

**Town of Montreat
Board of Commissioners
Town Council Meeting
March 10, 2016
Walkup Building**

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

Board members absent: None

Town staff present: Ron Nalley, Town Administrator
Jack Staggs, Chief of Police
Steve Freeman, Public Works Director
Angie Murphy, Town Clerk
Barry Creasman, Senior Water Operator
David Currie, Code Enforcement Officer
Steve Stackhouse, Finance Officer

Approximately 60 members of the public were also present. Mayor Helms called the meeting to order at 7:01 p.m., and led the group in reciting the Pledge of Allegiance and in a moment of silence.

Agenda Approval

Commissioner Standaert requested that the minutes for the Annual Board Retreat on February 8 be removed from the consent agenda. Commissioner Vinson moved to adopt the agenda as amended. Commissioner Standaert seconded and the agenda was approved as amended 5/0.

Public Hearing
Proposed 2016-2021 Capital Improvements Plan

Mr. Nalley presented the proposed 2016-2021 Capital Improvements Plan (CIP), a flexible financial planning tool used to forecast the Town's equipment, building and infrastructure needs over the next five years. Items included in the CIP have a life expectancy of greater than one year and a value of greater than \$5,000. He explained the staff-recommended numerical and alphabetical priority codes used to organize each project scheduled throughout the Plan's five-year scope on both the departmental and organizational levels. Each project, as well as its corresponding priority code, is subject to revision or deletion at the Board's discretion. Once the final CIP is adopted, the numerical priority codes for the projects included in the first year of the Plan will be used to help determine funding allocations in the 2016-2017 Fiscal Year Budget.

In order of priority, the proposed projects and expenditures for the 2016-2017 Fiscal Year are as

follows:

Proposed General Fund Projects and Expenditures

1) Local Street Paving (Mecklenburg Circle and Louisiana from Virginia to Harmony)	\$310,000
2) Texas Road Bridge Replacement	\$200,000
3) Town Hall Replacement	\$100,000
4) Sanitation Truck Replacement	\$75,000
5) Police Vehicle Replacement	\$36,000
6) Comprehensive Plan Update	\$35,000
7) GPS/GIS Integration	\$21,500
8) Dump Truck Replacement (85)	\$16,500
9) Sander Replacement	\$6,000
10) Pavement of Compactor Area	\$25,000
11) Stormwater Utility Study	\$35,000
12) New Road Paving (Frist Lane)	\$40,000
13) Wayfinding Signage Plan	\$20,000
14) Native Plant Garden	\$10,000

General Fund Total for Fiscal Year 2016-2017:	\$930,000
Total for 2016-2021 and Future Years:	\$6,951,700

Proposed Water Fund Projects and Expenditures

1) Water Line Replacement (Mecklenburg Circle and Georgia Terrace)	\$52,000
2) Water Storage Facility	\$87,100
3) Portable Generators	\$5,000

Water Fund Total for Fiscal Year 2016-2017:	\$144,100
Total for 2016-2021 and Future Years:	\$1,366,600

The draft CIP is available in print at the Town Services Office or electronically on the Town's website. The public is encouraged to review the Plan and provide their input. The final Plan will be scheduled for adoption at the April 14 Town Council Meeting.

Commissioner Gilliland asked for additional explanation on the GPS/GIS Integration. Mr. Currie explained that by integrating GPS technology Town staff will be able to accurately catalog and map the Town's existing infrastructure and other important features for input and presentation within the GIS system. The combined system will provide in-house access to vital information for planning, maintenance and future expansion of infrastructure that currently requires outside

engineering assistance at a substantial cost.

Mayor Helms then opened the public hearing for comments.

Mr. Don Reid of 127 Shenandoah Terrace, asked if the money that was allocated for the Town Hall Project included the land purchase. Mr. Nalley advised Mr. Reid that the figures indicated in the CIP were for construction costs only.

Hearing no further comments from the public, Mayor Helms closed the public hearing.

Mayor's Communications

Mayor Helms presented Commissioner Gilliland, Commissioner Otto and Mayor Pro Tem Fouche with their Certificates of Completion from the UNC School of Government Elected Official Course.

