

**Town of Montreat
Board of Commissioners
Town Council Meeting
September 10, 2015
Walkup Building**

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

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

Approximately 35 members of the public were also present. Mayor Taylor called the meeting to order at 7:00 p.m., led the group in reciting the Pledge of Allegiance, and in prayer.

Agenda Approval

Mayor Taylor stated that a Closed Session would be added to the end of the agenda, and asked if there were any other changes to the agenda. Commissioner Helms made a motion to approve the Agenda as amended. Commissioner Vinson seconded and the motion carried 5/0.

Presentation – Cyber Security Department at Montreat College

Commissioner Campbell introduced Akira Shavers, who is a Montreat College student from Okinawa Japan. Mr. Shavers is studying Cyber Security, which is concerned with defending personal information from identity thieves. He explained the importance of monitoring activity, and of effective controls and policies to prevent identity theft. Mr. Shavers thanked Mr. Sam Sloan and the Bank of America for the help they provided to him, including accommodating his ten week summer internship with the Bank of America Cyber Forensics Team. The internship has now led to an offer of employment from Bank of America. Mr. Shavers continues to meet with Montreat College regarding cyber security and now collaborates with other organizations. Mr. Shaver expressed his gratitude for the education he received from Montreat College.

**Public Hearing: Upper Kentucky Road Phase 1 Neighborhood Street Project
Preliminary Assessment Roll**

Mr. Nalley reviewed the project and displayed a map of the area covered by paving project. Based on changes made at the August Town Council meeting, there are now thirteen property owners,

representing a total of 36 lots, who are to be assessed the total project cost amount of \$16,519.23, or \$458.87 per lot.

Mayor Taylor opened the public hearing for comments. Mr. Bob Eckard, 4439 Flagg Street Orlando, Florida, stated that he understood that the change was necessary to remove the McLeans from the assessment roll, and that he is okay with that. Mr. Eckard thanked the Board for undertaking the project, and looked forward to its completion. There being no further public comments, Mayor Taylor closed the hearing.

Mayor's Communications

Mayor Taylor reported that she had received a letter from Mr. Richard Dubose, President of the Montreat Conference Center, thanking the Town for the assistance provided to the Conference Center during the Martin Luther King commemoration. Mayor Taylor also read a letter from Anne Hager, thanking Town personnel for assistance in spraying a swarm of yellow jackets in her bear proof container.

Mayor Taylor, in order to correct misinformation in the community, stated that every elected official in North Carolina must take an ethics course. North Carolina General Statute 160A-75 states that "no member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2)." If any Board member fails to vote, who is present, or who has not been excused from voting by the Council, shall be counted as an affirmative vote. Therefore, every member of the Board must vote when present, unless excused, and they may not be excused unless there is a direct financial conflict of interest.

Consent Agenda Review

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

- Approved Fiscal Year 2015-2016 Budget Amendment #1 to account for the Landcare Hemlock Restoration Initiative Grant.
- Approved Fiscal Year 2015-2016 Budget Amendment #2 to account for the installation of electronic equipment on the new police car.

Town Administrator's Communications

- Mr. Nalley noted that the minutes for the May 21st Special Meeting, the June 11th Town Council Meeting, the June 18th Special Meeting, the June 25th Special Meeting, the July 2nd

Agenda Meeting, the July 9th Town Council Meeting, the August 6th Agenda Meeting and the August 13th Town Council Meeting are still pending.

- Mr. Nalley presented the monthly engineering report from KCI on the Texas Road Bridge, along with copies of correspondence with Mr. Dewayne Sykes in regard to conversations with Commissioner McCaskill.
- The field of candidates for the Town Clerk position has been narrowed to six. Interviews have been scheduled for next week with four of those candidates.
- The North Carolina Office of State Budget and Management has released the 2014 municipal population estimate of 728 for the Town of Montreat.

Administrative Reports

Police Chief: Chief Staggs presented and reviewed the August 2015 monthly departmental activity report. The Martin Luther King commemoration required additional personnel which totaled fifty extra staff hours. Chief Staggs was pleased to report there were no issues or problems during the event. The Town has received several reports of bear sightings, especially regarding a female and her two cubs. There have been no problems, but Chief Staggs did remind people to keep their dogs on a leash to prevent them from going after the cubs. Chief Staggs also reported that the Montreat Police Department contributed patches to be included in the Asheville time capsule.

