facility for the Town of Montreat, and their suggestions concerning the size and design of the facility.

It was decided by the Committee that the town hall facility should be located at the "Creekside" Property. The Creekside Property was favored by virtually all of the residents who made presentations to the Committee. It was noted that the flood plain and sewer line issues previously discussed by the Town Council were determined to be resolvable in the survey and topographical

studies prepared by High Country Surveyors and Sitework Studios that were previously submitted to the Town Council. The issue as to whether the new facility should be within the Town of Montreat is not felt to be an important issue or one that should be a condition to locating the town hall facilities. The current town hall facilities are not located in the Town of Montreat but rather in Buncombe County. If the Town Council determines that the facilities should be located in the Town, it could seek de-annexation by the North Carolina Legislature for the Creekside Property and other properties now in the Town of Black Mountain. The Town should also seek to annex from Buncombe County the existing town facilities and sanitary facilities used by the Town. The Committee feels that the Town should not defer or delay acquisition of the Creekside Property for construction of new facilities because of de-annexation procedures. The Town Council should authorize negotiations with the MRA for acquisition by the Town of the Creekside Property and nearby properties presently owned by MRA. The Town Council should negotiate with MRA on a recasting of the 99-year occupancy agreement and the license agreement covering the present Town facilities and adjacent sanitary facilities located on Parcel 2329.

The Committee felt that the facilities should be in keeping with the values of Montreat, modest in functionality and designed with cost consciousness in mind. The size of the administrative portion of the town hall facilities should be approximately 3,500 square feet of heated and cooled space. The needs of the maintenance public works and public safety staff should have priority over the needs of the administrative staff specifically lockers, bathrooms, maintenance facilities and an evidence locker. It was particularly noted that space is needed to get the large pieces of equipment out of the elements and to give our loyal staff a warm, dry place to work on equipment. It was felt that a more modest town hall facility would allow for more funds to be used for a maintenance facility. The administrative building should be one-story in height and should not include a large lobby space. The Town should prioritize the sharing of large meeting facilities with MRA and Montreat College to the maximum extent feasible. A small conference room seating approximately 30-35 persons would be appropriate in the proposed facility. The design should include expansion capacity as appropriate.

Mayor Helms opened up the floor for Commissioner questions.

Commissioner Standaert asked Mr. Scheu how the 3,500 square feet was determined as being appropriate. Mr. Scheu responded that the original structure as proposed was going to be over 7,000 square feet and that the Committee knew they wanted to cut down a lot of the meeting spaces as well as keep it to one story. Commissioner Standaert stated that McGill & Associates did a space needs/site study in a meeting that was open to the public and she wished there had been as large a crowd turnout that night as there was on this evening. Commissioner Standaert questioned whether the Committee reviewed the documents from McGill & Associates. Commissioner Standaert felt that the Committee did not spend any time speaking with employees about their space needs rather than just what the public seemed to think was needed. Mayor Pro Tem Fouche stated that she took the McGill drawings and made some calculations on her own on a spreadsheet that she did not present to the Committee. Mayor Pro Tem Fouche stated that

when she did away with the large lobbies and unused unnecessary spaces she came up with square footage that was underneath 4,000 square feet. Mr. Scheu stated that the Committee was not there to reevaluate old documents but to listen to the views of the people.

Mayor Helms reminded the Commissioners to ask questions only.

Commissioner Standaert asked if the Committee was aware that in the originally proposed town hall there was a conference smaller than what was proposed this evening. Mr. Scheu stated that he was not aware of that fact.

Commissioner Standaert asked Mr. Scheu of his knowledge of Sitework Studios. Commissioner Standaert stated that Sitework Studios was a landscape architect firm rather than an engineering firm. Commissioner Standaert asked Mr. Scheu if he was aware that the rendering of the Texas Road Bridge that was distributed by Mr. Peter Boggs was a product of Sitework Studios and was incorrectly presented to the public. Mr. Scheu stated that the Committee was not adopting those prior reports they just felt that the issues previously discussed around flood plains and sewer lines were determined to be resolvable based on their conclusions. Mr. Scheu stated that due diligence should occur with inspections and surveys just as in any other real estate transaction.

Commissioner Standaert asked if the Committee took a position on outsourcing police and sanitation services which had previously been discussed. Mr. Scheu stated that the Committee was not charged with such a decision.

Commissioner Standaert asked who would initiate the process of annexation. Mr. Scheu referenced a memo within the Committee's report that stated the property owner would initiate the annexation process but it would be secondary to everything else.