Consent Agenda Review

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

- January 29, 2016 Special Meeting Minutes
- February 4, 2016, Agenda Meeting Minutes
- February 11, 2016, Town Council Meeting Minutes
- Approved Fiscal Year 2015-2016 Budget Amendment #4 to reallocate funds to cover the sanitation truck repairs.
- Appointed John Johnson to fill the unexpired term of Shannon Ingersoll on the Montreat Landcare Committee to expire on January 31, 2016.
- Appointed Mary Nell Todd to fill the Montreat Open Space Conservation Committee for a two year term to expire on January 31, 2016.
- Adopted Corporate Authorization Resolutions #16-03-0001 through #16-03-0007 amending the Town of Montreat's list of authorized account signatories with Asheville Savings Bank and designating Ron Nalley, Angela Murphy, Tim Helms and Kent Otto as authorized signers for the Town's accounts at Asheville Savings Bank.

Town Administrator's Communications

- Mr. Nalley advised the Council that by request, a letter from Architectural Design Studio was included in the packet and would need to be brought back before the Board depending on how the Town Hall Project proceeds.
- Mr. Nalley acknowledged the success of the Buncombe County Emergency Test which occurred on March 9. He directed people to the Town of Montreat website and to the CodeRED icon to

make sure everyone is signed up for this valuable service. Plans are underway to test CodeRED soon.

Administrative Reports

Police Chief: Chief Staggs reviewed and presented the February 2016 monthly departmental activity report. The Department assisted the Black Mountain Fire Department with a safety sweep from Appalachian Gate to the Blue Ridge Parkway prior to the start of the Mount Mitchell Marathon. The Department assisted the 471 participants in the Mount Mitchell Marathon from the Gate to Rainbow. Chief Staggs reminded everyone to be cognizant of the stop signs on Kanawha Drive and Assembly Drive. The Police Department will be issuing citations due to the safety hazards around these areas while the Montreat Gate remains closed for repairs.

Public Works Director:

- Crews began re-graveling roads this month as weather permitted: Oklahoma Road and Texas Road Spur were completed.
- Culvert repair and landscaping were completed on Shenandoah Terrace.
- Crews have also been cleaning along Assembly Drive.
- Mr. Freeman and Mr. Nalley met with a FEMA auditor to review the Greybeard Well Replacement Project. The auditor reviewed a significant amount of documentation and found everything very satisfactory. The Town will get a reimbursement check soon.

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

- January 2016 Financial Summary Report;
- Final January 2016 Detailed Financial Statement;
- Preliminary February 2016 Detailed Financial Statement;
- February 29, 2016 Cash and Investment Earnings Reports;

Building Inspector/Code Administrator: Mr. Currie presented and reviewed his February 2016 zoning and inspections activity report. The Planning and Zoning Commission and the Board of Adjustment did not meet last month. In April, the Planning and Zoning Commission will have some work to do with regards to legislative changes in the sign ordinance.

Public Comment – Agenda Items

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.

Richard DuBose, representing Mountain Retreat Association, had previously stated he would prefer a bridge be built connecting Texas Road and Assembly Drive. He believed a new bridge would add convenience to guests and conferees and other people in Town who needed to access

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MRA facilities and activities. Mr. Dubose has three comments to add to his original statement. (1) Mr. Dubose, after careful consideration, does not believe that a bridge on Texas Road is essential to the MRA's financial or programmatic future and if it were he would have taken a stronger stance prior to tonight. (2) If the Town decides to move forward with a Bridge, Mr. DuBose hopes the planners and Town Representatives will take into account the MRA's opinion as they have in the past. The choice most often referred to as the Tennessee Road option seems to be the least disruptive to MRA activities. (3) Regarding issues of Public Safety, costs of the proposed bridge and the impact of decisions on future bridges, Mr. DuBose has received conflicting stories just like everyone else has but feels certain that the Council is better positioned to weigh these concerns than he is. Mr. DuBose is not speaking on behalf of the Mountain Retreat Association Board but he feels certain that they would agree with him.

Robin Melvin of 246 Texas Road Spur, wanted to remind the community and Town Council that the height of the bridge is only one of the few concerns that the community has with regards to the Texas Road Bridge Project. She advises that it will still be very wide and will require a retaining wall which will cut into Welch Field which is used by a lot of different entities within the community. Mrs. Melvin believes that the size and breadth of the Bridge will be an eyesore and she implores the Council to take the Texas Road Bridge location off the table.

Alice Lentz of 115 Eastminster Terrace read a prepared statement from Ashton Phelps, Jr. of 433 Kentucky Road who was unable to attend the evenings meeting. Mr. Phelps was appalled to read the letter of December 22, 2015 from Mike Cox of Architectural Design Studios to the Town of Montreat. Mr. Phelps expressed his unhappiness with the request from ADS for reimbursement of funds on work that was never performed.

Nan Clarke of 558 Providence Terrace, does not want bland gated community conformity with regards to signage. Mrs. Clarke believes that the Wayfinding Program is outrageously expensive and believes it should be a low priority for Montreat.

Bob Cunningham of 162 Virginia Road, mentioned that safety is important and there are many ways to measure safety. Mr. Cunningham believes that in a true emergency situation the construction of a new bridge on Texas Road will not help evacuation measures anymore than just going straight down Assembly Drive. He also stated that the community will be worse off with a bridge than without one.

Grace Nichols of 327 Suwannee Drive, attended the Annual Board Retreat and heard Chief Staggs' report on the safety reasons for a new bridge. Mrs. Nichols feels that a new bridge is needed, whether it's on Texas Road or Tennessee Road, for emergency situations and safety concerns. Mrs. Nichols respects the Town Administration Staff and believes they make wise decisions for the Town. Mrs. Nichols implores the Council to think about the safety of the citizens.

Mike Sonnenberg of 125 Virginia Road, believes that a big, new bridge will cause more safety

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concerns and will encourage more and faster traffic for those that frequent the Texas Road area for recreational purposes. Mr. Sonnenberg feels that the money that would be spent on the bridge construction should be put to better uses, such as: exits out of Montreat, additional parking, local fire protection procedures, improved cell phone service and more. He believes that by building a new bridge the Town will be forcing future generations to fund repairs and replacements.

Janie Moore of 100 Frist Road, feels that the construction of a new bridge ensures more options and increased access to the Town of Montreat for emergency vehicles and the general public. Mrs. Moore mentioned that other bridges in Town will also need to be repaired in the future and will have to meet current coding standards which could alter the shape and size of all the bridges. Mrs. Moore feels that while we have the opportunity and the grant that we should fix the Texas Road Bridge for future generations. Mrs. Moore referenced Montreat College's desire to have a new up-to-code fully functional bridge for safety concerns for their students. Mrs. Moore advised the community that the current site is the least environmentally damaging and the least expensive and that there are things the community can do to improve the visual impact.

Tom Frist of 98 Frist Road, stated that he's very grateful for the Plaintiff's and Montreat Citizens who were able to stop the construction of Town Hall on the Florida Terrace tract. As a Montreat taxpayer he is very sad that the Town didn't settle. Mr. Frist is also upset that the Plaintiffs are requiring full compensation of monies spent in order to settle the lawsuit. Mr. Frist thought the money was a gift rather than a loan to be repaid. Mr. Frist feels that requiring full repayment of attorney fees will not only prolong the settlement process but will also fuel more contention within the community. Mr. Frist would like to propose to the Plaintiffs and the Town Council the following solution: he would like the Town to start a reconciliation fund so Montreat Citizens can generously donate monies to compensate those who were affected by the lawsuit and if there are monies left over, it could be donated to the Mountain Retreat Association or other entities. Mr. Frist is also in favor of the Town Council accepting the demands of the Plaintiff's in order to stop the ever increasing expenses of the lawsuit especially if both parties don't agree to the Reconciliation Fund.

Perrin Wright of 399 Appalachian Way, sees the world divided into two groups: those interested in the good of the public and those interested in their own pursuits. Mr. Wright believes that Montreat has more citizens in the second group. Mr. Wright feels that the pursuits of the Town include doing good public works and building a new bridge on Texas Road is an example of good public works. He believes that Town Council shouldn't settle the lawsuit under threat nor use taxpayer's money to pay off the Plaintiff's debts.

Susanne McCaskill of 114 John Knox Road, read a small story in which she bought an automobile that turned out to be a lemon so she returned it to the dealership in which it was purchased. Then she posed the question of how many people in her wonderful community would help her recoup the money she spent on the car she chose to purchase.

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Bill McCaskill of 114 John Knox Road, was here to speak at the request of former Town Council member Ruth Currie who was unable to attend the meeting. Mrs. Currie feels that the absurdity of reimbursing the Plaintiff's for the money they spent in suing the Town is overwhelming. All taxpayers will have to bear the costs associated with the expensive legal fees that were incurred to defend the Town's position. Mrs. Currie wanted it known that all elected officials involved made rational decisions with regards to a new Town Hall facility. Mrs. Currie closed her statement by saying be fair and let those who supported the lawsuit pay for it.

Don Reid of 127 Shenandoah Terrace, provided three handouts based on monetary figures that he was going to discuss. Mr. Reid has calculated that \$384,000 has been spent on the Town Hall Project, \$108,000 on the Texas Road Bridge Project and \$190,000 for legal fees that could potentially be incurred by the Town to settle the lawsuit. This totals \$682,000. Mr. Reid surmises that \$1,000 has been spent for every one resident in Montreat and citizens have nothing to show for it.

Rev. Erskine Clarke of 558 Providence Terrace, expressed his appreciation for the current Town Council of cleaning up the debris from the prior Council. Rev. Clarke questioned why so much money was spent on projects that were greatly opposed by the majority. Rev. Clarke wanted to know why the pre-audit certification was left off the Florida Terrace documents and he feels that the people shouldn't pay for the Town's oversight.

Emory Underwood of 120 John Knox Road, suggested that the Town Council listen carefully to their attorney and to follow their suggestions. Mr. Underwood implored the Council to be forthcoming with any decisions they make with regards to the lawsuit.

Mary Brueggemann of 439 Kentucky Road, recommended a walking bridge as a replacement for the Texas Road vehicular bridge.

Jack McCaskill of 123 Kanawha Drive, felt that the new bridge would be an asset, especially with the changes that could potentially lower the height and reduce the width. If the Town chooses to go with a walking bridge the Town will not have the funds reimbursed from the NC Municipal Bridge Project. Mr. McCaskill also mentioned Lookout Road Bridge and the damage and deterioration that this bridge sees monthly with people colliding into it by accident. Any bridge that's replaced in the future will have to meet the minimum code requirements.

Old Business

- A. Lookout Road Area-Preliminary Utility Service Plan: Commissioner Vinson moved to approve a contract for preliminary utility service engineering and planning with McGill Associates in the amount of \$8,500 and to authorize the Mayor and Town Administrator to execute the

necessary contract documents. Mayor Pro Tem Fouche seconded the motion. Commissioner Standaert stated that she was voting against the project at this time and instead prefers to wait until a petitioner comes forward wanting to develop their property. Commissioner Standaert also feels that the same issues apply to this location as they did to the Florida Terrace location: increased traffic and activity on Appalachian Way and Lookout Road. Commissioner Gilliland stated that the Town Hall Project and the Texas Road Bridge discussion are more important items to settle at this time and feels that this project should be moved out four to six months for reconsideration. Commissioner Vinson reminded Council that the study will take six months to a year to complete. Commissioner Vinson also read some comments from Richard DuBose with regards to property development in which he personally wants to conserve property near the Lookout Trailhead. The MRA Board of Trustees makes all decisions on the disposition of property and this topic will be discussed at their next meeting. Commissioner Vinson is ready to move forward with the study because of the timeframe involved. Mr. Nalley reminded the Board that Montreat Ordinances prevent private wells and septic and if a petition to build came through it would be stalled until a plan could be put together to bring water, sewer and roads to this area. There being no further discussion, the motion carried 4/1 with Commissioner Standaert voting against the Preliminary Utility Service Plan.

- B. Texas Road Bridge Project: Commissioner Standaert made a motion to move forward with the Texas Road Bridge project by choosing one of the four options listed in KCI Associates letter dated February 4, 2016 and to make a final decision at the April Town Council Meeting. Commissioner Vinson seconded the motion. Commissioner Standaert briefly reviewed the pros and cons that the Council has heard in recent months with regards to the Bridge. Montreat College, the Chief of Police and a good number of the community want a new bridge for safety purposes. Commissioner Standaert feels that the Town should take advantage of the 80/20 grant from the North Carolina Municipal Bridge Project. Commissioner Standaert shared with the group that according to an email written from Donnie Brew of the Department of Transportation to Mr. Don Reid that if the “no build” option is chosen that money will never be available for a bridge to be built at the Texas Road location again. Mayor Pro Tem Fouche felt that Council is not at the position to vote at this time. Commissioner Gilliland doesn't feel like all the information was presented in a timely manner from KCI and feels that a committee needs to be formed to look into this matter. Commissioner Vinson thinks that KCI has studied all available options and it would be for the betterment of the community to move forward with a decision in April. Commissioner Otto stated that the Council should act out of fact and not out of fear and that he is still trying to sort through all the facts. Upon a request by Mayor Helms, Mr. Nalley restated the proposed motion. There being no further discussion, the motion failed 2/3 with Commissioner Gilliland, Commissioner Otto and Mayor Pro Tem Fouche voting against the motion. Commissioner Otto stated that he feels a majority does not desire the bridge as formerly proposed, even with some of the modifications. Commissioner Otto then moved to suspend the Texas Road Bridge Project indefinitely. Mayor Pro Tem Fouche seconded the motion. The motion carried 3/2 with Commissioner Vinson and Commissioner Standaert voting against the motion. Commissioner Otto then made a motion requesting

Mayor Helms to appoint a committee to investigate the need for a bridge, the type of bridge, whether vehicular or walking and report back to Council by June. Commissioner Gilliland seconded the motion. The motion carried 3/2 with Commissioner Vinson and Commissioner Standaert voting against the motion. Commissioner Standaert asked if the committee would be appointed solely by the Mayor without any Commissioner input and the Mayor responded that yes, that was what the motion stated.

New Business

- A. 2016-2021 Capital Improvements Plan: Mayor Helms asked Council to review their CIP documents and to please respond back to him or Mr. Nalley within the week if they had questions or preferred to hold a special meeting. Mr. Nalley reminded the Board that the approval of the CIP is scheduled for the April Agenda.

- B. Town Services Building Interior Repair: Commissioner Gilliland moved to approve the contract with ServiceMaster of Hendersonville in the amount of \$3,400 to repair the Town Services Building Interior water and mold damage and to authorize the Mayor and Town Administrator to execute the necessary contract documents. Commissioner Otto seconded, and the motion carried 5/0.

Public Comment-Other Topics

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

Mr. Peter Boggs of 338 Chapman Road, feels that Montreat should celebrate this example of democracy. Mr. Boggs has confidence that the new Council will govern with transparency and openness and be responsive to the wishes of the majority of Montreat.

Mr. Perrin Wright of 399 Appalachian Way, feels that there may be a water pressure problem with development in the area of Lookout and Oklahoma. Mayor Helms advised that the study from McGill would likely review this matter and provide the Board with any recommendations.

Annie Carlson of 116 West College Street in Black Mountain, representing Montreat College, discussed upcoming College Events such as the C.S. Lewis Conference, the under graduate research symposium and the Walker Percy Conference which will involve scholars from all over the country discussing Christianity and literature.

Martha Campbell of 149 Maryland Place, advised everyone to mark their calendars for April 30th for the Native Plant Sale and Arbor Day Celebration. There will be a food truck as well as vendors. Mrs. Campbell still needs volunteers if anyone is interested in helping.

Commissioner Communications

Commissioner Vinson announced that on April 14th the Council will be celebrating Montreat's new recognition of being a Tree City USA. Commissioner Vinson reminded everyone that the Audit Committee is looking for a new member.

Commissioner Otto mentioned that with the warm weather a lot of cars were out up on Oklahoma and Lookout.

Commissioner Standaert announced that the Hemlock Restoration Initiative was held several weeks ago with many Montreat citizens in attendance.

Upcoming Meeting Dates

Mayor Helms reviewed the following list of upcoming meeting dates and deadlines next week.

<u>Montreat Tree Board</u>	March 16, 2016, 10:00 a.m. Town Services Office
<u>Town Services Office Closed</u>	March 25, 2016 Good Friday
<u>Agenda Packets Available</u>	April 5, 2016 Town Services Office
<u>Montreat Landcare</u>	April 6, 2016, 9:00 a.m. Kirk Allen Building Swannanoa Room
<u>April Agenda Meeting:</u>	April 7, 2016, 7:00 p.m. Public Forum begins at 6:30 p.m. Walkup Building
<u>April Town Council Meeting:</u>	April 14, 2016, 7:00 p.m. Walkup Building

Closed Session

Commissioner Vinson 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,

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Plaintiffs, versus the Town of Montreat, Defendant. Commissioner Otto 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 that the Town of Montreat agrees not to build a Town Hall or other municipal building on the Florida Terrace Tract. Mayor Pro Tem Fouche seconded and the motion carried 5/0.

Adjournment

There being no further business, Commissioner Vinson moved to adjourn the Agenda Meeting. Commissioner Gilliland seconded and the motion carried 5/0. The meeting was adjourned at 9:51 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk