

**Town of Montreat
Board of Commissioners
Town Council Meeting
April 14, 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
David Arrant, Master Police Officer
Steve Freeman, Public Works Director
Angie Murphy, Town Clerk
Barry Creasman, Senior Water Operator
Steve Stackhouse, Finance Officer

Approximately 39 members of the public were also present. Mayor Helms called the meeting to order at 7:00 p.m., and led the group in reciting the Pledge of Allegiance and in a moment of silence.

Agenda Approval

Commissioner Gilliland moved to approve the agenda. Commissioner Standaert seconded the motion. Commissioner Standaert asked to pull the February 8th, Annual Board Retreat Minutes and the March 10th, Town Council Meeting Minutes for corrections and consideration under New Business. Mr. Nalley also requested the Closed Session that was scheduled for this meeting be removed from the agenda. Commissioner Vinson then moved to add House Bill 2 back to the agenda with its original suggested motion. Commissioner Standaert seconded the motion. Commissioner Vinson referenced the stance that Montreat Conference Center took on HB2 and feels that the entities in Montreat should stand united on this legislation. Commissioner Gilliland stated that he is not knowledgeable enough at this time to vote on this issue and there are more important items that the Council needs to direct their focus. Commissioner Otto felt that HB2 is the law in North Carolina and continues to create more division within communities that have chosen to take a stance and does not feel it needs to be addressed by the Board at this time. Mayor Pro Tem Fouche felt that Montreat has enough chaos and that other matters need to be finalized before moving forward with more controversial topics. Mayor Helms repeated the motion made by Commissioner Vinson on whether to add HB2 back to the Agenda. The motion failed 2/3 with Commissioners Otto and Gilliland and Mayor Pro Tem Fouche voting against the motion. The motion to adopt the agenda as amended without HB2 was approved 5/0.

Presentation to Council: Tree City USA

Shane Baker of the North Carolina Forest Service presented the 2015 Tree City USA award to Mayor Tim Helms and Commissioner Ann Vinson. Mr. Baker noted that Montreat is one of 85 cities and towns in North Carolina and one of 3,400 nationwide who hold this designation. To achieve this recognition, the town met the following criteria: (1) celebration of Arbor Day; (2) spent at least \$2.00 per capita on tree-related efforts, such as plantings and curbside brush and Christmas tree removal, (3) established a tree ordinance setting out policies for care of trees on our public lands and rights-of-way; and (4) established a citizens "tree board" to address issues regarding the care and maintenance of trees on public land. Commissioner Vinson acknowledged Mr. Bill Seaman, who was unable to attend the presentation, for all of his hard work and diligence to help Montreat attain this status. Mr. Seaman worked with both the Montreat Landcare Committee and with Town Employees. Commissioner Vinson advised that by receiving this designation it will assist in more educational opportunities and will aid in obtaining grant funding. Commissioner Vinson read several letters of congratulations from local "sister" Tree Cities. Mayor Helms reflected on the importance of Montreat's tree canopy and how healthy trees are essential to the quality of life in the community. There are also benefits in enhancing home and neighborhood values and attracting tourists. Commissioner Vinson reminded everyone that Arbor Day in Montreat would be celebrated in conjunction with the annual Montreat Native Plant Sale & Landcare Festival on Saturday, April 30 from 9:00 a.m. to 2:00 p.m. at the Moore Center Field. Mayor Helms and Commissioner Vinson acknowledged and thanked the members of the Landcare Committee and the Tree Board who were in attendance for helping Montreat to earn the Tree City USA award.

Mayor's Communications

- Mayor Helms invited the community to visit the newly installed Woolly Adelgid Educational sign, which was unveiled at a ceremony on April 4th outside of the Post Office. The sign highlights the beetle program and its efforts to eradicate the woolly adelgid and to restore the Hemlocks to their natural beauty. The sign was a joint effort between Dr. Dottie Shuman's Outdoor Education class and the Hemlock Initiative program. Mayor Helms acknowledged Rusty Frank, Joe Standaert, Philip Arnold and John Johnson for all of their hard work.
- Mayor Helms announced the members of the Montreat Bridge Committee whom he appointed at the request of a motion from Commissioner Otto at the March Town Council Meeting. The members are as follows: Alice Lentz, Dan Dean, Lee Lancaster, Tyler Smith, Bob Cunningham, Jan McRae and Commissioner Kent Otto. The first meeting will be held on April 19 at 2:30 in the Town Services Building and is open to the public.
- Mayor Helms recognized Finance Officer Stefan Stackhouse for receiving a Certificate of Achievement for Excellence in Financial Reporting.