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

- The annual solid waste report has been completed and submitted to the State;
- The Water Department inventory has been completed for the auditors;
- Street Department crews have been spraying for Kudzu, mowing, and preparing for leaf season;
- Barry Creasman and Mike Harrison will be attending arborist training in Greensboro.

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

- July 2015 Financial Summary Report;
- Final July 2015 Detailed Financial Statement;
- Preliminary August 2015 Detailed Financial Statement;
- August 31, 2015 Cash and Investment Earnings Report.

In response to a question from Commissioner Campbell, Mr. Stackhouse explained that most of the Public Buildings budget is always expended early in the fiscal year due to large insurance premiums payable in July. Mr. Stackhouse also reported that the field work in preparation for our annual audit had been completed.

Building Inspector/Code Administrator: Mr. Currie presented and reviewed the August departmental activity report. The Board of Adjustment met on August 28th and granted two variances. Mr. Currie reported on the status of the Texas Spur retaining wall noting that work is being done on the stormwater system at the Burdett/Jordan property in order to help with erosion issues on the site.

Public Comment – Agenda Items

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

There were no comments from the public at this time.

Old Business

- A. Resolution #15-09-01 Confirming Assessment Roll and Levying Assessments – Upper Kentucky Road Phase I Neighborhood Street Assessment Project: Commissioner Helms moved to adopt Resolution #15-09-01 Confirming Assessment Roll and Levying Assessments – Upper Kentucky Road Phase 1 Neighborhood Street Assessment. Commissioner Vinson seconded and the motion carried 5/0. Mayor Pro Tem Standaert thanked the staff for working on the Upper Kentucky projects over a four year period and stated that this was the first project financed and constructed in this manner in Montreat.
- B. Sanitation Services Discussion: Mayor Taylor introduced this issue by reminding everyone that the service changes in place through the summer at the compactor site were only a “temporary” measure due to the problems experienced with illegal dumping and unauthorized use. Mr. Nalley stated that in response to direction provided by the Board to staff during the August 13th Town Council meeting, staff has reviewed the cost estimates for each of the alternative service delivery recommendations presented at their August 11th Special Board meeting. He reminded everyone that there is no one solution to the sanitation service issue and that there are advantages and disadvantages to each service delivery recommendation. Mr. Nalley continued by stating that the temporary service plan for the compactor site is having its desired effect in the reduction of municipal solid waste, illegal dumping and unauthorized use. It is also resolved staff’s concern with the safety and liability of the site to the general public as well as our own employees. However, the personnel cost to operate the site exceeds the revenue generated and the savings realized during the first three months of operation. While initially, usage at the site was higher, usage significantly declined after the first week in August. This leads one to believe, that if the site continues to operate in this manner at all, the best scenario is to open only during the months of June and July and to remember that the site is actually serving very few people when compared to the total number of visitors to our community during those months. Following a three month review, the information and data collected at the site supports the closing the compactor site to the

general public, encouraging the use of curbside sanitation collection services, and increasing education efforts for specific disposal topics including container rules, bear-proof-container requirements, and special collection services.

Mr. Nalley outlined the four service deliver alternatives:

- 1) Montreat offers a higher level of service than all of our neighboring cities and towns. Service is labor intensive and more expensive. Consideration should be given to upgrading the truck to a small compactor truck at a cost of around \$120,000. Scheduled pickups would be changed to once weekly for the entire year or two days during the summer months if a higher level of service is desired. Trash would be taken by the Town directly to the landfill. The compactor site would be closed and rental and haul costs would be eliminated. In order to accommodate those residents and visitors who have excessive amounts of garbage, enjoy the convenience of the compactor site or choose not to have a bear proof container, the Town could offer for sale, a special imprinted color trash bag. Those with special bags would be allowed to place them in a fenced handling area, opened by any staff member upon request.

Total Costs for this alternative include: Sanitation Compactor Truck - \$26,000 per year over a five year period; and Imprinted Bag System - \$8,500 to be recovered through the sale of the bags.

- 2) Continue collection services in the same manner, however the compactor site would be closed permanently to the public. While this alternative may be unpopular with some residents who now use the site as a convenience center instead of using curbside service, this will ensure that taxpayer money is appropriately spent on true service delivery while eliminating the safety and liability concerns of the site. It is interesting to note that the days with the highest use at the compactor site were often days with scheduled pickups. In order to accommodate those residents and visitors who have excessive amounts of garbage, enjoy the convenience of the compactor site or choose not to have a bear proof container, the Town could offer for sale, a special imprinted color trash bag. Those with special bags would be allowed to place them in a fenced handling area, opened by any staff member upon request.

Total Costs for this alternative include: Sanitation Truck - \$16,500 per year over a five year period; and Imprinted Bag System - \$8,500 to be recovered through the sale of the bags.

- 3) Eliminate curbside collection and develop a safe and efficient convenience center for the disposal of household garbage and recyclables. Under this alternative, the Town would continue to offer back door service, bulk collections and special pickups for a fee. The collection center would be staffed and a system developed through either a straight

fee or special bag/tag system that allows only residents and visitors to Montreat to use the Center.

Total Costs for this alternative include: Sanitation Truck - \$16,500 per year over a five year period; Imprinted Bag System - \$8,500 to be recovered through the sale of the bags; Convenience Center Changes - \$50,000 based on having enough space for the modifications; Swipe Card, Key Pad or Buzzer System – Range of \$2,000 to \$4,500 each for initial setup (These systems were not recommended by the vendor for the proposed application); and Convenience Center Operation – Costs to be offset by revenue generated at site.

- 4) Do not make any changes to the current sanitation collection system. Under this alternative, staff would recommend changes to the compactor site in order to address safety and liability concerns. Remember that while this seems the easiest choice to make, Montreat taxpayers are subsidizing sanitation services for non-residents and tax exempt entities. This alternative is attractive if Montreat residents are happy with the higher level of service and do not mind paying for others using the compactor site.

Total Costs for this alternative include: Sanitation Truck - \$16,500 per year over a five year period; Convenience Center Changes - \$50,000 based on having enough space for the modifications; and Convenience Center Operations – Subsidized through ad valorem taxes.

Mr. Nalley noted that the compactor site was never intended to be open to the public as a convenience center, and that the third alternative would have the largest potential for cost savings, but would also represent the greatest change from the present system. In response to a question from Mayor Pro Tem Standaert, Mr. Nalley confirmed that with continuation of back door service, special pickups, and bulk collections, the Town would still need a truck, but that a smaller one would do. The Town presently has approximately thirty back door pickup customers. In response to a question from Commissioner Helms, Mr. Nalley stated that in alternative one, recyclables were collected but not compacted, and that it would still be feasible to use a compactor truck to collect them. In response to questions from Commissioner McCaskill, Mr. Nalley stated that daily pickups would not be required due to insufficient volume, but that it summer pickups would require a two to three hour round trip to the landfill, and may stretch collection service to two pickup days. Mr. Freeman stated that a truck with a capacity of twelve cubic yards will work for a maximum one-day load, but a separate truck still may be needed for other things. Mr. Nalley closed by directing the Board's attention to the survey results and responses from the August 11th meeting included in the agenda packet.

Mayor Pro Tem Standaert asked if there had been any discussions with the Montreat Conference Center and Montreat College regarding shared services, following up from the August 11th meeting. Mr. Nalley indicated that he had contacted both, and a tentative meeting

**Montreat Board of Commissioners
Town Council Meeting Minutes
September 10, 2015**

was scheduled for September 24th. Mayor Pro Tem Standaert stated that all four alternatives are expensive and are scheduled to become effective for the fiscal year 2016-2017, and may require big decisions where tax dollars are allocated. Mayor Pro Tem Standaert also urged the Board and staff to think about short term solutions that may not be as costly and noted that a number of houses are short-term rentals, and that the sanitation issue should be discussed with property managers.

In response to a question from Mayor Taylor, Mr. Nalley stated that the compactors are on the first year of a two year contract extension, and that the present sanitation collection truck is in real need of replacement.

Commissioner Campbell reported that she had spoken with Chip Craig of Greybeard Realty, and that they now have dumpsters behind their offices for the use of their tenants. According to Mr. Craig, if the temporary measures at the compactor site become more permanent, Greybeard Realty may ask the rental property owners to provide a secure refuse container or else pay Greybeard an additional fee to recover the extra costs. Commissioner Campbell expressed her opinion that sanitation should simply be a cost of doing business for rental property owners. She also expressed concern over what to do about residents and visitors who are in Montreat on weekends or more infrequently and how to perhaps meet their needs. Commissioner Campbell stated that cameras are a deterrent to misuse of the compactor site, and perhaps a key or card swipe system could be considered if one that was suitable for outdoor applications were available. Mr. Nalley reminded the Board that such systems do exist, but according to the contractors staff contacted, those applications were not appropriate for the Town's needs.

Commissioner Helms stated that he prefers alternative two. The special bags could be made easily available, and that a small handling area could be developed to allow for disposal while keeping the compactor site closed. Commissioner Helms knows that this system is labor intensive, but does not prefer a drastic change to the current collection system. Commissioner Helms also likes the idea of having a more versatile truck.

Commissioner McCaskill stated his belief that everyone that rents a house or only occupies their house on weekends should be required to install a bear proof container. This would eliminate scheduling problems and not be an unreasonable solution. Commissioner McCaskill also likes the idea of having a multi-use truck. Mr. Nalley reminded the Board that we do not have a back-up truck if the current truck breaks down, and based on a couple of statements by Commissioners, questioned why it was thought that two trucks were necessary if a compactor truck is purchased.

Mayor Pro Tem Standaert stated that we have a variety of sanitation service needs, and thus need enough flexibility in whatever alternative is chosen. As long as the Town has a compactor site, she feels that there needs to be some way to access that. Mayor Pro Tem Standaert went

on to say, that bear proof containers at homes and for back door pick-ups work well and are appropriate for rental properties and that her preference is for alternative two, though she has questions and concerns about the bag system, and does not want unstaffed open access to the compactor site.

Commissioner Campbell asked for clarification on whether the fenced handling area under alternative two for the imprinted special bags would be open on weekends. Mr. Nalley responded by stating that thought is still required on how to handle any Saturday collection during the summer months of June and July if the Board feels that this is still warranted.

Commissioner Vinson stated that she was interested also in alternative three and had a question regarding the zoning compliance of the compactor site. Mr. Nalley stated that the compactor site was put in prior to Buncombe County zoning and is thus grandfathered. Due to State regulations, the Town cannot relocate the compactors closer to the well site and if the compactors are removed and the site is closed, then the grandfather status under the zoning ordinance is lost and the Town may not be able to put them back in place in the future.

In response to a question from Commissioner Campbell, Mr. Creasman stated that a number of modifications would need to be made to the existing compactor site to make it accessible to the public, including installing a concrete parking area for the trucks, moving the existing fence, modifying gate access, installing ramps, platforms and safety handrails for those with disabilities to use the site, and installing electrical and safety switches. Mr. Creasman also noted that these modifications would then make the site difficult for the compactor trucks to access. Commissioner McCaskill then noted that these were among the reasons why Black Mountain eliminated their public site.

Mr. Nalley asked the Board what additional information may be helpful to them as they discuss this matter further. Board members requested time to go over the information presented, and indicated that they would like additional information on alternative two and three, including more information about the imprinted bag system, fee schedule, staffing options and costs.

New Business

- A. **Montreat Board of Adjustment Meeting Summary:** Commissioner Campbell moved to request that the Zoning Administrator research better options for addressing the requirements of the Fair Housing Act in the Ordinances of the Town of Montreat and that the Zoning Administrator send those options to the Planning and Zoning Commission to draft recommended ordinance changes for the Town Council to consider and that this review and the one previously requested on front and back building setbacks be addressed by the Planning and Zoning Commission as soon as possible. Commissioner Vinson seconded the motion. Commissioner Campbell stated that this motion arose out of a concern that was identified at the August Board of Adjustment Meeting. At that meeting, the variance process was used to make

reasonable accommodations for the use of property by a person with disabilities. She noted that the variance process was intended to address the peculiar physical aspects of the property and that variances run with the property in perpetuity. The Fair Housing Act is based on the individual disabilities of property owners. Commissioner Campbell stated that she would like to make sure the Town Ordinances can help address these types of situations. The proposed motion requests Mr. Currie to research these issues and to submit a proposal to the Board for consideration. More flexibility with regard to front and back building setbacks seems to be particularly in need of reconsideration given the unusual topography in Montreat. Commissioner Vinson thanked Commissioner Campbell for bringing this to the attention of the Board and noted that this could potentially become an issue for many Montreat residents, especially those with older homes. There being no further discussion, the motion carried 5/0.

Public Comment – Other Topics

Mayor Taylor 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.

- Peter Boggs, 338 Chapman Road, reminded those at the meeting that the election is to be held on November 3rd. Mr. Boggs expressed concern with a flyer posted in the Post Office that seemed to be intimidating and he has provided a copy of the flyer to the Buncombe County Board of Elections. Mr. Boggs requested that members of the Town Council make a statement that the Board did not have any involvement with the production of the flyer and that silence suggests approval of these types of tactics.
- Bob Cunningham, 162 Virginia Road, stated that sixteen months ago, the Board moved quickly on the Town Hall issue. Work proceeded until stopped by the lawsuit in January. The Texas Road bridge issue could have been fixed earlier for a fraction of the proposed cost. The Board is not past the point of no return on either project and can change their minds. The Board can act as they think best, or in a manner that best represents the people. The Town Hall and the Texas Road Bridge projects are the largest Montreat has ever undertaken.
- Mike Sonnenberg, 125 Virginia Road, expressed concern that one may be able to run boats under the proposed bridge or operate it as a toll bridge. Mr. Sonnenberg stated that for a number of years, he worked with a sanitation service provider performing an analysis for Black Mountain. He encouraged the Town to provide him with information and data so that he might conduct a similar analysis and help the Town with developing a good decision based on facts.

Commissioner Communications

Commissioner Campbell reported on the following:

**Montreat Board of Commissioners
Town Council Meeting Minutes
September 10, 2015**

- The Montreat Trail Club now encourages the involvement of all hikers to help Montreat maintain its trails.
- The National Conference of Presbyterians for EarthCare will be held in Montreat.
- The Montreat College Outdoor Education Department is undertaking hikes in Montreat as a part of a class project.
- The rangers with the Conference Center have completed the rerouting of a portion of the Lookout Trail.
- The Presbyterian Heritage Center had 140 visitors from the Martin Luther King conference looking at the exhibit on Presbyterians and race.
- The Montreat College Centennial exhibit opens in a few weeks and walking tours are offered of Montreat through the Heritage Center.
- The Montreat College Homecoming/Family Weekend will be October 2nd and 3rd.

Upcoming Meeting Dates

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

<u>September Planning and Zoning Commission Meeting:</u>	September 15, 2015, 7:00 p.m. Walkup Building
<u>Agenda Items Due</u>	September 25, 2015, 5:00 p.m. Town Services Office
<u>October Agenda Meeting</u>	October 1, 2015, 7:00 p.m. Walkup Building
<u>Montreat Landcare Committee Meeting</u>	October 7, 2015, 9:00 a.m. Moore Center
<u>October Town Council Meeting</u>	October 8, 2015, 7:00 p.m. Walkup Building
<u>Bulk Item Sanitation Collection</u>	October 27, 2015
<u>Agenda Items Due</u>	October 30, 2015, 5:00 p.m. Town Services Office

Closed Session

Mayor Pro Tem Standaert moved to enter into Closed Session in accordance with North Carolina General Statute §143-318.11(3) for attorney consultation regarding the Civil Action: Carolyn Zoe Crowder, John L. Currie, Nancy B. Thomas, Henry W. Darden, Jr., and wife, Carolyn V. Darden,

**Montreat Board of Commissioners
Town Council Meeting Minutes
September 10, 2015**

Plaintiffs, versus the Town of Montreat, Defendant. Commissioner Campbell seconded and the motion carried 5/0.

Upon a motion by Mayor Pro Tem Standaert and a second by Commission Vinson with the motion carrying 5/0, the Board returned to Open Session. No action was taken during the Closed Session.

Adjournment

Upon returning to Open Session, Commissioner Helms moved to adjourn the Town Council Meeting. Commissioner Vinson seconded and the motion carried 5/0. The meeting was adjourned at 9:15 p.m.

Letta Jean Taylor, Mayor

Stefan Stackhouse, Deputy Town Clerk