Commissioner Standaert asked about the tax status of the Creekside Property. Mr. Scheu stated that it was tax-exempt and the tax value was listed at \$119,000. Commissioner Standaert asked Mr. Scheu if he was aware that MRA had owned the property twice and that it had not always been tax-exempt. Mr. Scheu stated that he was not aware of that fact.

Commissioner Standaert asked if the Town were to start building right now who would the Town pay building permits too and who would respond in the event of a police emergency. Mr. Scheu stated that the property currently lies within the Town of Black Mountain.

Commissioner Standaert asked what nearby properties were being referred to in the Committee's report. Mr. Scheu stated that it was the Creekside Property, the Town Parking Area, property that was once the Montreat Garden Club and the current Town Hall Facility and maintenance facility.

Commissioner Vinson questioned what would happen if we got down in the soil and found out that something was wrong. Mr. Scheu stated that during the inspection period you would do a soil study and an environmental phase 1 study which would then give the Town the information to

move forward with the real estate transaction. Commissioner Vinson asked if there was a “Plan B”. Mr. Scheu stated that the Committee’s charge was to suggest a location and size and the Creekside Property was the best option based on public opinion.

Commissioner Otto thanked the Committee for all of their hard work and stated that he enjoyed the meetings that he attended and applauded the public turnout. Commissioner Otto asked Mr. Scheu if he felt that of all the properties that were suggested were they appropriately vetted and Mr. Scheu advised that they all were and the Creekside Property was the preferred location of all the properties.

Commissioner Standaert expressed her dismay that no one got back with her on her suggestions of the Montreat Springs Property, also known as the Horton property, and property on Reunion Hill Lane. Mr. Scheu assured her that these properties had been reviewed and appreciated by the Committee.

Vice-Chair Scheu expressed his thanks for the opportunity to serve and he felt that moving forward could be the basis of healing for the Town.

### **Mayor’s Communications**

Mayor Helms thanked the Town Hall Committee for all of their hard work and thanked Town Staff for all of their efforts for snow removal over the weekend.

### **Consent Agenda Review**

The proposed Consent Agenda will include the following items:

- December 1, 2016, Town Council Agenda Meeting Minutes
- December 8, 2016, Public Forum Meeting Minutes
- December 8 , 2016, Town Council Meeting Minutes

### **Town Administrator’s Communications**

- Interim Town Administrator Richardson announced that Finance Officer Mr. Stefan Stackhouse had turned in his retirement announcement effective December 31, 2017.
- Mr. Richardson advised that KCI Engineering was able to inspect the bridge on January 6<sup>th</sup> and a detailed report will be returned within 5-6 weeks from them.
- Mr. Richardson provided the Council with a letter that had been previously prepared for Mr. Wade Burns for voluntary annexation in the Upper Greybeard area. Mr. Richardson asked the Board to review and give directions on how they want him to proceed.
- Mr. Richardson thanked the Public Works Department for their snow removal activities over the weekend.

### **Administrative Reports**

The Board will hear administrative reports from the Police Chief, Public Works Director, Finance Officer and Building Inspector/Code Administrator during next week's Town Council Meeting.

Police Chief: Chief Staggs reviewed and presented the December 2016 monthly departmental activity report. Chief Staggs stated that the Town had seen an upswing in visitors during the past month. There has been a marked increase in calls to the department for suspicious activity and the police officers are glad that citizens are calling as soon as they see something out of the ordinary. Chief Staggs stated that there have been parking issues in the past few weeks and a lot of warning tickets were issued. In several situations these parking issues could of impeded emergency vehicle parking and access. Chief Staggs thanked everyone for the food, cards and well wishes for Christmas and the New Year. Chief Staggs thanked Public Works for their attentiveness for snow removal over the past weekend.

Public Works Director: Mr. Freeman announced that sanitation would be picked up on Tuesday, January 17<sup>th</sup> in lieu of the Martin Luther King Jr Holiday on Monday. Street crews are working to replace street signs and speed limit signs with new reflective models and will continue these efforts throughout the coming months. Mr. Freeman stated that crews will start flushing and inspecting hydrants this month. He reminded everyone to feel free to call if they notice irregularities with their water. The flushing of the hydrants will help with the increase of iron in the water. Mr. Freeman stated that during the weekends' snow event the crews split into 2 crews working 12 hour shifts. They spread over 20 tons of sand on Montreat roads with the main priority being to get one lane open for emergency personnel services.

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

- November 2016 Financial Summary Report;
- Final November 2016 Detailed Financial Statement;
- November 30, 2016 Cash and Investment Earnings Report;
- Preliminary December 2016 Detailed Financial Statements
- Reconciliation Fund Balance contains \$4,543.94.

Building Inspector/Code Enforcement Officer: Mr. Currie presented and reviewed his December 2016 zoning and inspections activity report. There was not a Planning and Zoning meeting this month but the Board of Adjustments will hold a variance hearing on January 26<sup>th</sup>.

### **Public Comments**

Mayor Helms reiterated that this Public Comment period was intended for remarks pertaining to items listed on the meeting agenda, including staff reports and communications.

Mr. Ted Carey of 116 John Knox Road, felt that the community would be well served with the property that was recommended by the Town Hall Committee as well as the criteria of the building itself. Mr. Carey recommended that the Council adopt and move forward with the recommendations.

Mrs. Nan Clarke of 558 Providence Terrace, stated that being on a committee is a difficult job in her experience and she thanked the Town Hall Committee for their commitment and hard work.

Mr. Eric Nichols of 527 Suwannee Drive, spoke in favor of keeping the Agenda Meetings on the schedule. He felt that the Agenda Meetings give the public an opportunity to talk with one another, members of the Board and Town Staff in the week between meetings.

Mr. Don Reid of 127 Shenandoah Terrace, presented a summary of fees spent on the Town Hall Project and the Texas Road Bridge Project which cost the Montreat taxpayers \$437,131.05 which is roughly \$552.65 per person. Mr. Reid stated that he was still having rust and iron problems with his water.

### **Old Business**

There is no Old Business to discuss.

### **New Business**

- A. **Sanitation Department Vehicle Purchase – 2017 Ford F550:** Commissioner Vinson moved to approve the purchase of a 2017 Ford F550 truck from Ken Wilson Ford in the amount of \$63,411.25, by paying off the full amount instead of financing over a five year period, this will save the Town \$4,212.31 in finance fees and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner Gilliland seconded the motion. Commissioner Standaert requested a review of the options for sanitation for the public to hear. Mr. Freeman stated that the Town currently uses an Open Bed Truck rather than a Compactor Truck. A Compactor Truck would have to be small enough to maneuver the narrow streets in Town and would not be able to hold the volume collected each day. NC State law mandates that compactor trucks must be emptied each day and this would necessitate a 3 hour round trip visit to the landfill. Recyclables would have to be picked up separately which would add another day to pick up and cause more labor costs. The Town would also not have a backup compactor truck in the event of mechanical failure or inclement weather. The Open Bed Truck can collect trash and recyclables at the same time with less manpower involved. The two large dumpster compactors do not have to be emptied until they are full and there is a backup if one fails. Consolidated Waste Services (CWS) takes the compactors and recyclables only when they are full making for fewer and more efficient trips to the landfill with no added manpower as needed by the Town. In the event of mechanical failure or inclement weather pickup trucks with snow plows can be used to pick up the refuse. Staff feels that the open bed truck is the most cost effective way to collect the trash and recyclables. The compactor site is leased separately from the Town Services Building site from MRA. It has been in operation for over

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ten years with little or no opposition to its location. There are no residences close to it and it is convenient to get the larger trucks in to haul the compactors out. The compactors are now paid for and CWS has agreed to not charge the Town a lease fee on them saving the Town around \$5,790 a year in rental fees. They will probably last another 5 to 10 years before needing to be replaced. Mayor Helms called for a vote and the motion passed 5/0.

- B. Street Department Sander/Spreader Purchase: Commissioner Vinson moved to approve the purchase of a Sander/Spreader from Jim Campen in the amount of \$4,761.50. Mayor Pro Tem Fouche seconded the motion. Mr. Barry Creasman stated that the current sander was purchased 11 years ago and it is showing wear and tear. Staff would like to see a new sander purchased to help sand roads, intersections and parking lots before the next big snowfall occurs. Mayor Helms called for a vote and the motion passed 5/0.
- C. Street Department Ice Melt Spreader: Mr. Creasman reported that this equipment would improve safety concerns for staff because it is a hopper that attaches to the back of trucks. They would no longer have to load the larger sander for late night calls when only a small amount of traction aid is needed. Also staff would not have to risk falls and injury to their person since they currently put traction aid out by hand. Staff recommends purchasing an ice melt spreader from Jim Campen in the amount of \$1,625.33. Commissioner Vinson moved to approve the purchase of an ice melt and traction aid spreader from Jim Campen in the amount of \$1,625.33. Mayor Pro Tem Fouche seconded and the motion carried 5/0. Mayor Pro Tem Fouche pointed out that ice melt was only used when necessary so as not to pollute or encroach on the environment.
- D. Florida Terrace Property Workshop: Commissioner Gilliland moved to schedule a workshop on Thursday, January 26 at 3:00 p.m. in the Town Services Building to start discussion of options for the Florida Terrace Property and invite public input. Commissioner Vinson seconded and the motion carried 5/0.
- E. Agenda Meeting: Commissioner Otto moved to do away with the agenda meetings and move the public forum 30 minutes prior to regular meeting. Commissioner Gilliland seconded the motion. Commissioner Otto stated that a year ago this was discussed at the Board Retreat and he has been evaluating the meetings since that time. Commissioner Otto felt that doing away with the agenda meeting would free up employees. He also stated that he was not trying to impede dissemination of information but felt that the agenda could be available a week in advance in order for the public to be aware as well as council members. Mayor Pro Tem Fouche was also concerned about the amount of comp time that is being owed to staff for participating in the two meetings each month. Mayor Pro Tem Fouche asked what the purpose of an agenda meeting was and Mayor Helms responded that the agenda meeting was multi-fold: to adopt the agenda and to discuss any information that is needed prior to the regular meeting. Commissioner Vinson stated that it was also a time to form the agenda to get it the way the Board wanted it to look. Commissioner Vinson also stated that the Public Comment

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period allows the public to voice their opinion and the week in between meetings gives the Council time to gather information to appropriately answer questions or provide information. Mayor Pro Tem Fouche stated that if the public had questions they could email staff or the Council in the week between when the agenda goes out and the regular meeting. Commissioner Gilliland felt that a lot of the information was rehashed from one meeting to the next and he is in support of doing away with the agenda meetings. Commissioner Standaert felt that the agenda meetings were very helpful to her and by taking a meeting away will affect her ability to serve. Mayor Pro Tem Fouche felt that maybe they should offer a compromise and do a six month trial period with only one meeting. Commissioner Otto also felt that a six month trial period could be considered as well. Commissioner Vinson moved to table the discussion and decision until the Board Retreat and the new Town Administrator is hired. Commissioner Standaert seconded the motion. The motion failed 3/2 with Commissioners Otto, Gilliland and Mayor Pro Tem Fouche voting against tabling the discussion. Commissioner Otto moved to amend the motion by doing away with the agenda meetings for six months and revisit in July. Mayor Pro Tem Fouche seconded and the motion carried 3/2 with Commissioners Vinson and Standaert voting against the motion.

- F. Regular Meeting: Mayor Pro Tem Fouche moved to reschedule the regular meeting from the 2<sup>nd</sup> Thursday of every month to the 1<sup>st</sup> Thursday of every month. Commissioner Gilliland seconded the motion. Commissioner Standaert asked if staff had been consulted and whether they preferred the first or second Thursday. Commissioner Otto stated that he had consulted with staff and they had no preference on which Thursday was chosen. Commissioner Standaert moved to amend the motion by moving to cut the Commissioners pay by 30% for the period of six months to save money and time. Motion died for lack of a second. Mayor Helms called for a vote and the motion carried 3/2 with Commissioners Vinson and Standaert voting against the motion.
- G. Discussion of Town Hall Committee Report and Possible Action: Commissioner Vinson moved to accept the report of the Town Hall Committee. Commissioner Standaert seconded the motion. Commissioner Otto questioned what it meant to accept the report and Commissioner Standaert replied that it meant the Council was accepting the report as it was presented and given. The motion carried 5/0. Commissioner Otto moved to request the Mountain Retreat Association to proceed with an appraisal on the Creekside Property that will allow the Town of Montreat to purchase said property at appraised price. Mayor Pro Tem Fouche seconded the motion. Commissioner Otto stated that this would allow the Board to see what the property would cost and allow some due diligence to see what the property looked like. The motion carried 4/1 with Commissioner Standaert voting against the motion. Commissioner Standaert moved to proceed with asking the Town of Black Mountain to begin negotiations with annexation and de-annexation. Mayor Helms advised that the property needs to be contiguous with the Town of Montreat. The first step is for MRA to ask the Town of Montreat to annex the Public Services Building and the Creekside Property which could then be de-annexed through a legislative process. Mr. Bill Scheu respectfully advised that the Board should authorize



someone to begin negotiations with MRA. Commissioner Standaert's motion died due to lack of a second. Commissioner Gilliland moved to authorize the mayor to begin negotiations with MRA for the purchase of the Creekside Property and surrounding properties as indicated by the Town Hall Committee Report and bring back an appropriate response for further consideration by the Board while consulting with the Town Attorney. Mayor Pro Tem Fouche seconded and the motion carried 5/0. Commissioner Otto moved to rescind the request for Mountain Retreat Association to proceed with an appraisal on the Creekside Property that will allow the Town of Montreat to purchase said property at appraised price. Commissioner Vinson seconded the motion. The motion carried 5/0. Commissioner Standaert moved to authorize the expenditure of funds and monies to allow McGill & Associates to do a site study survey and space needs study for the Creekside Property. Commissioner Vinson seconded the motion. Commissioner Gilliland feels that the Board should wait until they get a response from MRA before moving forward. Mayor Pro Tem Fouche also stated that she felt the Board was getting ahead of themselves in the process. Commissioner Standaert felt the discussion that had ensued reinforced the need for an Agenda Meeting. Commissioner Standaert moved to amend the motion to hire McGill & Associates or another engineering firm to do a site study survey and space needs study for the Creekside Property. Commissioner Vinson seconded. The motion failed 3/2 with Commissioners Otto, Gilliland and Mayor Pro Tem Fouche voting against the motion. The original motion to authorize McGill & Associates to do a site study survey and space needs study for the Creekside Property failed 3/2 with Commissioners Otto, Gilliland and Mayor Pro Fouche voting against the motion.

- H. Fiscal Year 2016-2017 Budget Amendment: Commissioner Gilliland moved to approve Fiscal Year 2016-2017 Budget Amendment #2 to fund an equipment purchase through the reallocation from the Streets Capital Expense Budget. Commissioner Vinson seconded the motion. Commissioner Standaert pointed out that this item came about as a result of last week's agenda meeting. The motion carried 5/0.

### **Public Comments-Other Topics**

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

Mr. Ted Carey of 116 John Knox Road, wanted to discuss the Creekside Property and Mayor Helms advised him that this period is for items not listed on the meeting agenda.

Mr. Wade Burns of 232 North Carolina Terrace, stated that an architect planner would be the one looking at the ancillary pieces of property and an engineer would be for soil conditions.

### **Commissioner Communications**

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Mayor Pro Tem Fouche questioned if it is really necessary to divide the Public Comment periods into two distinct categories: items on the agenda and items not on the agenda.

Commissioner Standaert would support two open Public Comment times since we are going to one meeting a month. Commissioner Standaert would like to re-evaluate the Public Forum period as well when the agenda meetings get re-evaluated in July. Commissioner Standaert agrees on the dollar amounts that were spent on the bridge project and the town hall project but not the interpretation of it which is in direct refutation of Mr. Don Reid's interpretation in his Public Comments this evening.

Commissioner Otto thanked everyone for the opportunity to serve. Commissioner Otto encouraged everyone to move forward in 2017.

**Upcoming Meeting Dates**

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

<u>Town Services Offices Closed:</u>	January 16, 2017 Martin Luther King Jr. Holiday Sanitation resumes on Tuesday, Jan 17 <sup>th</sup>
<u>Montreat Tree Board:</u>	January 24, 2017, 9:30 a.m. Town Services Building
<u>Montreat Board of Adjustment:</u>	January 26, 2017, 7:00 p.m. Walkup Building
<u>Montreat Landcare:</u>	February 1, 2017, 9:00 a.m. Allen Building Swannanoa Room

**Closed Session**

Commissioner Vinson moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(6) for discussion of a personnel matter. Commissioner Gilliland seconded and the motion carried 5/0.

Upon a motion by Commissioner Vinson and a second by Commissioner Gilliland with the motion carrying 5/0, the Board returned to Open Session. Commissioner Gilliland moved to authorize Mayor Helms and Interim Town Administrator Richardson to move forward with negotiations to hire the selected candidate for Town Administrator. Commissioner Vinson seconded and the motion carried 5/0.

**Adjournment**

There being no further business, Mayor Pro Tem Fouche moved to adjourn the Town Council Meeting. Commissioner Gilliland seconded and the motion carried 5/0. The meeting was adjourned at 10:03 p.m.

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Tim Helms, Mayor

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Angela Murphy, Town Clerk