Consent Agenda Review

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

- March 3, 2016, Public Forum Meeting Minutes
- March 3, 2016, Town Council Agenda Meeting Minutes
- Adopted Resolution #16-04-01 designating April 30, 2016 as Arbor Day in the Town of Montreat

Town Administrator's Communications

- Mr. Nalley congratulated Mr. Stackhouse on his fourth consecutive year receiving the Certificate of Achievement for Excellence in Financial Reporting.
- Town Clerk Angie Murphy reviewed with the Board the four courses they will need to complete for the Incident Command System (ICS) Training through FEMA. The completion of these courses helps ensure the Town will receive funds in the event of a declared disaster.
- Mr. Nalley advised the Board that he had received a request from the Black Mountain Town Manager to participate financially in the Montreat Road Sidewalk Project. The Town of Black Mountain is requesting \$50,000 to help speed up the completion of the project. It was decided by consensus that the Board would table this discussion until the Budget workshops in May.
- Mr. Nalley briefly reviewed a letter from KCI which states the Town may have to reimburse the Federal Highway Administration \$250,000 if the Board remains with current motion of suspending the Texas Road Bridge Project indefinitely. In order for the Board to reconsider the "no build" option the Town should consider reopening the planning document. Since receipt of this letter, Mr. Nalley has received additional information from the Federal Highway Administration and the NC Department of Transportation (NCDOT) who would now like to review the Town's project. Mr. Nalley and Mayor Helms requested a conference call with both the Federal Highway Administration and the NCDOT in preparation for May's Council Meeting. Commissioner Standaert asked how this would impact the first Montreat Bridge Committee Meeting. Mr. Nalley advised that the first couple of meetings would go forward as scheduled and that the Chair of the Montreat Bridge Committee would be invited to attend the conference call.

Administrative Reports

Police Chief: Master Police Officer David Arrant reviewed and presented the March 2016 monthly departmental activity report. Officer Justyn Whitson recently attended a class about community oriented policing at the NC Justice Academy. There has been a lot of black bear activity so Officer

Arrant advised citizens to keep their bear-proof containers in working order. There were several other incidents that were not reported to the Montreat Police in a timely manner so officers have reminded everyone that they do operate 24 hours a day, 7 days a week and to please call anytime if an issue arises.

Public Works Director:

- Mr. Freeman reported that there were a lot of downed trees from high winds which caused numerous power outages. He advised that the more citizens who call in outages to 1-800-POWER-ON the quicker the response in repairing the problems.
- Mr. Freeman reported that the Annual Water Supply Plan has been completed and that the Town shows a 5% water loss which is well below the State's preferred amount of 15%. This Plan also projects water usage through 2040 and is well within its goal of meeting the future water needs of the community.
- Mr. Freeman advised that Public Work Crews have been working on the rock wall on Alabama Terrace beside the Post Office and will be working on the guardrail in the weeks to come.

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

- February 2016 Financial Summary Report;
- Final February 2016 Detailed Financial Statement;
- Preliminary March 2016 Detailed Financial Statement;
- March 31, 2016 Cash and Investment Earnings Report

Building Inspector/Code Administrator: Mr. Currie was unable to attend the meeting due to training. Mr. Nalley reported that the Planning & Zoning Commission would be meeting on April 21 and would be reviewing Montreat's Sign Ordinances.

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.

Susanne McCaskill of 114 John Knox Road, does not approve of paying the Plaintiffs for suing the Town of Montreat. She believes this will set a precedent for future lawsuits or disagreements, and would like for the Courts to decide.

Grace Nichols of 527 Suwannee Drive, believes the Town Council should not approve the use of taxpayer money to pay back the legal fees to either the plaintiffs or the other financial supporters of the lawsuit. The goal of not building a Town Hall on Florida Terrace was already accomplished by the results of the November election. Mrs. Nichols feels that reimbursing the plaintiffs and other financial contributors will appear to her to be an unethical pay back.

Janie Moore of 100 Frist Road, asks that the Board not force the taxpayers of Montreat to pay for the legal expenses of the plaintiffs unless the Council is ordered to do so by the Courts. The Court will be able to make an objective decision which the community will then be able to accept as fair and just.

Don Reid of 127 Shenandoah Terrace, read a response from a letter he received from Donnie Brew of the Federal Highway Administration which he feels offers conflicting information on whether the Town will have to pay back the \$250,000 for the Texas Road Bridge Project. Mr. Reid also reviewed his financial statements on the Texas Road Bridge Project and urged the Board and the Montreat Bridge Committee to cut their losses and build an appropriate walking bridge which appeals to the voters. Commissioner Standaert advised that she had forwarded an email from Mr. Donnie Brew which stated that if the “no-build” option was selected there would never be any Federal Reimbursement Funds for the Texas Road Bridge or any other area which would fulfill the connectivity of this site. Mr. Nalley clarified that depending on how Mr. Brew was asked the question with regards to choosing the “no-build” option inside or outside the planning document may have impacted his response and could account for any discrepancies.

Old Business

- A. **2016-2021 Capital Improvements Plan:** Mr. Nalley advised that the Capital Improvements Plan (CIP) is 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. The staff-recommended numerical and alphabetical priority codes are 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 it’s 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. Commissioner Gilliland moved to adopt the 2016-2021 CIP as presented. Commissioner Vinson seconded and the motion carried 5/0.

- B. **2016-2017 Fiscal Year Departmental Goals and Objectives:** Commissioner Standaert moved to adopt the 2016-2017 Fiscal Year Departmental Goals and Objectives as presented. Commissioner Vinson seconded and the motion carried 5/0.

- C. **Sanitation Services Update:** At the February 8, 2016 Board Retreat, the Board of Commissioners agreed to move forward with staff’s recommendations regarding the proposed sanitation services delivery method. In response to the information and data gathered concerning the current sanitation service and the “temporary” service changes put in place during September, staff recommended the following:
 - 1. Continue sanitation collection services in the same manner.

2. Replace the existing sanitation truck as soon as possible.
3. Close the compactor site permanently to the public, including Saturday service.
4. Initiate an imprinted bag system. The cost of the bags will be recovered through their sale.
5. Develop a fenced handling area for the imprinted bags, opened by any staff member upon request.
6. Research requiring bear-proof containers for high occupancy dwellings.
7. Increase education efforts for container rules, bear-proof container requirements and special collections services.

Since the Board Retreat, the public works staff has finalized the specification sheet for the new sanitation truck, completed the fenced handling area next to the Town Services building, and secured quotes for the imprinted trash bags. Over the next two weeks, staff will begin developing a handout explaining the new changes and placing the order for the new bags. The purchase of the new truck will have to wait until after the adoption of the new budget in July. It is Staff's intention to have the new changes in place by May 30, 2016. It is important to let our residents and visitors know that the curbside service the Town now provides will not be changing, and that the addition of the new imprinted bags will be a safer and more efficient method of disposing extra kitchen garbage that may accumulate during the week. In addition, the new changes will:

- Reduce illegal dumping and unauthorized use at the compactor site.
- Resolve concerns with the safety and liability of the compactor site to the general public as well as our own employees.
- Encourage the use of curbside collection services

Commissioner Gilliland moved to accept the Sanitation Services Plan as presented. Commissioner Standaert seconded. And the motion passed 5/0.

New Business

- A. **Voluntary Reconciliation Fund Establishment:** Commissioner Standaert moved that in addition to Montreat taxpayer's money being spent to pay the plaintiff's legal expenses in the current lawsuit brought by Crowder, Currie, Thomas and Darden that, as proposed by Mr. Tom Frist, a Voluntary Reconciliation Fund be established by the Town of Montreat to receive the gifts of citizens and other interested parties to help pay for the litigation costs. Commissioner Vinson seconded and the motion carried 5/0.

- B. **Pavement Restriping Project:** Commissioner Vinson moved to award the bid for the Pavement Restriping Project to Carter Asphalt Sealing & Striping in the amount \$13,104 and to authorize the Mayor and Town Administrator to execute the necessary related contract documents. Commissioner Gilliland seconded. In response to a question from Commissioner Gilliland, Mr. Freeman reported that additional striping in the Lookout Road area would not be feasible due to the need for on-street parking and would not meet the lane width requirements. The

motion carried 5/0.

- C. Appalachian Way Paving Project: Commissioner Vinson moved to award the Appalachian Way Paving Project to C & T Paving in the amount \$189,541.80 and to authorize the Mayor and Town Administrator to execute the necessary related contract documents. Commissioner Otto seconded and the motion carried 5/0.

- D. Montreat General Ordinance, Chapter E – Utilities, Article I – Water and Sewer: Commissioner Vinson moved to call for a Public Hearing on May 12, 2016 at 7:00 p.m. or as soon thereafter as possible to discuss proposed revisions to Montreat General Ordinance, Chapter E - Utilities, Article I – Water and Sewer. In 2015, the Board and staff discussed the inconsistencies found in Montreat General Ordinance Chapter E (Utilities) and Chapter M (Extensions of Public Utilities and Streets) as they relate to public utility extensions in the Town’s Extraterritorial Jurisdiction (ETJ). At their 2015 Retreat, the Board agreed that the text of Chapter M would remain unchanged, and that revisions would be needed to Chapter E so that it would clearly state that public water and sewer connections/extensions would be allowed for in the ETJ. Commissioner Gilliland seconded and the motion carried 5/0.

- E. Minute Revision Requests: Commissioner Standaert requested the Town Clerk pull the tapes from the February 8th Annual Board Retreat and to review which Commissioners had voted in favor of the Texas Road Bridge in the consensus vote held that day by Mayor Helms. The Town Clerk advised that while Commissioner Gilliland and Commissioner voted against the Bridge Project, Commissioners Vinson and Standaert and Mayor Pro Tem Fouche voted in favor of moving forward with the Texas Road Bridge Project. Mayor Pro Tem Fouche did go on to say that she would like to gather more public input and information and then make a final decision. Commissioner Standaert moved to accept the amended February 8th Annual Board Retreat Minutes as presented with no further corrections. Commissioner Vinson seconded and the motion passed 5/0.

Commissioner Standaert requested the Town Clerk pull the tapes from the March 10th Town Council Meeting to review a comment that she had made with regards to the Texas Road Bridge Project. The Town Clerk received the email request but was unable to make the change prior to the evening’s meeting. Commissioner Standaert asked these minutes to be pulled until the May Town Council Meeting.

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. Rusty Frank of 205 Harmony Lane, encouraged the Board to go look underneath the Texas

Road Bridge as it is in very bad shape and might need to be completely torn down.

Mr. Peter Boggs of 338 Chapman Road, wants to respond to a statement made by Joe Standaert at the Board's April Agenda Meeting. Mr. Standaert stated that there was voter fraud during the November 2015 election, he stated that there was an orchestrated effort to get Montreaters to change their Voter registrations to Montreat, and that there were ongoing investigations into the election in Montreat. Mr. Boggs has learned from the Chair of the Buncombe County Board of Elections that, as far as he knows, there are no ongoing investigations of the Election in Montreat. In fact, he feels that all of the statements made by Mr. Standaert are incorrect and that he is ill-informed. As far as he knows, there was no voter fraud in the November 2015 election and if there was fraud, why have there been no arrests or indictments. Mr. Boggs also feels there is no credible evidence of any organized effort to get Montreaters to change their voter registration to Montreat. There were, indeed, many Montreat taxpayers, some of whom have homes elsewhere, that decided to change their voter registration to Montreat in order to vote here in November.

Mrs. Janie Moore of 100 Frist Road referenced the Commissioners who stated that they wanted House Bill 2 removed from this evening's agenda due to not feeling knowledgeable about the topic. Mrs. Moore feels that in the week between the agenda meeting and the regular meeting that the Commissioners could have taken it upon themselves to research HB2 and come prepared to vote on the matter tonight. Mrs. Moore also mentioned that some feel that HB2 is too controversial but in this case it is not about an inanimate object, it is about people, laws and justice. Mrs. Moore feels that the motion should be reintroduced.

Mr. Bill Straughan of 122 Eastminster Terrace, feels that charging people with ethics violations of fraudulent elections is a serious matter and that if the community wants the Town of Montreat to heal, these accusations need to stop.

Mr. Alex Miller of 185 Mississippi Road, represents Montreat College and invited the community to the remainder of the College's Centennial Year Festivities on May 1st: an ice cream social on the lawn and later in the day a Pops Concert in Anderson Auditorium. There will be a Grand Centennial Celebration on May 5th at the Cove. The Class of 2016 will graduate on May 14th and record enrollment is anticipated for next year.

Mr. Mike Sonnenberg of 125 Virginia Road, wants the Board to remember that future generations will be responsible for the upkeep of the proposed Texas Road Bridge. Mr. Sonnenberg feels that there were some claims made regarding the sanitation site, public safety and access requirements. Mr. Sonnenberg contacted the NC League of Municipalities and local insurance agents and he does not find any information that supports these claims. He would like to see documentation which relates to these matters. Mr. Sonnenberg also does not feel that State Bills need to be placed on the agenda.

Commissioner Communications

**Montreat Board of Commissioners
Town Council Meeting Minutes
April 14, 2016**

Commissioner Gilliland advised that he does read his town email but does not like to respond to them because emails can be misinterpreted. Commissioner Gilliland invites the public to call him and he will be glad to address any issues they may have.

Commissioner Vinson shared her regrets at being unable to attend the April 4th unveiling of the beetle signage but she heard there was a great outpouring of the public and was thrilled to hear that Representative John Ager was able to attend and participate in the ceremony. Commissioner Vinson invited everyone to the Native Plant Sale and the Arbor Day Celebration which will be held on April 30th at Moore Center Field. Commissioner Vinson mentioned that the Audit Committee still needs an additional member and that this year the committee will be interviewing prospective auditors.

Commissioner Otto advised that he has spoken to members of the community who are not happy using tax dollars to help Black Mountain with their Montreat Road Sidewalk Project, however residents may be open to the Board establishing a fund to donate to this cause.

Commissioner Standaert responded to Mr. Boggs allegations by reading postings from the “Friends of Montreat” Facebook page which were made on April 20, 2015 and advising that those comments alleged that some residents were encouraged to change their voting registration for the purpose of the November 2015 election. These documents were reported to Board of Elections Director Trena Parker who advised that the comments would be passed on to the Board of Elections at the State level. Commissioner Standaert invited those interested to visit the Board of Elections website and read the full transcripts from the hearings and to form your own opinion on the matter. Commissioner Standaert went on to read a series of conversations concerning 27 challenges that were brought before the Board of Elections. Fourteen of twenty seven challenges were adjudicated and were found not qualified to vote in the Montreat election.

Upcoming Meeting Dates

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

<u>Montreat Tree Board</u>	April 19, 2016, 11:00 a.m. Town Services Office
<u>Planning & Zoning Commission</u>	April 21, 2016, 7:00 p.m. Walkup Building
<u>Arbor Day Celebration-Native Plant Sale</u>	April 30, 2016, 9:00 a.m. – 2:00 p.m. Moore Center Field
<u>Montreat Landcare</u>	May 4, 2016, 9:00 a.m.

**Montreat Board of Commissioners
Town Council Meeting Minutes
April 14, 2016**

Kirk Allen Building
Swannanoa Room

May Agenda Meeting:

May 6, 2016, 3:30 p.m.
Public Forum begins at 3:00 p.m.
Walkup Building

May Town Council Meeting:

May 12, 2016, 7:00 p.m.
Walkup Building

Adjournment

There being no further business, Mayor Pro Tem Fouche moved to adjourn the Town Council Meeting. Commissioner Standaert seconded and the motion carried 5/0. The meeting was adjourned at 8:47 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk