

**Town of Montreat
Board of Commissioners
Town Council Agenda Meeting
November 2, 2017 – 7:00 p.m.
Moore Center – Thompson Brown Meeting Room**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Presentations and Reports

- **Audit Presentation – Materials Pending**
- **Ruling on Motion to Defer (report only)**

IV. Mayor's Communications

V. Consent Agenda

A. Meeting Minutes Adoption

- September 7, 2017, Town Council Agenda Meeting Minutes
- September 14, 2017, Town Council Public Forum Minutes
- September 14, 2017, Town Council Meeting Minutes
- October 2, 2017, Town Council Special Meeting Minutes
- October 5, 2017, Town Council Agenda Meeting Minutes
- October 12, 2017 Town Council Public Forum Minutes
- October 12, 2017, Town Council Meeting Minutes

All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.

VI. Town Administrator's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Police Chief
- Public Works Director
- Finance Officer

VIII. Public Comment – Agenda Items

Public comments will be heard during this period for only those items listed on the meeting agenda.

IX. Old Business

A. Montreat as a welcoming community

- **Suggested Motion:** To move to add the phrase "strive to be a welcoming community" to the Board of Commissioners Mission Statement.

*"To **strive to be a welcoming community**, to maintain and improve the quality of life, preserve the natural beauty and promote responsible growth while maintaining our community image, heritage and traditions."*

X. New Business

A. Discussion of Montreat Physical Addressing As it Pertains to Services

B. Land of Sky Contract

- **Suggestion Motion:** Motion Pending

C. Liquid Engineering: In-Service Cleaning and Inspection Contract

- **Suggested Motion:** Move to approve the Liquid Engineering In-Service Cleaning and Inspection Contract.

D. Approval of electronic notice of bidding

- **Suggested Motion:** Move to approve electronic notice of bidding opportunities as authorized by G.S. 143-129

I. Public Comment – Other Topics

Public comments will be heard during this period for other public business items or topics not listed on the meeting agenda.

II. Commissioner Communications

III. Meeting Dates

November Town Council Meeting:

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

**Montreat Board of Commissioners
Town Council Agenda Meeting
November 2, 2017**

Montreat Tree Board: November 28, 2017, 9:30 a.m.
Town Services Building

Planning & Zoning: November 30, 2017, 7:00 p.m.

Montreat Landcare: December 6, 2017, 9:00 a.m.
Allen Building
Swannanoa Room

December Town Council Agenda Meeting: December 7, 2017, 7:00 a.m.
Walkup Building

December Town Council Meeting: December 14, 2017, 7:00 p.m.
Public Forum begins at 6:30 p.m.
Walkup Building

IV. Closed Session (on 10/02/17): 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 # 0710-53-9360), located on Montreat Road, for potential Montreat Town Hall.

V. Adjournment

October 24, 2017

To: Alex Carmichael, Town Administrator
Town of Montreat

From: Susan Taylor Rash

Re: Substantive and Procedural Motions
Montreat Board of Commissioners' Rules of Procedure

The Rules of Procedure state that the Board shall proceed by motion (Rule 11) and several Rules address the use of substantive and procedural motions.

Rule 4. Agenda

Rule 4.I.E. addresses the Agenda Meeting, at which the Board can “ask questions and thoroughly explore the proposals that must be voted on at the regular meeting.” Rule 4 provides that the first item of business at the Agenda Meeting is the discussion and adoption of the agenda. By a majority vote, the Board can add items to or subtract items from the proposed agenda for a regular meeting.

Rule 18. Procedural Motions

Rule 18 sets out the procedural motions in order of priority. Several procedural motions address postponing, deferring, reviving or renewing substantive motions. Unless a procedural rule requires otherwise, a motion made under Rule 18 can be adopted by a majority vote of the Board. The procedural motions listed below allow the Board to do something with a substantive motion that is under consideration.

Motion 9. To Defer Consideration. When a substantive motion has been made, the Board can defer consideration of that motion to an unspecified time. If the Board wishes to consider the deferred motion, it can adopt a motion to revive consideration of the deferred motion (Motion 14). If no motion to revive consideration is adopted within 100 days, the deferred substantive motion expires.

Motion 11. To Postpone to a Certain Time or Day. A substantive motion can be postponed to a specified time or day and the Board must wait until that time to consider the motion.

Motion 14. To Revive Consideration. When a substantive motion has been deferred (Motion 9), the Board can adopt a motion to revive consideration of it. If the motion to revive is not made within 100 days, the deferred substantive motion expires.

Motion 15. To Reconsider. A Commissioner who voted with the prevailing side can move to reconsider a matter at the meeting during which the original vote was taken.

Motion 17. To Prevent Reconsideration for Six Months. Immediately following the defeat of a substantive motion (and at no other time), a Commissioner can move to prevent reconsideration of the substantive motion for six months. A $\frac{2}{3}$ vote is required.

Under Rule 19 (Renewal of a Motion), a motion that has been defeated can be renewed at a subsequent meeting unless a motion to prevent reconsideration has been adopted.

The use of the Rule 18 procedural motions can be confusing and the effect of a procedural motion often depends on the underlying substantive motion under consideration. An example of the uncertain effect of a procedural motion occurred at the Agenda Meeting on September 7, 2017. A Commissioner moved to adopt the agenda as presented and another Commissioner seconded the motion. Under Rule 4, the discussion and adoption of the agenda was the appropriate first item of business. The Board could add items to or subtract items from the proposed agenda by a majority vote.

The motion under consideration was to adopt the agenda as presented. A motion was then made to defer agenda item "A" under New Business to the next Board retreat but no later than March 15, 2018. The substantive motion listed under agenda item "A" was not yet under consideration. The Board could certainly subtract this item from the agenda by a majority vote, but in order to use the procedural motions to defer (Motion 9. To Defer Consideration) or to postpone consideration (Motion 11. To Postpone to a Certain Time or Date) of item "A" under New Business would require that the item "A" substantive motion be under consideration.

Under Rule 4, the purpose of the Agenda Meeting is to give the Board the opportunity to ask questions about the proposals to be voted on at the regular meeting and to adopt the agenda. Usually, substantive motions for the items on the approved agenda are made at the regular meeting. Once the substantive motion has been made, a Motion to Defer Consideration or a Motion to Postpone to a Certain Time or Date can be made.

Use of the Rule 18 procedural motions is complicated and the Board's practice of presenting resolutions and motions in written form helps by giving the Commissioners and Town staff the opportunity to review the Rules of Procedure and other materials before the motion is made.

**Town of Montreat
Board of Commissioners
Town Council Agenda Meeting
September 7, 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
Angie Murphy, Town Clerk
Justyn Whitson, Police Officer

Approximately 15 members of the public were also present. Mayor Helms called the meeting to order at 7:03 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence asking for those in attendance to remember those affected by the recent hurricanes

Agenda Approval

Commissioner Vinson moved to adopt the agenda as presented. Commissioner Gilliland seconded. Mayor Pro Tem Fouche moved to defer agenda item "A", [which is to add the word "welcome" or "welcoming" to the Mission Statement](#), under new business to the next retreat but no later than the March 15, 2018 meeting for discussion and possible action. Mayor Pro Tem Fouche felt that with new members entering the Council that they should have a say in the mission statement verbiage. Commissioner Gilliland seconded Mayor Pro Tem Fouche's motion. Commissioner Standaert stated that they were a board with multiple months to serve and felt it should be addressed now rather than later. The motion carried 3/2 with Commissioners Standaert and Vinson voting in opposition to the motion. Commissioner Standaert asked if the item could be brought up again if it was deferred. Mayor Helms stated that it would remain off the agenda for 100 days. Town Administrator Carmichael explained there were different nuances between "tabling an item" versus "deferring an item" and could not give an answer off the top of his head. Commissioner Standaert asked for further investigation into this matter as well as the voting requirements. Commissioner Vinson noticed a typographical error under the Public Hearing item in which "industrial" needed to be changed to "institutional" as Montreat does not have any industrial zoning. Commissioner Gilliland moved to adopt the agenda as amended. Commissioner Otto seconded. The motion carried 4/1 with Commissioner Standaert voting in opposition to the motion.

**Public Hearing: Proposed Rezoning of Eastern Side of Florida Terrace From
Institutional/Residential (I/R) to Residential Low Density (R1) Followed by Possible
Action**

Mr. Carmichael stated that Commissioner Standaert had asked for some additional documents related to the public notice requirements. Public notices were publicly displayed in the Town Services Building and the United States Postal Office. Notices were mailed to the Black Mountain News and to property owners as per our Zoning Ordinance. Mr. Carmichael provided a list of all property owners and adjacent property owners along with the letter and notice that were mailed to them to each Commissioner. These items will be added to next week's agenda packet.

Mayor's Communications

Mayor Helms stated that he wanted Mr. Carmichael to bring everyone up-to-date with the preparations the Town Employees are making for Hurricane Irma. Mr. Carmichael stated that the Public Work Crews had spent the day preparing culverts and stormwater systems for the impending storm. Public Work Crews replaced radio batteries at the well and tank sites. They borrowed a portable generator from the Town of Black Mountain for the wells. The Crews are working with Mountain Retreat Association to monitor Lake Susan as well as the dam. Montreat Police Department is working with the Buncombe County Emergency Manager's Office. Both Police and Public Works are identifying potential staging areas and evacuation routes. Administrative Staff are preparing for mobile emergency notification capabilities. Mayor Helms urged property owners to secure loose items around their homes.

Consent Agenda Review

The proposed Consent Agenda will include the following items:

- August 3, 2017, Town Council Agenda Meeting Minutes
- August 10, 2017, Town Council Public Forum Minutes
- August 10, 2017, Town Council Meeting Minutes

Town Administrator's Communications

- Mr. Carmichael has updated the reevaluation of the categorical exclusion document for the Texas Road Bridge. This document has since been sent to our engineering firm, KCI, who has to sign off on it and then it will be forwarded to the Municipal Bridge Program by September 15th.
- The Police Department was audited by the North Carolina Department of Justice Criminal Standards Division and received a positive response.
- The Water Department had their wells and tanks inspected this week by the regional inspector and received a verbal confirmation of passing with flying colors.

Administrative Reports

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

Public Comments

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

Mr. Wade Burns of 232 North Carolina Terrace mentioned the detailed series of options for the Building Inspector/Zoning Administrator that Mr. Carmichael had outlined in the evening's packet. Mr. Burns encouraged Council to review the ordinances along with purpose and intent before deciding on the zoning administrator position.

Old Business

There was no Old Business to discuss.

New Business

- A. **Zoning Official Position Review:** Mayor Helms stated that Mr. Carmichael would review the Zoning Official Position for Council next week. Mayor Pro Tem Fouche asked about the backlog of zoning requests and wanted to know what we as a Town were doing to accommodate people. Mr. Carmichael stated that he has 2-3 conversations about zoning issues a day. The zoning permits are backing up. Our building permits are being handled temporarily at a rate of \$25 per inspection and \$25 per permit issued which is extremely inexpensive compared to other rates Mr. Carmichael has investigated. All zoning permits have to be signed off on by a zoning officer appointed by the Commission. Mayor Pro Tem Fouche asked if there was a certification process for the zoning administrator. Mr. Carmichael stated that the job requires appointment by the Council and an oath of office. Mayor Pro Tem Fouche stated she appreciated the detailed descriptions of the zoning official position options that Mr. Carmichael provided in the packet.

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.

**Montreat Board of Commissioners
Town Council Agenda Meeting Minutes
September 7, 2017**

Mr. Wade Burns of 232 North Carolina Terrace asked if there was a training and certification process required by the State for the zoning administrator. Mr. Carmichael stated that there was a training and certification class offered by the UNC School of Government but it is his belief that it is not a requirement of the zoning officer. Mr. Burns suggested getting a group of citizens to be sworn in to look at pending applications. Mr. Carmichael stated that there will be a lag time between when a decision is made about what model the Council wants to use for the zoning official position and when that position will be filled. Mr. Carmichael has spoken with an individual from Saluda, South Carolina who has offered to contract out our zoning to fill in the gaps until our position is filled.

Mr. Bill Scheu of 146 Eastminster Terrace asked if it would be possible to designate the Town Administrator as Zoning Official on a temporary basis since there are no requirements for the position. Mayor Helms stated that he felt like that should be a private conversation that he has with Mr. Carmichael.

Mr. Mike Sonnenberg of 125 Virginia Road felt that this conversation was important because we need to flesh out a backup plan in case the future zoning administrator is sick or unavailable. Commissioner Standaert stated that we have always had a good working relationship with the Town of Black Mountain when it comes to filling in for vacations or absences.

Commissioner Communications

There were no Commissioner Communications at this time.

Upcoming Meeting Dates

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

<u>September Town Council Meeting:</u>	September 14, 2017, 7:00 p.m. Public Forum begins at 6:30 p.m. Walkup Building
<u>Montreat Tree Board:</u>	September 19, 2017, 9:30 a.m. Town Services Building
<u>Board of Adjustment:</u>	September 28, 2017, 7:00 p.m. Walkup Building
<u>Montreat Landcare:</u>	October 4, 2017, 9:00 a.m. Allen Building Swannanoa Room

**Montreat Board of Commissioners
Town Council Agenda Meeting Minutes
September 7, 2017**

October Town Council Agenda Meeting:

October 5, 2017, 7:00 p.m.

October Town Council Meeting:

October 12, 2017, 7:00 p.m.
Public Forum begins at 6:30 p.m.
Walkup Building

Closed Session

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

Upon a motion by Commissioner Gilliland and a second by Commissioner Vinson with the motion carrying 5/0, the Board returned to Open Session. Commissioner Gilliland moved to appoint Barry Creasman to the position of Interim Public Works Director effective immediately, and to have Mr. Creasman assume the full duties and responsibilities of Public Works Director and remain at his current pay grade of 15 until such time as he completes the "Effective Supervisory Management Course" on, or by, September 30, 2018, at such time he will be assigned a pay grade of 17 and the title of Public Works Director for the Town of Montreat; the interim period will satisfy the one year probationary period specified by the Montreat Personnel Policy after which he will be eligible for a 5% raise above the starting pay for a pay grade of 17. Commissioner Vinson seconded the motion and the motion carried 5/0. Mr. Creasman happily accepted and signed the offer of position document.

There will be another closed session at next week's meeting.

Adjournment

There being no further business, Commissioner Gilliland moved to adjourn the Town Council Agenda Meeting. Commissioner Vinson seconded and the motion carried 5/0. The meeting was adjourned at 7:41 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Town Council Public Forum
September 14, 2017
Walkup Building**

Board members present: Mayor Tim Helms
Mayor Pro Tem Kitty Fouche
Commissioner Bill Gilliland
Commissioner Kent Otto
Commissioner Mary Standaert (arrived at 6:37 p.m.)
Commissioner Ann Vinson (arrived at 6:34 p.m.)

Board members absent: None

Town staff present: Angie Murphy, Town Clerk
Barry Creasman, Interim Public Works Director
Dave Arrant, Chief of Police
Steve Stackhouse, Finance Officer

Call to Order

Approximately 36 people were in attendance. Mayor Helms called the meeting to order at 6:33 p.m. and led the group in a moment of silence.

Agenda Approval

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Otto seconded and the motion carried 3/0.

Public Forum

Mr. Richard Dubose, speaking on behalf of Mountain Retreat Association, stated that he was generally opposed to the rezoning of the eastern side of Florida Terrace because once zoning goes to residential only it rarely is rezoned back to institutional. The MRA does respect the opinions of those living in the neighborhood. Mr. Dubose stated that the MRA has no plans to enter into further development on Florida Terrace but they do have some concerns for their Sylvan Heights property. They would prefer that special provisions be made to allow Sylvan Heights' zoning to remain as is.

Mrs. Grace Nichols of 527 Suwannee Drive asked the Board to summarize the pros and cons of rezoning. Commissioner Otto felt that rezoning fits that section of Town since it currently is residential homes. Commissioner Otto also would like to see the addition of one or two new homes built to increase Montreat's tax base. Commissioner Standaert questioned how much tax revenue was anticipated off of only one or two newly built houses. Commissioner Otto stated that he thought the tax revenues would be between \$5,000 and \$7,000 based on the size and tax value

of the homes. Commissioner Standaert stated that the tax value off of two \$400,000 homes would be approximately \$1,700 each in taxable revenue to the Town of Montreat. Mayor Pro Tem Fouche felt that the Board took into account the wishes of the neighbors on Florida Terrace. Commissioner Standaert pointed out that the petition received was not 100% of the residents. Commissioner Vinson wanted to make it clear that if two residential homes were built at this time that it would increase the tax base so she still has trouble understanding why the zoning needs to change. Mrs. Nichols asked what the long term consequences would be for rezoning. Mayor Helms stated that a lodge could not be built on Florida Terrace. Commissioner Vinson felt that the rezoning could limit the number of people who could possibly buy the property. Commissioner Standaert felt that the responsibility of elected officials is looking towards the future not just in the present.

Mr. Eric Nichols of 527 Suwannee Drive stated that the current zoning would not prevent anyone from building on the property.

Mr. Wade Burns of 232 North Carolina Terrace stated that he regrets that Public Work Crews are not in attendance at this meeting because he wants to give them some high regard. Mr. Burns summarized the damages on North Carolina Terrace from Hurricane Irma. Mr. Burns stated that Public Work Crews worked through the night clearing 17 trees across the roadways and they did it at great risk to themselves. Mr. Burns stated that the Tree Board is working towards an idea of a tree plan to remove dead and dying trees. Mr. Burns is adamantly in favor of this tree plan for the safety of everyone. Commissioner Vinson stated that the federal/state grant received by the Tree Board will pay for the Town to begin the tree inventory which will start at the Gate and proceed up to Lake Susan. Commissioner Vinson also stated that monies in this year's budget have also increased for the care of trees. There is also money in the budget for a bucket truck for the Town.

Mr. Mike Sonnenberg of 125 Virginia Road asked if there was a possibility of partnering with the Town of Black Mountain with regards to the bucket truck. Commissioner Vinson stated that there was enough money in the budget for Montreat to purchase a used bucket truck.

Adjournment

There being no further discussion, Commissioner Vinson moved to adjourn the Public Forum Meeting. Commissioner Gilliland seconded and the motion carried 5/0. The meeting was adjourned at 6:57 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Town Council Meeting
September 14, 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: Dave Arrant, Police Captain/Interim Police Chief
Stefan Stackhouse, Finance Officer
Barry Creasman, Senior Water Operator
Angie Murphy, Town Clerk
Susan Taylor Rash, Town Attorney

Approximately 36 members of the public were also present. Mayor Helms called the meeting to order at 7:10 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence with special remembrance to those in Florida, Texas and Georgia who had been affected by the recent hurricanes.

Agenda Approval

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Vinson seconded and the motion carried 5/0.

**Public Hearing: Proposed Rezoning of Eastern Side of Florida Terrace From
Institutional/Residential (I/R) to Residential Low Density (R1) Followed by Possible
Action**

Commissioner Otto stated that he spent time with Montreat College and MRA discussing their short term and long term goals with regards to the Florida Terrace Property. Commissioner Otto's main premise for proposing the rezoning of the eastern side of Florida Terrace is primarily for the increase in tax revenue base. Commissioner Otto felt that a lot of individuals in Town are interested in rezoning and he has spoken to several realtors who felt the rezoning would affect salability more positively.

Eric Nichols of 527 Suwannee Drive, stated that he worries we are forgetting what our mission is as a community. Mr. Nichols felt that the proposed rezoning would restrict potential building for institutions/organizations. Mr. Nichols stated that the Board should let the market be the market and see what happens.

Mr. Francis Burriss of Florida Terrace and Arkansas Trail, read a statement that represented what all the people on the block and the people who signed the petition felt with regards to the proposed rezoning. Mr. Burriss felt that the change will allow the tract to be developed with one to two houses which will bring much needed long term revenue to the Town of Montreat. This action would prevent this parcel from being a source of discord and division in the neighborhood today and in the future.

Commissioner Vinson stated that the current zoning does not limit who can purchase and develop the property and Montreat would still have the potential to incur increased tax revenue. Commissioner Vinson felt that thinking about the future is just as important as the current situations. She does not understand the need for rezoning at this time.

Commissioner Standaert questioned how many people lived on Florida Terrace full time. She stated that it does not currently embellish the character of a full time residential neighborhood.

Mayor Pro Tem Fouche would like to see Florida Terrace remain a residential neighborhood especially after recent years.

Commissioner Standaert stated that the tax consequences of making the zoning changes are really quite small. She was also concerned about the precedence that this may or may not set for future zoning situations.

Commissioner Otto 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. Mayor Pro Tem Fouche seconded and the motion carried 3/2 with Commissioner Standaert and Vinson voting against the motion. Commissioner Standaert asked if Rule 23 in the Rules of Procedure could be read into record. Town Clerk Angie Murphy read aloud the following rule: "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." Mayor Helms asked the Town Attorney to research this rule and give a ruling later in the meeting.

Mayor's Communications

Mayor Helms stated that last week at the Closed Session, following the Agenda Meeting, Barry Creasman was hired as the new Interim Public Works Director. Mayor Helms praised the entire Public Works Crew for their preparations prior to Hurricane Irma and their quick work removing

the 17 trees from the roadway throughout the night.

Consent Agenda Review

The proposed Consent Agenda will include the following items:

- August 3, 2017, Town Council Agenda Meeting Minutes
- August 10, 2017, Town Council Public Forum Minutes
- August 10, 2017, Town Council Meeting Minutes

Town Administrator's Communications

- Mr. Carmichael was absent this evening because he is currently undergoing training in Chapel Hill at the School of Government.

Administrative Reports

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

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

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

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.

There was no public comment at this time.

Old Business

There was no Old Business to discuss.

New Business

- A. Zoning Official Position Review: Mayor Pro Tem Fouche stated that she liked the option of sharing a Zoning Administrator position with the Town of Biltmore Forest but was unsure where Land of the Sky fit in the model. Town Clerk Angie Murphy advised that utilizing Land of Sky would allow the Town to contract on an annual basis as well as handling the benefit coordination. Commissioner Vinson stated that she felt it was very important to get a Zoning Administrator/Building Inspector outside of Montreat due to conflicts of interest. Commissioner Vinson felt that a full-time employee doing both roles would be ideal. Mayor Pro Tem Fouche felt that maintaining our current situation of outsourcing inspections and partnering with the Town of Biltmore Forest could save the Town some money and also allow the Council to see the best plan of action to take in the future. Commissioner Otto stated that he felt that when any business had a vacancy arise they take time to evaluate the position before they immediately hire another full time position. Commissioner Otto felt that splitting the zoning and inspections would save roughly \$20,000 and allow the Commission more time to think on the direction they want the position to go. Commissioner Standaert felt that there has been a huge turnover in employees but the Council has not been as proactive in filling these positions. She was worried about the remaining employees feeling overworked and felt that moving forward with a full time zoning administrator/building inspector would be in the best interest of the Town. Mayor Pro Tem Fouche felt that trying the shared position for a year would not hurt anything. Commissioner Kent Otto moved to direct staff to reorganize the full time building inspector/zoning administration position and to partner with Land of Sky Council of Government for Zoning Administration and an individual contractor for Building Permits/Inspections. Commissioner Gilliland seconded the motion and the motion carried 4/1 with Commissioner Standaert voted in opposition.

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.

Eric Nichols of 527 Suwannee Drive, reminded the Council that there are committees that utilize Town Employees as resources. Mr. Nichols stated that he will miss Mr. Currie's knowledge on the Board of Adjustments.

Commissioner Communications

Commissioner Gilliland thanked the Public Works Crews for all their hard work, over and above what was expected, during the Hurricane.

Commissioner Standaert stated that our Town staff vacancies need to be bolstered so staff can keep an even balance between home life and work life.

**Montreat Board of Commissioners
Town Council Meeting Minutes
September 14, 2017**

Commissioner Vinson brought some firewise brochures for distribution since it is now planting season. She also had some information about the Emerald Ash Borer as well.

Upcoming Meeting Dates

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

<u>Montreat Tree Board:</u>	September 19, 2017, 9:30 a.m. Town Services Building
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<u>Board of Adjustment:</u>	September 28, 2017, 7:00 p.m. Walkup Building
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<u>Montreat Landcare:</u>	October 4, 2017, 9:00 a.m. Allen Building Swannanoa Room
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<u>October Town Council Agenda Meeting:</u>	October 5, 2017, 7:00 p.m. Walkup Building
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<u>October Town Council Meeting:</u>	October 12, 2017, 7:00 p.m. Public Forum begins at 6:30 p.m. Walkup Building
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<u>Retirement Party for Public Works Director Steve Freeman:</u>	September 26, 2017, 2:00 – 4:00 p.m. Walkup Building
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<u>Retirement Party for Finance Officer Stefan Stackhouse:</u>	September 28, 2017, 10:00 – 12:00 p.m. Walkup Building
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Attorney Susan Taylor Rash referenced a General Statute that states on the date of introduction of an ordinance there does need to be at least a 2/3rds vote or a super-majority. In tonight's instance this did not occur so the Board will vote on this subject matter again in October.

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.

**Montreat Board of Commissioners
Town Council Meeting Minutes
September 14, 2017**

After returning to Open Session Commissioner Vinson moved to request a one month extension from Mountain Retreat Association so the Town can contract with an engineering firm to have soil samples completed on the Creek Side Property.

Public Comment

There was no public comment at this time.

Adjournment

There being no further business, Commissioner Standaert moved to adjourn the Town Council Meeting. Commissioner Otto seconded and the motion carried 5/0. The meeting was adjourned at 8:21 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Special Meeting
October 2, 2017
Town Services Building**

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

Board members absent: Commissioner Mary Standaert
Commissioner Ann Vinson

Town staff present: Alex Carmichael, Town Administrator
Angie Murphy, Town Clerk

Approximately 0 members of the public were also present. Mayor Helms called the meeting to order at 12:07 p.m., led the group in a moment of silence.

Agenda Approval

Commissioner Gilliland moved to adopt the agenda as presented. Commissioner Otto seconded and the motion carried 3/0.

Mr. Carmichael explained the items on today's agenda. He stated there were two engineering contracts which required exemption from the Council for formal bidding requirements. Both engineering items relate to the Creek Side property.

A. Resolution #17-10-001

Resolution #17-10-001 exempts the Board for the geotechnical study of 1210 Montreat Road. Commissioner Gilliland moved to approve Resolution #17-10-001 exemption for contract approval of geotechnical study of 1210 Montreat Road. Mayor Pro Tem Fouche seconded and the motion carried 3/0.

B. Resolution #17-10-002

Resolution #17-10-002 exempts the Board for contract approval of phase 1 geotechnical site evaluation of 1210 Montreat Road. Commissioner Otto asked if this process could be done at a later time. Mr. Carmichael stated that this step is required but it does not have to be completed at this time and the price stays the same whether it is completed now or later. Mayor Pro Tem Fouche advised that they could do the first study and if the soil testing came out satisfactory then they could move forward with the phase 1 geotechnical site evaluation. Commissioner Gilliland moved to approved Resolution #17-10-002 exemption for contract approval of phase 1 geotechnical site evaluation of 1210 Montreat Road contingent upon a positive geotechnical study. Commissioner Otto seconded and the motion carried 3/0.

C. Geotechnical Site Evaluation Contract

This contract is for the soil study. Commissioner Otto moved to approve the geotechnical site evaluation of 1210 Montreat Road. Commissioner Gilliland seconded and the motion carried 3/0.

D. Phase 1 Environmental Site Assessment

Commissioner Gilliland moved to approve the contract for phase 1 environmental site assessment of 1210 Montreat Road contingent upon positive geotechnical review. Commissioner Otto seconded and the motion carried 3/0.

E. Real Estate Brokerage Services

Mr. Carmichael stated this would give him the authority to negotiate a consulting fee and work thru the contract with the Broker without having to come back to Council for approval. The broker selected is Scott Brown out of Keller-Williams in Asheville. Commissioner Otto moved to approve the delegation of contract authority to the Town Administrator for real estate brokerage services for analysis of 365 Arkansas Trail. Mayor Pro Tem Fouche seconded and the motion carried 3/0.

F. Urban and Community Forestry Grant Program

This is the grant already received for the tree inventory but the Board has to approve any contract before it is signed. This grant will be used to send employees to arborist training, pay for the tree inventory and other materials. Mayor Pro Tem Fouche moved to approve the grant contract for the Urban and Community Forestry Grant Program. Commissioner Gilliland seconded and the motion carried 3/0.

Adjournment

There being no further business, Commissioner Gilliland moved to adjourn the Special Meeting. Commissioner Otto seconded and the motion carried 3/0. The meeting was adjourned at 12:21 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Town Council Agenda Meeting
October 5, 2017
Walkup Building**

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

Board members absent: Commissioner Mary Standaert
Commissioner Ann Vinson

Town staff present: Alex Carmichael, Town Administrator
Angie Murphy, Town Clerk
Mac McClintock, Police Officer

Approximately 8 members of the public were also present. Mayor Helms called the meeting to order at 7:02 p.m., led the group in reciting the Pledge of Allegiance, and held a moment of silence asking for those in attendance to remember those affected by the recent storms as well as the tragedy in Las Vegas. Mayor Helms stated that the flag at the Town Services Building had been at half mast since Monday and was raised earlier today.

Agenda Approval

Town Administrator Alex Carmichael stated that there were a couple of items on the agenda related to the Finance Officer Position. The UNC School of Government and the LGC have been assisting the Town with benchmarking and looking at best practices to move forward with the position but another opportunity has presented itself in the form of an Interim Finance Officer Position. Mr. Carmichael would like to pull the Finance Officer Position off of "Presentations and Reports" and insert the appropriate Closed Session language into the current motion to discuss the possibility of an Interim Finance Officer to assist in the meantime. Mayor Helms stated that he wanted this handled in two separate motions. Mayor Pro Tem Fouche moved to remove the Finance Officer Position off of the agenda under "Presentations and Reports". Commissioner Gilliland seconded and the motion carried 3/0. Commissioner Gilliland moved to add the following language to the current Closed Session motion: "To enter into Closed Session in accordance with NCGS 143-318.11(6) for discussion of a personnel matter". Commissioner Otto seconded and the motion carried 3/0. Commissioner Gilliland moved to accept the agenda as amended. Mayor Pro Tem Fouche seconded and the motion carried 3/0.

Presentations and Reports

Mr. Carmichael stated that the Commission directed Staff to seek recommendations on the nature and sale of the Florida Terrace parcel. Currently the lot is plotted as three different non-

conforming lots by the Town of Montreat zoning ordinance requirements. Mr. Carmichael stated that the Commission has the option of recombining the parcel into one large lot or two conforming lots. Staff came to the Board earlier this summer and recommended recombining into two separate conforming lots based on the potential revenue gained. The Commission also instructed Staff to seek the assistance of a realtor for an analysis for the property. Mr. Carmichael stated that he has met with a realtor named Scott Brown, of Keller-Williams out of Asheville, who is working on a market analysis of whether to sell as one or two lots and the best manner in which to sell the parcel. Mr. Brown will recommend the most appropriate method to make the sell based on the state mandated requirements for sale of government property.

Mayor's Communications

Mayor Helms stated that he no communications this evening.

Consent Agenda Review

The proposed Consent Agenda will include the following items:

- September 7, 2017, Town Council Agenda Meeting Minutes
- September 14, 2017, Town Council Public Forum Minutes
- September 14, 2017, Town Council Meeting Minutes
- Proclamation #17-10-0001 Honoring Montreat College Class of 1967

Town Administrator's Communications

- Mr. Carmichael will thank the Caring Neighbors for the delicious meal and birthday party they provided for Staff earlier this month.
- Mr. Carmichael will provide an update on the recent Staff retirements.
- Mr. Carmichael will provide a brief overview of the current status of the Creek Side Property.

Administrative Reports

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

Public Comments

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

Mr. Eric Nichols of 527 Suwannee Dr gave a hearty "keep up the good work" from the audience.

Old Business

- A. Proposed Rezoning of Florida Terrace: Mayor Helms explained the reasoning why Florida Terrace was not rezoned last month upon first introduction due to a lack of a super-majority. Mayor Helms stated that Council waited the appropriate period of time and this time only a simple majority will be needed so another vote will be taken next week.

New Business

- A. Appointment of Everett Culpepper to Board of Adjustment: Mr. Carmichael stated that Mr. Culpepper is eager to serve the Town of Montreat. The Board of Adjustment must have five members present to take action and with Mr. Culpepper's appointment the Committee will be back up to the appropriate number required. Mr. Carmichael also stated that the Committee still has two alternate seats and two ETJ representative seats to fill if anyone is interested. A more robust roster of members will allow the meetings to be held in a timely manner.
- B. Authorization for the Sale of Public Property on Florida Terrace: Mr. Carmichael stated that the motion for this item is pending based on the recommendation from the broker. Mayor Pro Tem Fouche mentioned a list of ways the property can be sold, which was featured in an earlier meeting, and expressed her desire to see it again in next week's meeting packet.

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.

There were no Public Comments at this time.

Commissioner Communications

Mayor Pro Tem Fouche mentioned that last year at this time she had an Employee Appreciation Luncheon and would like to do that again and is thinking about Monday, October 16th. Next week she will ask for volunteers for food and fellowship.

Upcoming Meeting Dates

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

October Town Council Meeting:

October 12, 2017, 7:00 p.m.
Public Forum begins at 6:30 p.m.
Walkup Building

**Montreat Board of Commissioners
Town Council Agenda Meeting Minutes
October 5, 2017**

<u>Montreat Tree Board:</u>	October 17, 2017, 9:30 a.m. Town Services Building
<u>Board of Adjustment:</u>	October 26, 2017, 7:00 p.m. Walkup Building
<u>Bulk Pick-up:</u>	October 31, 2017
<u>Montreat Landcare:</u>	November 1, 2017, 9:00 a.m. Allen Building Swannanoa Room
<u>November Town Council Agenda Meeting:</u>	November 2, 2017, 7:00 p.m. Moore Center Thompson Brown Meeting Room
<u>November Town Council Meeting:</u>	November 9, 2017, 7:00 p.m. Public Forum begins at 6:30 p.m. Walkup Building

Closed Session

There will be Closed Session at next week's meeting.

Adjournment

There being no further business, Commissioner Gilliland moved to adjourn the Town Council Agenda Meeting. Commissioner Otto seconded and the motion carried 3/0. The meeting was adjourned at 7:17 p.m.

Tim Helms, Mayor

Angela Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Town Council Public Forum
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
Angie Murphy, Town Clerk

Call to Order

Approximately 16 people were in attendance. Mayor Helms called the meeting to order at 6:31 p.m. and led the group in a moment of silence.

Agenda Approval

Commissioner Vinson moved to adopt the agenda as presented. Mayor Pro Tem Fouche seconded and the motion carried 5/0.

Public Forum

Mrs. Lila Ray of 436 Kentucky Road wanted to know if there was a way to get a Friday sanitation pickup. She suggested a drop-off time of 2:00 – 4:00 p.m. each Friday to drop the bags at the Town Services Building for free of charge. Mr. Carmichael reviewed the sanitation services that we currently offer. Mr. Carmichael also stated that the current pay-as-you-throw method was instigated in the hopes of discouraging people from outside of Montreat from using our open services. The open system incurred more charges on the taxpayer due to fees associated with increased sanitation waste and the costs associated with hauling the dumpsters off. Mr. Carmichael stated that changing the process is possible but not without a cost.

Mrs. Grace Nichols of 527 Suwannee Drive asked about the current land activity at the Creekside Property. Mr. Carmichael stated that the Town of Montreat is under contract to purchase the property and we are still in the due diligence period. ECS Southeast has been contracted to do some geotechnical surveying and testing.

Mr. Tom Widmer of 218 Tennessee Road inquired about the status of the broken telephone pole on Assembly Drive. Mr. Carmichael stated that he unfortunately did not have the answer because

it is not a Town offered utility. Mr. Widmer felt that it could be dangerous to the public. Mr. Carmichael stated that he would do some research to see what he could find out about the broken pole.

Mr. Wade Burns of 232 North Carolina Terrace asked if there would be a status on the Zoning Official at tonight's meeting. Mr. Carmichael stated that the Town had authorized the division of responsibilities of the Building Inspector and Code Enforcement Officer at last month's regular Council Meeting. Mr. Carmichael went further to say that we are in the process of negotiating a contract with Land of the Sky. The costs look reasonable at this time and Mr. Carmichael has a meeting tomorrow with the Land of Sky staff and the Biltmore Forest Town Administrator. The position would be a Planner Position hired by Land of Sky and contracted out to the Towns of Montreat and Biltmore Forest. This position would be at Montreat two days a week, Biltmore Forest two days a week and Land of Sky the final day of the week. Mr. Carmichael is hoping to have the final contract back before Council at the November Regular Meeting. Then the next step in the process would be to advertise and interview for the position. In the meantime Mr. Carmichael is working with a gentleman out of South Carolina for interim Zoning Administration Services. There are currently some insurance issues per state law that need to be worked out. Mr. Burns stated that there were homeowners who had been waiting for a Zoning Administrator to complete projects. Mr. Carmichael stated that is why he is pursuing an Interim Zoning Administrator.

Mr. Tom Frist of 98 Frist Road stated that he was having trouble with certain organizations recognizing his address: specifically AT&T and Google. Mr. Frist has also been turned down for credit cards due to his address not being recognized and would like to see it resolved. Commissioner Standaert worked on the address inconsistencies for two years. Commissioner Standaert stated that the issues lie with the Board of Elections and the United States Post Office. In her two years of researching this she went through the Buncombe County Board of Elections, the North Carolina State Board of Elections and Patrick McHenry's office. Commissioner Standaert recommended calling state representatives. Mr. Carmichael felt that it was paramount that the Buncombe County Emergency Services had the correct address in their mapping system and stated that he would follow up with this matter directly with them. Mrs. Grace Nichols had similar issues with a refrigerator she ordered several years ago. Commissioner Standaert asked Mr. Carmichael to check and see if people could call 911 to verify their address.

Adjournment

There being no further discussion, Commissioner Gilliland moved to adjourn the Public Forum Meeting. Commissioner Vinson seconded and the motion carried 5/0. The meeting was adjourned at 6:53 p.m.

**Montreat Board of Commissioners
Public Forum Minutes
October 12, 2017**

Tim Helms, Mayor

Angie Murphy, Town Clerk

**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:

Montreat Tree Board:

October 24, 2017, 7:00 p.m.
Town Services Building

Board of Adjustment:

October 26, 2017, 7:00 p.m.
Moore Center

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

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

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

MONTHLY POLICE STATISTICS REPORT

October	2017	2016	2015	2014	2013
Mileage	2565	3329	3415	2728	2826
Dispatched Calls	102	95	125	94	105
Officer-Initiated Calls	425	294	338	206	239
Fire/EMS Assistance Calls	11 F	6F 3E	9F 4E	8F 2E	2F 2E
Motorist/Other Assistance Calls	80	49	69	42	57
Traffic Stops	18	32	22	28	41
Parking Issues	4	11	5	4	10
Burglar/Fire Alarm Responses	5F 2B	6B 2F	1B 3F	5B 4F	2B 1F
Residential/Building Checks	227	265	250	253	125
Ordinance violations	7	10	12	12	15
LE Agency Assistance Calls	24	6	16	14	21
Animal Calls	3	2	5	4	7
Larcenies	3	0	0	0	0
B&E Calls	1	0	1	0	0
Suspicious Person/Vehicle Investigations	13V 4P	35V 6P	13V 12P	19V 13P	8V 4P
Disturbance Calls	22	5	2	7	3
Accident Responses	0	1	0	0	1
Auxiliary Hours Worked	32R 72T	32R 60T	32R 48T	32R 80T	32R 60O
Truck turns at gate	2	1	1	3	6

- Town service: 373
- MRA service: 155
- College service: 20

The month of October has been somewhat eventful for the department. The most significant event started on the evening of the 5th. An individual was the subject of a search in the area of Lookout Trail. Throughout the next twenty-eight hours; MPD in conjunction with elements from multiple agencies, attempted to locate and aid this individual. In the end, it was a successful operation. The department would like to recognize the following agencies for their much appreciated efforts:

Black Mountain Fire Department
 Black Mountain Police Department
 Skyland Fire Department (K9 Handler)
 Garren Creek Fire Department
 Fairview Fire Department
 Broad River Fire Department (3 K9 Handlers)
 West Buncombe Fire Department

In addition to these agencies, we would like to acknowledge some individuals. Jason Nanz and Tanner Pickett, of the MRA, were instrumental in their considerable knowledge of the area and terrain. They were some of the first personnel in the woods after sunrise. Also, Kerry Williams, of Williams K9 LLC. Mr. Williams is a specialized canine trainer in Black Mountain. He, and his

German Shepherd, Diesel; responded in very short order after being contacted. Everyone involved proved invaluable, and we extend heartfelt gratitude.

On a more pedestrian level, certain areas in town have been experiencing higher than usual levels of parking congestion. The department, along with administration and Public Works; have been in conversations with the MRA and Montreat College in order to address and generate solutions.

Also during the course of the month, we saw activity not often visited on this community. A subject was confronted and arrested on felony charges after breaking into a vehicle, and subsequent larceny.

And lastly, during a particularly heavy and sustained rainfall; MPD officers assisted Public Works in seeking potential flooding issues effecting roadways.

Notes:

- MPD would like to notify residents that 10/16/2016 was the start of Bear hunting season.
- MPD would like to thank all citizens for their support. We have two holiday seasons approaching, let work together to keep the community safe. Please be vigilant in notifying the Police Department of any suspicious activity.

November Town Meeting

Sanitation: Brush and leaf pickup still continues

**Brush and leaf pickup will be postponed on
November 22 to November 29 due to the
Thanksgiving holidays.**

**Streets: The crew has been cleaning up storm debris and
cleaning storm drains from the storm we had on Monday the
23 which we had 5 inches of rain in a short period of time.
During which we received road shoulder damage to
Mecklenburg and Louisiana Rd. Repair to the roads are
already under way.**

**Patching and curb repair have ended for the season due to the
weather and the asphalt plants slowing down production.**

**Road shoulder repair has begun around town please be aware
of the crew and machinery in the roadways .**

Water: We had one water leak this month

3in line in a well

Thank you

Angela Murphy

From: Mary Standaert
Sent: Thursday, October 26, 2017 4:12 PM
To: Alex Carmichael; Angela Murphy
Subject: Registration Card sent to Buncombe PCT 36.1 Voters Gives Incorrect Address for New Voting Location

Please include this e-mail in the agenda packet.

From: Mary Standaert <mstandaert@townofmontreat.org>
To: Jay Watson <jay@watsonlawpa.com>; Lucy Smith <lmsfrogs@gmail.com>; George Keller <gakeller@gakeller.com>; Trena Parker <trena.parker@buncombecounty.org>
Cc: Jeff Rose <jeffrey.e.rose@gmail.com>; Carl Mumpower <DrMumpower@aol.com>; Jake Quinn <jqsunset@gmail.com>; Patsy Gardin <pgardin@bellsouth.net>; Alex Carmichael <acarmichael@townofmontreat.org>
Sent: Monday, October 16, 2017 11:13 AM
Subject: Registration Card sent to Buncombe PCT 36.1 Voters Gives Incorrect Address for New Voting Location

Dear Mr. Watson, Mr. Keller and Mrs. Smith,

As members of the Buncombe County Board of Elections, I writing to inform you that the recently mailed voter registration card sent to voters in PCT 36.1 incorrectly states the physical address of the new voting location for the November 2017 elections.

The card lists the new Voting Location as:

Montreat Conference Center-Walkup Building
300 Community Center Circle
Black Mountain, NC 28711

There is no such physical address. The legal physical address is:

Montreat Conference Center-Walkup Building
300 Community Center Circle
Montreat, NC 28757

You may be aware this is not the first time this has happened. Action again needs to be taken by the BOE to ensure that the correct legal street address is provided to all voters.

At the October 12, 2017 meeting of the Montreat Town Council, members of the public expressed concern over this confusion.

We ask that this be resolved and efforts made to ensure that it does not occur yet again.

The citizens of PCT 36.1 look forward to your response and attention to this matter.



Contract No. 18-031

AGREEMENT BETWEEN
LAND OF SKY REGIONAL COUNCIL
and
TOWN OF MONTREAT
for the provision of
Technical Service Assistance

November 1, 2017 – June 30, 2018

This **AGREEMENT**, entered into on the _____ 2017, by and between the Land of Sky Regional Council of Governments (hereinafter referred to as the "Council") and the Town of Montreat, North Carolina (hereinafter referred to as the "Local Government"); **WITNESSETH THAT:**

WHEREAS, the Council is empowered to provide technical assistance by the North Carolina General Statutes and by resolution passed by the Council on April 17, 1972. Technical assistance shall consist of the provisions of services as described in Attachment A, which is herein made part of this Contract;

WHEREAS, the Local Government has requested the Council to provide such technical assistance to the Local Government and;

WHEREAS, the Council desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Personnel**

That during the period of this Contract, the Council will furnish the necessary trained personnel to the Local Government.

2. **Compensation**

That for the purpose of providing funds for carrying out this Contract, the Local Government will pay the Council a fee of \$25,596 (twenty-five thousand, five hundred and ninety-six dollars) during the period beginning November 1, 2017 and ending June 30, 2018. These fees will be billed in nine equal monthly payments of \$2,844.00 (two thousand, eight hundred and forty-four dollars).

3. **Travel/Printing**

The Local Government will pay for additional expenses related to conferences, conventions, seminars, local travel, etc. of the personnel when the Local Government requests or approves travel related to the Local Government's planning program, or if it is beneficial to both parties, the costs will be shared on an agreed-upon ratio. The Local Government will also pay for expenses related to printing of report(s), mailings to advisory boards, and other costs not related to normal staffing costs associated with personnel furnished by the Council.

Land of Sky Regional Council will pay for expenses related to training, certifications, and educational opportunities as approved and of benefit to the region, council and staff.

4. **Termination/Modifications**

The Local Government or Council may terminate the contract by giving a thirty-day written notice to the other entity. Furthermore, if there is a need to amend the proposal outlined in Attachment A, either party may do so with the written consent of the other.

5. **Time of Performance**

The Council shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning November 1, 2017 and ending June 30, 2018.

6. **Changes**

The Local Government may from time to time request changes in the scope of work or services to be performed by the Council hereunder. Such changes, including any increases or decreases in the Council's compensation, which are mutually agreed upon by and between the Local Government and Council, shall be incorporated as written amendments to the Contract.

7. **Interest of Members, Officers, or Employees of the Council, Members of the Local Government, or Other Public Officials**

No member, officer, or employee of the Council or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his or her tenure or for one year thereafter, shall have any financial interests, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interests in the program. The Council shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.

8. **Nondiscrimination Clause**

No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded in whole or in part with funds available under the Housing and Development Act of 1974, Section 109.

9. **Age Discrimination Act of 1975, as amended**

No qualified person shall on the basis age be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives benefits from federal financial assistance.

10. **Section 504, Rehabilitation Act of 1973, as amended**

No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

11. **E-Verify Provision**

Pursuant to G.S. 143-48.5 and G.S. 147-33.95(g), the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system. E-Verify System Link: www.uscis.gov

Town of Montreat

Land of Sky Regional Council

By: _____

By: _____

Title: Town Administrator

Title: Executive Director

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____, Finance Officer Date _____

ATTACHMENT A

TOWN OF MONTREAL
TECHNICAL PLANNING ASSISTANCE:

NOVEMBER 1, 2017 – JUNE 30, 2018
WORK PROGRAM / BUDGET

The following work program and budget are presented as descriptive of the work and dollar amounts called for in the agreement concerning planning activities by the Land of Sky Regional Council of Governments for the Town of Montreal. The product(s) of the planning activities shall be:

WORK PROGRAM

1. Code Administration

Assistance in the administration of the Town's Code Enforcement, Zoning Ordinance and Subdivision Regulations will be provided. Planning advice and staff memoranda and recommendations will be provided to the Town Council, Town Administrator, Attorney, Planning Board, and Board of Adjustment. Some examples of duties include staff administration of zoning permits, rezoning applications and hearings, Board of Adjustment applications and hearings, site plan reviews, and subdivision reviews.

2. Other Duties as Directed by Town Administrator

It is understood that priority changes and/or substitutions may be made by the Town Administrator as needed to include work in such areas as floodplains, extraterritorial zoning, or other planning-related topics, not to exceed the dollar/time/travel amount of this contract.

BUDGET

The contract budget includes salary, fringe benefits, and indirect costs – totals \$25,596 to be billed in nine equal payments of **\$2,844.00** starting November 1, 2017.

The contract budget does not include travel for conferences or other purposes that may arise.



Fax – (406) 651-0120

**Proposal Number
51671**

Please reference the Proposal
Number above on all Purchase
Orders issued

Scope of Work - In-Service Clean & Inspect

This Potable Water System Proposal is made this date, by and between **Town of Montreat** of the state of **North Carolina**, (hereinafter "Client") and **Liquid Engineering Corporation, of Billings, MT**, (hereinafter "LEC"). LEC will provide all labor, specialty equipment and insurance to professionally evaluate your facilities.

In-Service Inspection

Interior and exterior inspections will review structural, sanitary, safety, security and any installed coating conditions. Reporting will be provided based on water tank inspection criteria, referencing applicable OSHA, EPA, AWWA, TCEQ and NFPA requirements. Minimum items examined will include ladders, shell, roof, vent, manways, welds, seams, foundation, anchors, safety systems, hatches, external overflow and plumbing.

Underwater interior video documentation will be completed with real-time closed circuit high-resolution color underwater video equipment. All pertinent findings will be recorded on DVD format (including dive maintenance technician's findings and narrative summary).

Services will include detailed interior video documentation of the potable water tank(s) / clearwell(s) as described on page two (2).

Underwater Operations – All Dive Maintenance Technicians and associated in-tank equipment are fully disinfected in accordance with AWWA Standard C652-02. All system entries will be conducted in accordance with applicable OSHA regulations pertaining to Diving and Confined Space; including 1910.401 thru 1910.441. Specialty equipment may include but is not limited to; appropriate OSHA climbing and personal fall protection, AWWA and ADC approved commercial diving equipment dedicated to in-service potable water operations.

In-Service Cleaning

In-service removal of accumulated bottom sediment is accomplished using LEC's proprietary HydroDyne™ cleaning equipment. Normal cleaning prices provided include removal of sediment accumulations up to the first three inches (3") in depth or cubic yards given on reservoir information breakout.¹ Material that cannot be vacuumed with LEC's HydroDyne™ (e.g., concrete, gravel, misc. materials or compact sediment requiring the use of a hand nozzle), is considered debris. Cleaning includes up to one hour of debris removal per tank at no additional charge.²

For normal cleaning operations client shall make available an approved discharge location (sewer, cofferdam, etc.) within 300' of the reservoir access hatch. (Site-specific discharge recommendations can be provided by LEC upon request).

Deliverable – Prioritization Schedule

The deliverable provided on site will consist of LEC's on site report, summary recommendations and Immediate Needs Assessment™, which documents discrepancies that require urgent action, and is supplemented by the interior DVD documentation.

If requested, within approximately 45 days of completion of the onsite work, LEC's formal report will be delivered. This additional documentation will include a comprehensive listing of all discrepancies found, with corresponding photos and recommendations provided by LEC's specialists. Any cost estimates provided are estimated based on services provided by LEC and its specialists. This report will be delivered in the form of a digital PDF document. If a bound hard copy is requested, additional costs may apply. Costs for this bound report, without a professional engineers stamp are given on page 3. If necessary, reports can be signed and stamped by a licensed professional engineer for an additional charge.



Proposal Number
51671

Please reference the Proposal
Number above on all Purchase
Orders issued.

Assumptions - Based upon information obtained via the systems interview conducted for your facility, the following assumptions were made. Should conditions vary from those stated, additional charges could apply.

- Prior to arrival, and during underwater operations, water level in tanks/clearwells to remain full.³
- Client's Point-of-Contact will be available for access, as well as authorization of any additional requested work.
- Facilities are accessible with LEC's standard truck/trailer combo (overall length – Crew Cab = 23' / Trailer = 22').⁴
- Access into tanks/clearwells are sufficient for man entry (i.e. 24" dia), with no obstructions in the hatchway.
- Exterior inspections will be performed from the ground, installed ladders, and exterior roof while utilizing installed ANSI & OSHA-certified personal fall protection equipment, without additional scaffolding or rigging.
- There are no special discharge requirements (i.e. long distances / permits).

Miscellaneous

All services provided by LEC will be completed in a professional workmanlike manner according to the Terms and Conditions of this Proposal. Any alteration or deviation from the Terms and Conditions of this Proposal, or additional services, involving additional costs, will be completed only upon written authorization by Client or Client's Authorized Representative.

This Proposal is contingent upon weather, delays or other matters beyond LEC's control. Client will carry fire, tornado, and other necessary insurance. LEC will provide all other required insurance coverage, including, but not limited to, General Liability, Employer Liability and Workmen's Compensation Insurance during all operations (certificate of insurance available upon request).

Reservoir Information

<u>Tank</u>	<u>Capacity</u>	<u>Dimensions</u>	<u>Type</u>	<u>Cubic Yards Included</u>
No. 1	100,000	25' high x 26' dia	Steel welded – o/g	4.5 (3 inches)
No. 2	500,000	35' high x 49' dia	Steel welded – o/g	16.5 (3 inches)



**Proposal Number
51671**

Please reference the Proposal
Number above on all Purchase
Orders issued.

Costing

Cleaning / Inspection & On-Site Reporting Sub-Total	\$ 3,335.00
Community Discount (If all work is completed with other locally scheduled work)	(\$ 345.00)
Cleaning / Inspection & On-Site Reporting (after discount)	\$ 2,990.00

Pricing above does not include Local, State or Franchise Taxes - if any.

RIDERS – Additionally Requested Services

(Billed upon completion, as necessary and requested)	Initial	
Digital Formal Report (As described on page 1 of proposal) (This is a per tank cost)		\$ 300.00 / tank
(Digital Formal Report Payment Terms: Due Upon Receipt)		

Pricing above does not include Local, State or Franchise Taxes - if any.

(Prior written approval will be obtained from Client's Authorized Representative for any additional charges outside the Scope described herein).

1. Bottom sediment in excess of three inches or cubic yards stated above will be removed at \$42.00 per cubic yard.
2. Debris removal in excess of one hour per tank will be charged at a rate of \$425.00 per hour.
3. Unscheduled delays, which are a direct result of the utility's obligations (i.e. access and water level), may incur standby charges.
4. Access requiring portable set-up (i.e. truck only), will incur an additional setup/tear-down charge.

This Proposal, when executed by both parties, shall constitute a binding agreement between the parties. The persons signing on behalf of Client and LEC hereby represent and certify that they are fully empowered to bind the respective parties to this Contract. Client acknowledges that payment for onsite work is due and payable **Net 30 upon completion of on site work. Payment for the Digital Formal report(s) is due upon receipt.** Progress billing will be applied on any contract whose duration is longer than ten (10) days. A finance charge on past-due accounts is computed at a periodic rate of 1.5% per month, which is an annual percentage rate of 18%.

In the event Liquid Engineering Corporation is required to bring suit to enforce its rights under this Agreement, to collect any and all payments due and owing under this Agreement, or to otherwise determine, protect or enforce its rights and remedies under the Agreement or at law or equity, Liquid Engineering Corporation will be entitled to recover from the client its reasonable attorney's fees, expert fees, costs and expenses incurred in connection therewith.

Town of Montreat
P. O. Box 423
Montreat, NC 28757

LIQUID ENGINEERING CORPORATION
P.O. Box 80230
Billings, MT 59108
(800) 438-2187 Voice / (406) 651-0120 Fax

Accepted & Agreed per Costing Breakdown
Attached hereto and by Reference Included herein

By: _____

By:  - Fred Muller

Title: _____

Title: **Vice President - Operations**

Date: _____

Date: **October 11, 2017**

Note: This proposal may be withdrawn if not accepted within 90 days from the above LEC signature date.

**TOWN OF MONTREAT BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION**

Meeting Date: October 12, 2017

SUBJECT: Authority for Electronic Bidding Advertisements

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E
Department: Administration
Contact: Alex Carmichael
Presenter: Alex Carmichael

BRIEF SUMMARY: G.S. 143-129 requires counties and cities to advertise opportunities to bid on contracts for construction or repair, for the purchase of apparatus, supplies, materials, and equipment, within the formal bid thresholds. The advertisement must list the date, time, and location of the bid opening, identify where specifications may be obtained, and contain a statement that the board reserves the right to reject any or all bids. For construction projects, the advertisement may also contain information about contractor licensing requirements that apply to the project.

The statutes requires the advertisement to be published in a newspaper of general circulation within the given county or city, unless the governing board approves the use of electronic advertising for bidding opportunities instead of published notice. The board may authorize electronic advertisement for bids for particular contracts of in general.¹

Legal advertisements in the Black Mountain News can cost in excess of \$100 per advertisements.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Move to approve electronic notice of bidding opportunities as authorized by G.S. 143-129

FUNDING SOURCE: The advertisement budget was adopted through the FY 17/18 Budget Ordinance adopted in June. Though sufficient funds for the advertisement of bidding opportunities are available, electronic bidding offers cost savings in excess of \$100 per advertisement.

ATTACHMENTS:
G.S. 143-129 excerpt

¹ Source: Houston, N. In Bluestein (Ed.) *County and Municipal Government in North Carolina*, Second edition 2014.

ADMINISTRATOR’S COMMENTS AND RECOMMENDATIONS:

§ 143-129. Procedure for letting of public contracts.

(a) **Bidding Required.** - No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars (\$500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars (\$500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) **Advertisement and Letting of Contracts.** - Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith