

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

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: Alex Carmichael, Town Administrator
David Arrant, Chief of Police
Angie Murphy, Town Clerk
Susan Taylor Rash, Town Attorney

Approximately 25 members of the public were also present. Mayor Helms called the meeting to order at 7:00 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence.

Agenda Approval

Commissioner Standaert asked for the minutes of September 7th and 14th to be pulled from the Consent Agenda and handled individually later in the meeting. Commissioner Vinson moved to adopt the agenda as amended. Mayor Pro Tem Fouche seconded and the motion carried 5/0.

Broker Recommendations for the Nature and Sale of Public Property on Florida Terrace, Parcel Number 0720-16-4118-00000

Mr. Carmichael stated that the Florida Terrace property was platted as 3 nonconforming lots and the Town has the option, prior to sale, of recombining them into conforming lots: either one large lot or 2 conforming lots. At the May Town Council meeting the Board expressed their desire to recombine into 2 conforming lots and instructed Staff to seek the assistance of a real estate broker to acquire a market analysis. Mr. Carmichael then introduced Mr. Scott Browne, of Keller Williams Realty in Asheville, to provide his recommendations for the Florida Terrace property.

Mr. Browne did an analysis of the market which includes everything for sale and everything that has sold in the Town of Montreat. There are 14 residential land parcels for sale in the Town of Montreat ranging from \$49,000 to \$395,000. If you exclude the high and the low prices, the average for sale list price for residential lots in the Town is \$101,500. Location, utility availability, view and ease of construction all affect the individual property values. In the past 12 months there have been two recorded closed lot sales in the Town. The average closed sale price is

\$307,000 per acre. In Mr. Browne's opinion the 3 parcels would be best marketed as 2 separate single residence family parcels. The neighborhood is primarily residential so it makes sense that single residence family parcels would be the most marketable. Mr. Browne recommended having the property resurveyed and re-platted into 2 separate parcels of equal size. From a marketing position the wider frontage is more desirable to a potential buyer as long as it conforms to the current zoning regulations so Mr. Browne recommends a horizontal recombination. Mr. Browne suggested listing the properties for \$110,000 each as supported by marketable data.

Mayor Pro Tem Fouche stated that there was a lot of money spent on the property after purchase and wondered if any of that could be passed onto the buyer. Mr. Browne stated that the tests that were performed were disclosable but would not affect the value. It would, however, affect marketability and salability. Commissioner Standaert asked if building on Florida Terrace adjacent to more institutional properties would affect the pricing. Mr. Browne stated that both properties are extremely buildable and are extremely residential and unique in character so pricing would not be affected. Commissioner Standaert asked if the method of sale would be addressed and Mr. Carmichael stated that he would make recommendations later in the meeting. Mayor Pro Tem Fouche stated that she was disappointed in the price that Mr. Browne suggested based on how much money was spent purchasing the property and the testing that occurred. Mr. Browne stated that his recommendation was based on marketable historical data. Commissioner Standaert stated that the property was purchased at below the assessed value and it had been on the market for a year and a half prior to when the Town of Montreat made their purchase. Mr. Carmichael stated that the Constitution states that local governments in North Carolina cannot provide emoluments to individuals. If the property were to be sold under market value it would be considered providing favorable opportunities to individuals. Therefore, market value must be determined and that must be the benchmark to start the process. Mr. Carmichael stated that researching previously received reports was necessary to make sure they would not be proprietary in nature.

Mayor's Communications

Mayor Helms stated that the American Flag at the Town Services Building was lowered for several days in honor of the victims in the Las Vegas tragedy.

Consent Agenda Review

The proposed Consent Agenda will include the following item:

- Proclamation #17-10-0001 Honoring Montreat College Class of 1967

Town Administrator's Communications

- Mr. Carmichael asked Police Chief Dave Arrant to speak to an inner-agency event that occurred during the month. Chief Arrant stated that an individual was lost on the trails the

week prior to the meeting and he wanted to thank and acknowledge all the personnel involved in the search and rescue. Chief Arrant expressed his thanks to the Black Mountain Police and Fire Department, the Skyland Fire Department which included a canine, the Garren Creek Fire Department, Fairview Fire Department, Broad River Fire Department and members of West Buncombe Fire Department. Jason Nanz and Tanner Pickett, both of the MRA, were instrumental in the search as well. Five canine units participated in the recovery. Chief Arrant was happy to report that the individual was found relatively safe and sound. Mr. Carmichael stated this operation was handled very well administratively and tactically.

- Mr. Carmichael stated that several homeowners had experienced extremely high water bills for the month of October and most of that was due to radio receiver read issues. We utilize a mobile read application and certain areas are showing extremely high reads while other areas are reading normally. We are working with the vendor and have a temporary loaner unit in the truck until the original reader can be fixed.
- Mr. Carmichael stated that we are still under contract with the MRA for the Creekside Property and we are completing soil testing this week.
- Mr. Carmichael thanked the Caring Neighbors for the delicious birthday lunch they prepared for staff.
- Mr. Carmichael announced that we had two retirements this month: Steve Stackhouse and Steve Freeman. The Town threw two successful retirement parties in the Walkup Building to celebrate their time with the Town of Montreat.
- Mr. Carmichael also thanked Mayor Pro Tem Fouche for the upcoming employee appreciation luncheon at her home.

Administrative Reports

Police Chief: Reports were in written form as requested by Council. No questions were asked of the Police Chief.

Public Works Director: Reports were in written form as requested by Council. No questions were asked of the Interim Public Works Director.

Commissioner Vinson stated that she noticed that her neighborhood had leaves blown into huge piles on the side of the road and she inquired whether the Town was using a vacuum for leaf collection. Mr. Carmichael stated that for curbside pickup the leaves must be in brown paper compostable bags as the Town does not have a vacuum truck.

Finance Officer: Reports were in written form as requested by Council. No questions were asked of the Town Administrator.

Building Inspector/Code Enforcement Officer: Mr. Carmichael stated that he is still trying to figure out the compilation software to prepare the monthly reports.

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.

Mrs. Claire Frist of 98 Frist Road asked if we do the Montreat College Proclamations every year or was 1967 a special year. Mrs. Frist also asked if search and rescue operations impacted taxpayers at all. Mayor Helms advised that we typically do a Proclamation for every 50th anniversary graduating class of Montreat College. Chief Arrant stated that police, fire, ems services are indeed taxpayer funded services. Chief Arrant said a colleague of his estimated this 18-20 hour operation to cost \$10,000-20,000. Commissioner Gilliland asked if the Town of Montreat would be billed this expense. Chief Arrant stated that no extra overtime was utilized and there would be no amount billed to the Town.

Old Business

- A. Proposed Rezoning of Florida Terrace: Mr. Carmichael reviewed the events that occurred at last month's Town Council meeting with regards to the proposed rezoning of Florida Terrace. On September 13th the Commission held a public hearing for the Proposed Rezoning of Eastern Side of Florida Terrace from Institutional/Residential (I/R) to Residential Low Density (R1) Followed by Possible Action. Following the public hearing a motion was made to rezone the Eastern Side of Florida Terrace from Institutional/Residential (I/R) to Residential Low Density (R1) excluding the property known as Sylvan Heights PIN # 0720-15-4916. The Commission voted 3/2 in favor of rezoning, however, the vote did not meet the threshold required to pass the motion. Rule 23 of the Board of Commissioners' Rules of Procedure states the following: "An affirmative vote equal to a majority of all the members of the Board not excused from voting on the question at issue shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify or authorize any contract on behalf to the Town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date of its introduction except by an affirmative vote of at least two-thirds of the actual membership of the Board, excluding vacant seats and not including the Mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on its adoption is taken." In the opinion of the Town Attorney, the September 13th meeting constituted the "date of introduction," which requires a two-thirds favorable vote to pass. The motion thus failed. At this meeting of October 12th, 2017 a simple majority is required to pass the motion to rezone the Eastern Side of Florida Terrace from Institutional/Residential (I/R) to Residential Low Density (R1).

Commissioner Gilliland moved to rezone the Eastern Side of Florida Terrace from Institutional/Residential (I/R) to Residential Low Density (R1) excluding the property known as Sylvan Heights PIN # 0720-15-4916. Commissioner Kent Otto seconded the motion.

Commissioner Standaert stated that she would be voting in opposition of this motion and she proceeded to state her reasoning as such. Commissioner Standaert said the main job of public officials is to respond to the present and prepare for the future. Commissioner Standaert felt that the Institutional/Residential (I/R) designation was important since we claim to support our institutions. This option will be taken off the table for both Montreat College and the MRA. Commissioner Standaert stated that even though the realtor said the property in question was residential in nature most of the homes around the tract of land are second homes. It concerned Commissioner Standaert that a small group of people, basically one extended family, are asking for this zoning change. She felt that this was setting a dangerous precedent that a small group of people can petition and make changes and it would be more difficult to deny future requests. Commissioner Standaert also stated that changing the zoning would not preclude any potential traffic issues.

Commissioner Otto appreciated his talks with both MRA and Montreat College who both stated that they had no immediate plans to utilize the property. Commissioner Otto also spent time with the neighbors who signed the petition who greatly desired the zoning change. Commissioner Otto also pointed out that in the public comment periods and the public hearing there was very little outcry from anyone opposed to the rezoning. Commissioner Otto stated that he felt that the potential tax increase would be a benefit to the community.

Commissioner Standaert stated that the tax increase is a legitimate and accurate position to rezone but there is nothing that prevents earning residential tax dollars with the current zoning requirements. Commissioner Standaert also pointed out that two single family residential homes valued at \$400,000 each would net around \$3,000-\$3,500 in tax revenue per year against the flexibility of any institutional buildings. Mayor Helms called for a vote and the motion passed 3/2 with Commissioner Vinson and Standaert voting against the proposed rezoning of Florida Terrace.

New Business

- A. **Appointment of Everett Culpepper to Board of Adjustment:** Commissioner Bill Gilliland moved to appoint Everett Culpepper to the Board of Adjustment for a term of two years to expire on January 31, 2019. Commissioner Ann Vinson seconded and the motion carried 5/0.

- B. **Authorization for the Sale of Public Property on Florida Terrace:** Mr. Carmichael briefly reviewed the sealed bid process and the public auction process. These requirements are in place to produce transparency in government. Staff is recommending a sealed bid process. The main consideration is the administrative burden and the likelihood of gathering additional bids in an efficient way and the process of an upset bid. The process would include advertising the property with a description, advertising contact information which would be Town Staff and advertising the date in which we would need to open all sealed bids at the same time in a public meeting. Under this process we would be required to award the bid to the highest bid.

We would then advertise the highest bid to see if we could get an upset bid. We would continue this cycle for up to 10 days. In order to recombine the parcels we would have to have a new survey filed at the Register of Deeds. It came to consensus to do a horizontal split as long as it conforms to current Zoning Regulations. Commissioner Gilliland moved to conduct a survey and record the subdivision of the property into two equal parcels and prepare for a sealed bid method as authorized by G.S. 160A-268. Commissioner Vinson seconded. Commissioner Standaert moved to amend the motion to make the two equal parcels approximate in size. Commissioner Gilliland withdrew the original motion and made the following motion: to conduct a survey and record the subdivision of property into two approximately equal parcels and prepare for sealed bid method as authorized by G.S. 160A-268. Commissioner Standaert seconded the motion. The motion carried 5/0.

- C. Minutes from September 2017: Commissioner Standaert moved to authorize the Town Clerk to make the previously discussed amendments to the September 7th and September 14th Public Forum and Town Council minutes. Commissioner Vinson seconded and 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.

Mrs. Martha Campbell of 149 Maryland Place had a certificate to present to Mayor Helms and Environmental Commissioner Ann Vinson. The National Wildlife Federation recognized the Town of Montreat for the 12th year as an active Community Wildlife Habitat. There are now 90 certified communities but Montreat is really a leader in this as we were one of the first to be certified.

Commissioner Communications

Mayor Pro Tem Fouche stated that she was hosting an Employee Appreciation Luncheon on Monday, October 16th at her residence and she was looking for volunteers to bring food and help out.

Upcoming Meeting Dates

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

<u>Montreat Tree Board:</u>	October 24, 2017, 7:00 p.m. Town Services Building
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<u>Board of Adjustment:</u>	October 26, 2017, 7:00 p.m. Moore Center
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Thompson Brown Meeting Room

Bulk Pick-Up: October 31, 2017

Montreat Landcare: November 1, 2017, 9:00 a.m.
Allen Building
Swannanoa Room

November Town Council Agenda Meeting: November 2, 2017, 7:00 p.m.
Moore Center
Thompson Brown Meeting Room

November Town Council Meeting: November 9, 2017, 7:00 p.m.
Public Forum begins at 6:30 p.m.
Walkup Building

Closed Session

Commissioner Vinson moved to enter into Closed Session in accordance with North Carolina General Statute 143-318.11(5) to discuss the proposed acquisition of real property identified as (PIN # 0720 – 53 – 9360), located on Montreat Road, for potential Montreat Town Hall and General Statute 143-318-11(6) for discussion of a personnel matter and approval of 2016 Closed Session Minutes. Mayor Pro Tem Fouche seconded and the motion carried 5/0.

After returning to Open Session Commissioner Gilliland moved to authorize the Mayor and Town Clerk to sign easement documents as described in the contract for purchase of 1210 Montreat Road and authorize the Mayor to sign the settlement statement to execute the contract. Mayor Pro Tem Fouche seconded. The motion carried 5/0. Commissioner Gilliland moved to authorize the letter of offer to Erin Marie Wheeler for part-time interim finance officer at \$25.00 an hour for 24-29 hours per week. Commissioner Vinson seconded the motion. The motion carried 5/0.

Adjournment

There being no further business, Commissioner Vinson moved to adjourn the Town Council Meeting. Commissioner Gilliland seconded and the motion carried 5/0. The meeting was adjourned at 9:26 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk

**Montreat Board of Commissioners
Town Council Meeting Minutes
October 12, 2017**

Dissent opinion to be added to the minutes of the October 12, 2017 Town Council Meeting.

I disagree with the decision made by council in open session to unconditionally authorize Mayor Helms to move forward with the finalization of the Creekside Property contract prior to receiving the final written report of the soil testing. There was no need to give this unrestricted authorization prior to council receiving and reviewing the content of the full and final written report as there was no time urgency in effect. Two more one month extensions are still available for completing due diligence if needed.

Mary L, Standaert
October 18, 2017

As allowed in the rules of procedure I wish to add this dissent opinion to the October 12, 2017 minutes.

It is less than 100 words and was submitted within the required 7 days.

Please acknowledge receipt of this dissent opinion.

Mary Standaert