

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
October 12, 2017 – 6:30 p.m.  
Walkup Building**

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**I. Call to Order**

- Welcome
- Moment of Silence

**II. Agenda Adoption**

**III. Public Comments**

**IV. Adjournment**

**Town of Montreat  
Board of Commissioners  
Town Council Agenda Meeting  
October 12, 2017 – 7:00 p.m.  
Walkup Building**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Presentations and Reports**

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

**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

B. Proclamation Adoption

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

***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
- Building Inspector/Code Administrator - pending

**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. Proposed Rezoning of Florida Terrace

- **Suggested Motion:** Move 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.

**X. New Business**

A. Appointment of Everett Culpepper to Board of Adjustment

- **Suggested Motion:** To move to appoint Everett Culpepper to the Board of Adjustment for a term of two years to expire on January 31, 2019.

B. Authorization for the Sale of Public Property on Florida Terrace

**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**

October Town Council Meeting:

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

Montreat Tree Board:

October 24, 2017, 9:30 a.m.  
Town Services Building

Board of Adjustment:

October 26, 2017, 7:00 p.m.  
Moore Center  
Thompson Brown Meeting Room

Bulk Pick-Up:

October 31, 2017

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

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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

**IV. Closed Session: 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 and §143-318.11(6) for discussion of a personnel matter and approval of 2016 Closed Session Minutes.**

**V. Adjournment**





**TOWN OF MONTREAT  
REAL ESTATE MARKET ANALYSIS  
FLORIDA TERRACE  
PIN: 0720-16-4118-00000  
October 10, 2017**

The Florida Terrace parcel owned by the Town of Montreat currently consists of three sub lots – 387, 388 & 389 (.776 acres more or less) as platted in the 1935 Wiswall Survey for Mountain Retreat Association and more recently resurveyed for the Town in 2013 by High Country Surveyors Inc.

It is impractical to market the three nonconforming sub lots of the Florida Terrace parcel individually. If approximately divided in half, the entire 0.78-acre parcel may be recombined into two conforming lots that will provide adequate area for construction of a residential structure to be constructed on each of the resultant properties. The two .39 acre residential building lots are more marketable than a single and more expensive parcel but we cannot rule out the possibility of a combination purchase to a single buyer.

There are currently 14 residential land parcels available for sale in the Town of Montreat with list prices ranging from \$49,000 to \$395,000 – see attached list ACTIVE. If we 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. 1341 Westminster Road (.27 ac.) at \$75,000 and 135 Maryland Place (.25 ac.) at \$85,000 – see attached list CLOSED. The average closed sale price is \$307,000 per acre.

For comparison sake there are currently 21 homes listed for sale and in the past 12 months there have been 18 homes that have sold – attached.

My recommendation is to immediately survey and record a subdivision of the property into 2 equal parcels and then to market them to residential consumers between the “average” market listing price and the “average” selling price per acre.

I would appreciate the opportunity to present our marketing proposal to list and sell this property of the Town of Montreat.

Scott Browne  
[sbrowne@kw.com](mailto:sbrowne@kw.com)  
(828) 230-6580





Listings as of 10/08/17 at 9:20 am

## Land Property Single Line

Status is one of 'Active', 'Under Contract-Show' City is 'Montreat' County Or Parish is 'Buncombe'

MLS #	Status	Type	Address	City	Acres	Subdivision	Zone	Subdivide	Price	Water	Sewer
3264811	ACT	Lot	212 Harmony Lane	Montreat	.41	Mountain Retreat	R-1	No	\$49,000	City Water	City Sewer
3299520	ACT	Lot	tbd Westminster Road	Montreat	.24	none	R-1		\$75,000	City Water, Conne	City Sewer, Tap F
3249772	ACT	Lot	324 Texas Road #513E	Montreat	.16	Mountain Retreat	R-2		\$80,000	City Water	City Sewer
3190946	ACT	Lot	.53 acre Maryland Place	Montreat	.43	none	R-1		\$84,500	City Water, None	Community Sewe
NCM583361	ACT		xxx Kentucky Road	Montreat	.25	None	RES		\$84,900	None	None
3135417	ACT	Lot	540 Peace Lane #671	Montreat	.26	Mountain Retreat	R-1	No	\$89,500	City Water	City Sewer
NCM559127	ACT	Lot	663 lot Kentucky	Montreat	.24	Mountain Retreat	RES		\$89,500		Community Sewe
3198996	ACT	Lot	TBD Mecklenburg Circle #Sub lot 13	Montreat	.29	Mountain Retreat	R-1	No	\$99,800	City Water, Conne	City Sewer, Tap F
3155480	ACT	Lot	99999 John Knox Road #9	Montreat	.42	None	R-1		\$105,000	County Water	County Sewer
NCM556703	ACT	Lot	000 Maryland Place	Montreat	.25	Mountain Retreat	R-1		\$130,000		City Sewer
NCM537775	ACT		lot 487 Maryland Place	Montreat	.25	Mountain Retreat	R-1		\$130,000		City Sewer
3304474	ACT	Lot	tbd Greybeard Trail	Montreat	.94	none	R-1		\$149,000	None	None
3247151	ACT	Lot	286 Chapman Road #5B	Montreat	1.34	Vista At Montreat	R-1	No	\$175,000	City Water	City Sewer
3245442	ACT	Lot	282 Chapman Road #4	Montreat	1.67	Vista At Montreat	R-1	No	\$395,000	City Water	City Sewer

Presented By: Scott Browne

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Listings as of 10/08/17 at 9:24 am

## Land Property Single Line

Status is one of 'Closed', 'Expired', 'Withdrawn' Status Contractual Search Date is 10/08/2017 to 10/08/2016 City is 'Montreat' County Or Parish is 'Buncombe'

MLS #	Status	Type	Address	City	Acres	Subdivision	Zone	Subdivide	Price	Water	Sewer
3324720	CLOSD	Lot	Lot 1341 Westminster Road	Montreat	.27	Mountain Retreat	R-1		\$75,000	City Water	County Sewer
3201705	CLOSD	Lot	135 Maryland Place	Montreat	.25	Mountain Retreat	R-1	No	\$85,000	City Water	City Sewer
3169475	EXP	Lot	TBD Westminster Road	Montreat	.30	None	R-1	No	\$69,900	City Water	City Sewer
3123279	EXP	Lot	xx Calvin Trail #737	Montreat	.40		R-1		\$135,000	None	Community Sewe
3131313	EXP	Lot	xxx Westminster None	Montreat	.63	Mountain Retreat	RES		\$149,000	None, Other-see M	Other-see Media/
NCM586902	EXP		.94 acre Greybeard Trail	Montreat	.94	None	R-1		\$149,000	None	City Sewer, None
NCM526151	WITH	Lot	TBD South Carolina Terrace #Spur	Montreat	.25	Mountain Retreat	RES		\$65,000	City Water, Conne	City Sewer, Tap F
3247078	WITH	Lot	284 Chapman Road #5A	Montreat	1.11	Vista At Montreat	R-1	No	\$175,000	City Water	City Sewer

Presented By: Scott Browne

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Listings as of 10/08/17 at 9:13 am

## Residential Property Single Line

Status is one of 'Active', 'Under Contract-Show' Property Type is 'Single Family' City is 'Montreat' County Or Parish is 'Buncombe'

MLS #	Status	Cat	Type	Address	City	Beds	Baths	Price	HLA	Subdiv/Complex	Yr Built
3220637	ACT	SFR	1.5 Story/Basement	416 South Carolina Terrace	Montreat	5	2/1	\$250,000		Mountain Retreat	1915
3315536	ACT	SFR	1 Story/Basement/F.R.O.G.	216 Alabama Terrace	Montreat	1	1/0	\$289,000	1,108	None	1921
3235080	ACT	SFR	2 Story/Basement	396 South Carolina Terrace	Montreat	4	3/0	\$306,000	1,949	None	1921
3285373	UCS	SFR	1 Story Basement	104 John Knox Road	Montreat	2	3/0	\$320,000	2,007	Mountain Retreat	1986
3309599	UCS DDP	SFR	1 Story	161 Mississippi Road	Montreat	3	2/0	\$329,000	1,490	Mountain Retreat	1955
3265803	UCS	SFR	1.5 Story	152 Woodland Road	Montreat	3	3/0	\$369,900	1,704	None	1957
3291868	ACT	SFR	1.5 Story	123 Kanawha Drive	Montreat	4	3/0	\$375,000	2,028	Mountain Retreat	1982
3260180	ACT	SFR	2 Story	123 Eastminster Terrace	Montreat	4	2/0	\$383,000	1,560	The Rainbow	1986
3276136	ACT	SFR	1.5 Story	423 Appalachian Way	Montreat	5	4/0	\$399,000	2,207	none	1994
3327080	ACT	SFR	1 Story	130 Kanawha Drive	Montreat	3	3/0	\$429,000	2,320	Mountain Retreat	1967
3235383	ACT	SFR	1.5 Story/Basement	141 Holston Lane	Montreat	5	5/1	\$445,000	4,241	Mountain Retreat	1988
3285406	ACT	SFR	1.5 Story/Basement	108 John Knox Road	Montreat	4	3/0	\$450,000	2,340	Mountain Retreat	1988
3270122	UCS DDP	SFR	1 Story Basement	432 Appalachian Way	Montreat	5	3/1	\$469,500	2,944	None	1998
3317644	ACT	SFR	2 Story/Basement	158 Virginia Road	Montreat	6	4/1	\$489,000	2,777	None	1902
3255114	UCS DDP	SFR	2 Story/Basement	206 Harmony Lane	Montreat	3	4/0	\$495,000	2,791	none	1986
3271562	ACT	SFR	2 Story/Basement	144 Shenandoah Terrace	Montreat	4	4/0	\$599,000	2,500	The Rainbow	1989
3269011	ACT	SFR	1.5 Story/Basement	110 John Knox Road	Montreat	4	3/1	\$625,000	2,479	none	1986
3169016	ACT	SFR	2 Story	166 Texas Road	Montreat	3	3/1	\$750,000	3,091	The Rainbow	1990
3169014	ACT	SFR	2 Story/Basement	167 Virginia Road	Montreat	7	5/3	\$780,000	4,185	Mountain Retreat	1927
3277138	ACT	SFR	2 Story/Basement	122 Shenandoah Terrace	Montreat	4	3/0	\$995,000	3,108	The Rainbow	2006

Presented By: Scott Browne

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Information deemed reliable but not guaranteed.



Listings as of 10/08/17 at 9:16 am

## Residential Property Single Line

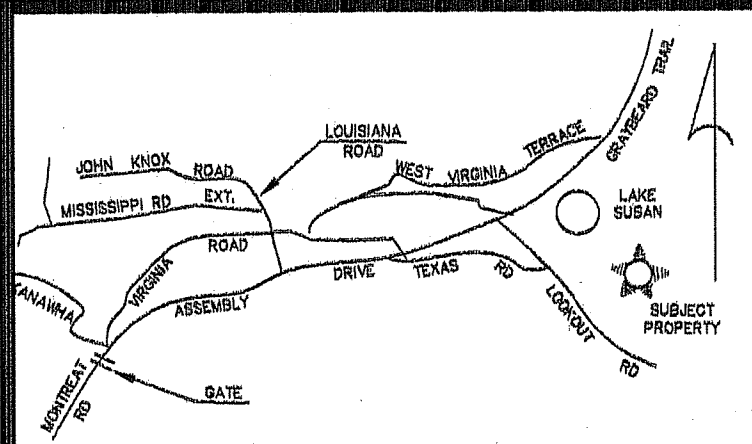
Status is one of 'Closed', 'Expired', 'Withdrawn' Status Contractual Search Date is 10/08/2017 to 10/08/2016 Property Type is 'Single Family' City is 'Montreat' County Or Parish is 'Buncombe'

MLS #	Status	Cat	Type	Address	City	Beds	Baths	Price	HLA	Subdiv/Complex	Yr Built
3285408	CLOSD	SFR	2 Story/Basement	125 Kanawha Drive	Montreat	4	4/0	\$570,000	3,595	Mountain Retreat	1974
3272254	CLOSD	SFR	1.5 Story/Basement	99 Westminster Drive	Montreat	5	3/0	\$475,000	2,216	Mountain Retreat	1979
3275011	CLOSD	SFR	1 Story Basement	426 Kentucky Road #331	Montreat	4	2/0	\$260,000	908	None	1926
3183459	CLOSD	SFR	1.5 Story/Basement	308 Texas Road	Montreat	4	3/0	\$415,000	2,118	none	1914
3283745	CLOSD	SFR	1.5 Story	131 Virginia Avenue	Montreat	2	2/0	\$335,000	849	none	1935
3193876	CLOSD	SFR	1 Story Basement	103 Mecklenburg Circle	Montreat	5	3/0	\$429,500	2,294	Mountain Retreat	1968
3277496	CLOSD	SFR	1 Story	152 Virginia Road	Montreat	2	2/0	\$255,000	1,170	None	1907
3245165	CLOSD	SFR	1.5 Story/Basement	108 Mississippi Road Ext None	Montreat	4	4/0	\$519,000	2,540	Mountain Retreat	2000
3152307	CLOSD	SFR	1.5 Story/Basement	93 Kanawha Drive	Montreat	5	3/1	\$368,600	2,751	Mountain Retreat	1967
3183048	CLOSD	SFR	1.5 Story/Basement	340 Texas Road	Montreat	5	2/1	\$315,000	1,710	none	1921
3217147	CLOSD	SFR	2 Story/Basement	112 Kanawha Drive	Montreat	4	3/0	\$555,000	3,324	Mountain Retreat	1963
3168893	CLOSD	SFR	1 Story Basement	131 Mecklenburg Circle	Montreat	3	2/0	\$362,000	1,892	none	1965
3142076	CLOSD	SFR	1 Story Basement	152 Maryland Place #1422	Montreat	5	5/0	\$525,000	4,344	none	1986
3199282	CLOSD	SFR	2.5 Story/Basement	207 Hanover Terrace	Montreat	6	4/1	\$310,000	2,678	none	1988
3235112	CLOSD	SFR	1 Story Basement	185 Mississippi Road	Montreat	4	2/0	\$360,000	1,744	Mountain Retreat	1959
3129301	CLOSD	SFR	1.5 Story/Basement	103 Shenandoah Terrace #1407	Montreat	5	4/1	\$508,800	2,794	none	2002
3135142	CLOSD	SFR	2 Story	390 Oklahoma Road	Montreat	5	4/1	\$381,000	3,344	None	1956
3230024	CLOSD	SFR	1 Story Basement	156 Woodland Road	Montreat	2	1/0	\$237,500	878	Mountain Retreat	1938
3233529	EXP	SFR	1 Story	130 Kanawha Drive	Montreat	3	3/0	\$455,000	2,160	Mountain Retreat	1967
3158696	EXP	SFR	1.5 Story/Basement	141 Holston Lane #1239	Montreat	5	5/1	\$519,000	3,676	Mountain Retreat	1988
3179132	EXP	SFR	2 Story/Basement	158 Virginia Avenue	Montreat	6	4/1	\$525,000	2,907	Mountain Retreat	1902
3229979	WITH	SFR	1 Story Basement	202 Tennessee Road	Montreat	5	3/0	\$425,000	2,338	Mountain Retreat	1960
3219544	WITH	SFR	2 Story	533 Magill Drive #533	Montreat	4	2/0	\$499,000	1,748	Mountain Retreat	1907
3119328	WITH	SFR	1.5 Story/Basement	108 Mississippi Road Extension	Montreat	4	4/0	\$519,000	2,540	Mountain Retreat	2000
3291766	WITH	SFR	2 Story/Basement	158 Virginia Avenue	Montreat	6	4/1	\$525,000	2,907	Mountain Retreat	1902
3198157	WITH	SFR	1.5 Story	128 Kanawha Drive	Montreat	4	3/0	\$540,000	2,229	Mountain Retreat	2004
NCM580986	WITH	SFR	1 Story Basement	432 Appalachian Way	Montreat	5	3/1	\$549,900	3,158	None	1998
3176751	WITH	SFR	2 Story/Basement	122 Shenandoah Terrace	Montreat	4	3/0	\$1,095,000	4,895	None	2004

Presented By: Scott Browne

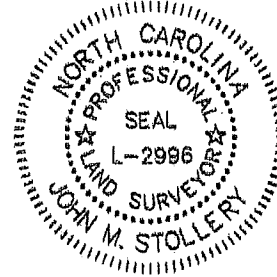
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Information deemed reliable but not guaranteed.

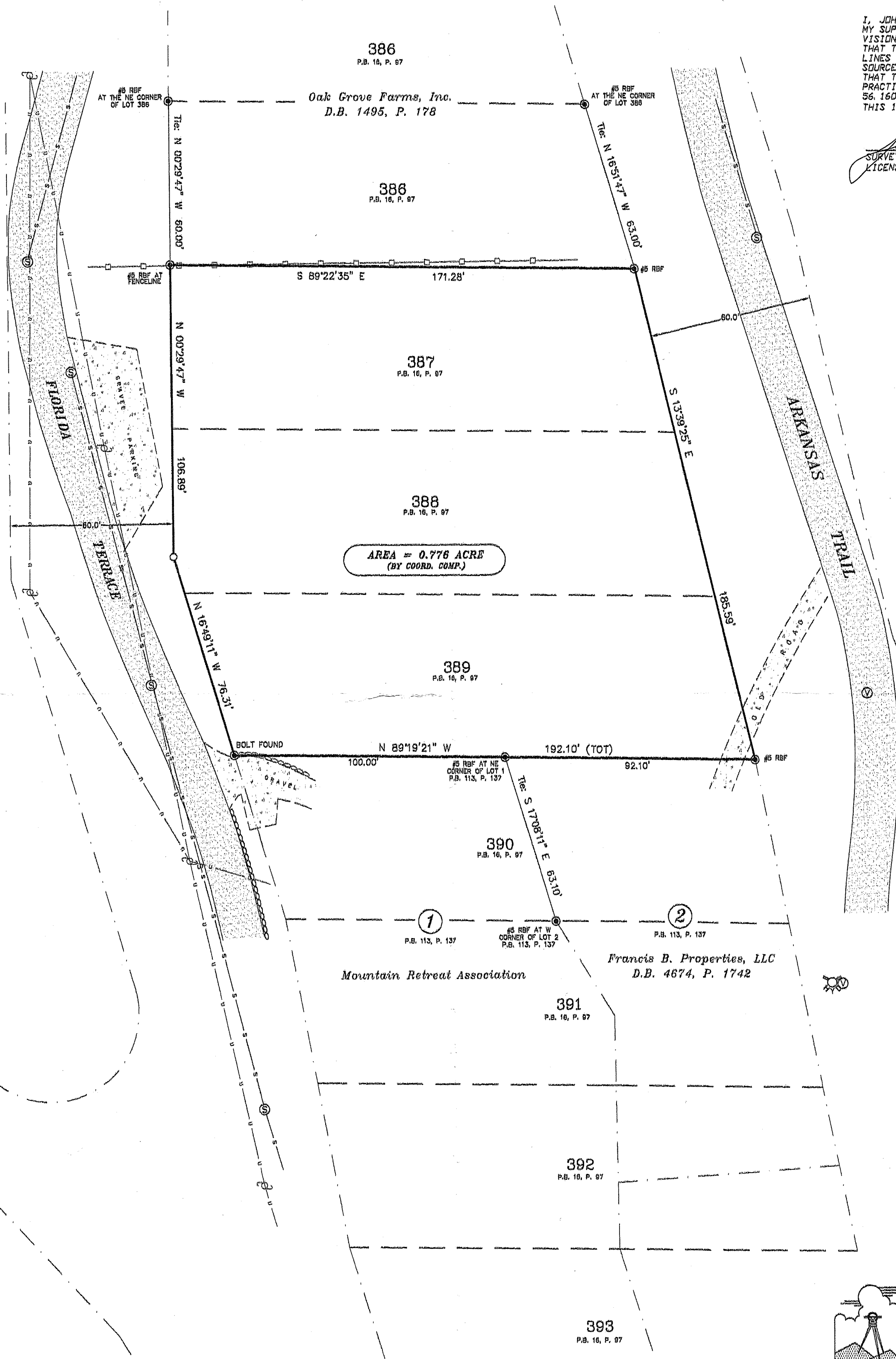


LOCATION MAP

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 4993, P. 1649); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES AS DRAWN FROM INFORMATION FOUND IN OTHER REFERENCE SOURCES; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).  
THIS 1st DAY OF AUGUST, 2013.



*John M. Stollery*  
SURVEYOR  
LICENSE NUMBER L-2996



LEGEND

- CMF. CONCRETE MONUMENT FOUND
- IPF. IRON PIN FOUND
- IPS. IRON PIN SET (W/ ID CAP)
- MNF. MAGNETIC NAIL FOUND
- MNS. MAGNETIC NAIL SET
- CNF. CONCRETE NAIL FOUND
- CNS. CONCRETE NAIL SET
- CPD. CALCULATED POINT-NOT SET
- FH. FIRE HYDRANT
- UL. UTILITY POLE & LINES
- W. UNDERGROUND WATER LINE
- ES. ELECTRIC STUB
- GM. GAS METER
- EM. EXISTING MANHOLE & SEWERLINE
- CD. CLEAN OUT
- WV. WATER VALVE
- TAM. TELEPHONE ACCESS MANHOLE
- W. WELL
- CP. CABLE PEDESTAL
- CB. CATCH BASIN / STORM DRAIN
- TR. TRANSFORMER BOX
- HP. HEAT PUMP
- PT. PROPANE TANK (BURIED)

NOTES

1. THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, PREVIOUS CONVEYANCES, OR ANY OTHER FACTS THAT MAY BE DISCLOSED BY A TITLE EXAMINATION.
2. BASIS OF BEARING: P.B. 113, P. 137.
3. UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES, IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOC. WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
4. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
5. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 5700072000J DATED 01.06.2010.
6. THIS PROPERTY IS ZONED I-R PER THE TOWN OF MONTREAT ONLINE MAP. SETBACKS - FRONT: 25', REAR: 25', SIDE: 12'. SEE SEC. 704 OF THE MONTREAT ZONING ORDINANCE FOR FURTHER REQUIREMENTS.
7. THIS PLAT IS OF AN EXISTING PARCEL OF LAND.

FILE COPY

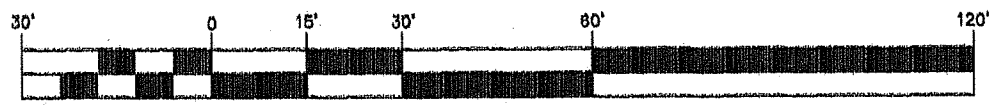
SURVEY FOR:

**TOWN OF MONTREAT**

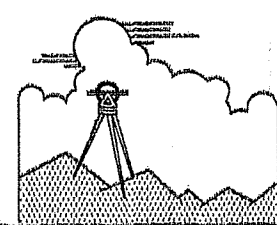
P.I.N. 0720-16-4118

Town of Montreat, Buncombe County, NC

1 inch = 30' ft. AUGUST 1, 2013



REFERENCES: DEED BOOK 4993, PAGE 1649  
PLAT BOOK 16, PAGE 97  
PLAT BOOK 113, PAGE 137



**HIGH COUNTRY SURVEYORS, INC.**  
117-D CHERRY STREET, BLACK MOUNTAIN, NC 28711 (828) 664-0091  
WWW.HIGHCOUNTRYSURVEYORS.NET CRP. LICENSE NUMBER C-1854



1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

There are no delinquent taxes that are a lien on the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.

10-31-2013  
Date

Tax Collector



Doc ID: 025822300003 Type: CRP  
Recorded: 10/31/2013 at 09:18:07 AM  
Fee Amt: \$476.00 Page 1 of 3  
Revenue Tax: \$450.00  
Workflow# 0000193627-0004  
Buncombe County, NC  
Drew Reisinger Register of Deeds

BK 5159 PG 190-192

### NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 450.00

Parcel Identifier No. 0720-16-4118 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Susan Taylor Rash - Adams Hendon Carson Box # 1

This instrument was prepared by: Aceto Law Office, P.A. on behalf of Grantee without title search

Brief description for the Index: \_\_\_\_\_

THIS DEED made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between

**GRANTOR**  
Florida Terrace LLC, a Georgia  
Limited Liability Company

2929 Howell Mill Road NW  
Atlanta, GA 30327

**GRANTEE**  
Town of Montreat, a North Carolina  
Municipal Corporation

PO Box 423  
Montreat, NC 28757

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Montreat, Black Mountain Township, Buncombe County, North Carolina and more particularly described as follows:

See Attached

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_\_ page \_\_\_\_\_.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010  
Printed by Agreement with the NC Bar Association



TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Florida Terrace LLC (SEAL)  
 By: William A. Mitchell, JR. Print/Type Name: \_\_\_\_\_  
 Print/Type Name & Title: Member/Manager Print/Type Name: \_\_\_\_\_  
 By: \_\_\_\_\_ (SEAL)  
 Print/Type Name & Title: Member/Manager Print/Type Name: \_\_\_\_\_  
 By: \_\_\_\_\_ (SEAL)  
 Print/Type Name & Title: \_\_\_\_\_ Print/Type Name: \_\_\_\_\_

State of Georgia - County or City of Cobb  
 I, the undersigned Notary Public of the County or City of Cobb and State aforesaid, certify that William A. Mitchell, JR. personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29 day of October, 2013.  
 My Commission Expires: 1-16-17  
 (Affix Seal) Kathleen M. Lex Notary Public  
Kathleen M. Lex Notary's Printed or Typed Name

State of Georgia - County or City of Buncombe  
 I, the undersigned Notary Public of the County or City of Buncombe and State aforesaid, certify that William A. Mitchell, JR. personally came before me this day and acknowledged that he is the Member/Manager of Florida Terrace LLC, a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 29 day of October, 2013.  
 My Commission Expires: 1-16-17  
 (Affix Seal) Kathleen M. Lex Notary Public  
Kathleen M. Lex Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_  
 I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_  
 Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 My Commission Expires: \_\_\_\_\_  
 (Affix Seal) \_\_\_\_\_ Notary Public  
 \_\_\_\_\_ Notary's Printed or Typed Name

3

**North Carolina General Warranty Deed from  
Florida Terrace, LLC, to  
Town of Montreat**

**Exhibit A**

BEING all of Lots 387, 388 and 389 as shown on the Map of Montreat recorded in Plat Book 16 at Page 97 in the Office of the Register of Deeds for Buncombe County, North Carolina, said lots being more particularly described as follows:

BEGINNING at an iron pin located in the eastern margin of Florida Terrace at the southwest corner of Lot 386 and northwest corner of Lot 387 as shown on the above-referenced plat and from said Beginning point thus established South 89° 22' 35" East 171.28 feet to an iron pin in the western margin of Arkansas Trail located at the southeastern corner of Lot 386 and the northeastern corner of Lot 387; thence with the western margin of Arkansas Trail South 13° 39' 25" East 185.59 feet to an iron pin at the southeast corner of Lot 389 and the northeast corner of Lot 390 as shown on the above-referenced plat; thence North 89° 19' 21" West 192.10 feet to an iron pin located in the eastern margin of Florida Terrace at the northwestern corner of Lot 390 and the southwestern corner of Lot 389; thence with the eastern margin of Florida Terrace North 16° 49' 11" West 76.31 feet to a point; thence North 00° 29' 47" West 106.89 feet to the point and place of Beginning. BEING 0.776 acres as shown on the survey for the Town of Montreat by High Country Surveyors dated August 1, 2013 (drawing no. 2013-150).

BEING all of the same property described in the General Warranty Deed from Montreat College to Florida Terrace, LLC, dated June 22, 2012, and recorded June 25, 2012, in Deed Book 4993 at Page 1649. Reference is also made to a consent to sale by Mountain Retreat Association recorded in Record Book 4998 at Page 481 and to a consent to sale by Mountain Retreat Association and a Waiver and Termination of Option by Montreat College recorded contemporaneously herewith.

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

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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 15<sup>th</sup>.
- 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**

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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.

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Tim Helms, Mayor

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Angela Murphy, Town Clerk

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

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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.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk



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

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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**

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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**

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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.

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Tim Helms, Mayor

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Angela Murphy, Town Clerk





## TOWN OF MONTREAT

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P. O. Box 423  
Montreat, NC 28757  
Tel: (828)669-8002 Fax: (828)669-3810  
[www.townofmontreat.org](http://www.townofmontreat.org)

**PROCLAMATION # 17-10-0001**

### **PROCLAMATION HONORING MONTREAT COLLEGE CLASS OF 1967**

**WHEREAS**, 2017 marks the 50<sup>th</sup> reunion of the Montreat College Class of 1967; and

**WHEREAS**, the Montreat College Class of 1967 will be honored by the Heritage Society on October 7, 2017; and

**WHEREAS**, the members of the Montreat College Class of 1967 have, through service and dedication, honored Montreat College and contributed greatly to the well-being of their homes, communities and country; and

**WHEREAS**, the members of Montreat College Class of 1967 have demonstrated in countless ways their dedication to the welfare of others and have earned the respect and affection of people of all ages and from all walks of life;

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor of the Town of Montreat, I do hereby deem it an honor and pleasure to extend this Proclamation Honoring the Montreat College Class of 1967 on the occasion of their 50<sup>th</sup> reunion, with sincere congratulations and best wishes for many more happy, productive years.

**IN WITNESS WHEREOF**, I hereby set my hand, and cause the Seal of the Town of Montreat to be affixed, this 13<sup>th</sup> day of September, 2017.

[SEAL]

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Tim Helms, Mayor

ATTEST:

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Angie Murphy, Town Clerk

## MONTHLY POLICE STATISTICS REPORT

<b>SEPTEMBER</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Mileage	2599	2959	3395	2546	2916
Dispatched Calls	123	102	113	74	121
Officer-Initiated Calls	426	272	215	206	217
Fire/EMS Assistance Calls	2F/8E	4F/2E	5F/2E	4F	5F 3E
Motorist/Other Assistance Calls	117	54	50	39	51
Traffic Stops	14	42	50	42	40
Parking Issues	4	7	4	5	7
Burglar/Fire Alarm Responses	5B	1B/1F	3B	4B	4B
Residential House/Building Checks	256	282	233	264	116
Ordinance violations	10	19	16	18	9
LE Agency Assistance Calls	20	11	13	16	22
Animal Calls	2	2	9	2	8
Larcenies	0	0	0	2	0
B&E Calls	0	0	1	1	0
Suspicious Person/Vehicle Investigations	9V/2P	25V/2P	15V/5P	8V 9P	12V 5P
Disturbance Calls	33	6	4	3	3
Accident Responses	2	0	0	0	0
Auxiliary Hours Worked	32R/24T	32R/24T	32R	40R 36/O	32R 88/O
Truck turns at gate	4	0	0	1	4

- Town Service: 394
- MRA Service: 148
- College Service: 26

The Montreat Police Department has had a fairly eventful month. One obvious undertaking occurred during the weather events related to Hurricane Irma. From emergency notification planning prior to the storm, and surveying its aftermath. The east side of the town seemed to fare better than the west. A big thank you to the Town Streets Department for a literal “around the clock” handling of things. Both departments did their best to ascertain, and notify property owners of damage.

During the course of a shift one evening; Officer Whitson came across a suspicious vehicle that resulted in the arrest of two previously convicted felons. A search subsequent to the arrest yielded varying amounts of methamphetamine, assorted prescription pills, marijuana, paraphernalia, and a .357 caliber handgun.

Montreat PD assisted BMPD on occasions ranging from routine back-up, to assisting with scene control of a death investigation. As well as assisting with a Fugitive Warrant service. MPD also helped out BCSO Animal Control Officers with a dog bite case.

Further, MPD conducted its annual firearms qualifications. This concludes the yearly requirements placed on the department by NCDOJ.

## **Public Works Summary**

### **October Meeting**

**Sanitation:** Brush and leaf pickup continues. Please be patient with brush pickup on Wednesdays. Brush is a little heavy due to the storm we had in September.

Bulk pickup is October 31, 2017

**Streets:** The crew has been cleaning up storm debris from roadways. Patching and curb repair continue around town.

**Water:** We had 2 water leaks:

2 inch water main on Florida Terrace

2 inch water main on Tennessee

We had our yearly sanitary inspection from the State on our water system and we did very well.

**General Fund**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
For the Period Ended August 31, 2017

	FYE 2018 Budgeted	Previously Reported	Current Month	FYE 2018 YTD Actual	FYE 17 Comparison YTD Actual	FYE 2018 Remaining Budget	Actual to Budget %	Statement Period	Variance	8/31/16
								<b>2</b>		
<b>Revenues:</b>										
Ad valorem taxes	\$ 967,843.00	\$ -	\$ -	\$ -		\$ 967,843.00				
Other taxes and licenses	\$ 425,600.00	\$ -	\$ 950.06	\$ 950.06		\$ 424,649.94				
Unrestricted intergovernmental	\$ 105,983.00	\$ -	\$ -	\$ -		\$ 105,983.00				
Permits and Fees	\$ 48,530.00	\$ 4,448.76	\$ 961.99	\$ 5,410.75	\$ 7,542.09	\$ 43,119.25				
Community Service Fee	\$ 45,000.00	\$ -	\$ -	\$ -	\$ 9,514.00	\$ 45,000.00				
Sales and Services	\$ 12,050.00	\$ 294.00	\$ 149.00	\$ 443.00	\$ 1,692.00	\$ 11,607.00				
Investment earnings	\$ 6,800.00	\$ 467.21	\$ 435.05	\$ 902.26	\$ 326.09	\$ 5,897.74				
Other revenues	\$ 229,000.00	\$ 10,861.67	\$ -	\$ 10,861.67	\$ 4,113.87	\$ 218,138.33				
Subtotal - Normal Operating	\$ 1,840,806.00	\$ 16,071.64	\$ 2,496.10	\$ 18,567.74	\$ 23,188.05	\$ 1,822,238.26	1.01%	16.67%	-15.66%	-15.20%
<i>Restricted intergovernmental</i>	\$ 39,446.00	\$ -	\$ -	\$ -		\$ 39,446.00				
<i>Contributions - Landcare</i>	\$ -	\$ -	\$ -	\$ -		\$ -				
<i>Contributions - Open Space</i>	\$ -		\$ -			\$ -				
Total Revenues	<b>1,880,252.00</b>	<b>16,071.64</b>	<b>2,496.10</b>	<b>18,567.74</b>	<b>\$ 23,188.05</b>	<b>1,861,684.26</b>	0.99%	16.67%	-15.68%	-15.35%
<b>Expenditures:</b>										
Governing Body	\$ 72,229.00	\$ 230.02	\$ 6,375.94	\$ 6,605.96	\$ 6,162.16	\$ 65,623.04	9.15%	16.67%	7.52%	9.46%
Administration	\$ 298,139.00	\$ 30,003.49	\$ 19,697.50	\$ 49,700.99	\$ 66,430.49	\$ 248,438.01	16.67%	16.67%	0.00%	-6.05%
Public Buildings	\$ 434,514.00	\$ 37,913.05	\$ 1,462.80	\$ 39,375.85	\$ 34,203.45	\$ 395,138.15	9.06%	16.67%	7.60%	-7.71%
Police	\$ 416,300.00	\$ 24,411.30	\$ 27,589.86	\$ 52,001.16	\$ 55,396.38	\$ 364,298.84	12.49%	16.67%	4.18%	1.65%
Building & Zoning	\$ 84,519.00	\$ 6,163.61	\$ 213.04	\$ 6,376.65	\$ 14,010.79	\$ 78,142.35	7.54%	16.67%	9.12%	0.03%
Public Works	\$ 130,219.00	\$ 6,289.87	\$ 6,308.29	\$ 12,598.16	\$ 12,831.13	\$ 117,620.84	9.67%	16.67%	6.99%	0.71%
Streets	\$ 465,013.00	\$ 113,631.19	\$ 108,532.44	\$ 222,163.63	\$ 32,128.75	\$ 242,849.37	47.78%	16.67%	-31.11%	12.04%
Powell Bill	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	16.67%	0.00%	0.00%
Sanitation	\$ 100,037.00	\$ 9,309.38	\$ 11,385.84	\$ 20,695.22	\$ 15,585.10	\$ 79,341.78	20.69%	16.67%	-4.02%	3.02%
Env/Cons/Rec	\$ 7,000.00	\$ 220.22	\$ 10.95	\$ 231.17	\$ -	\$ 6,768.83	3.30%	16.67%	13.36%	16.67%
Total expenditures	<b>2,007,970.00</b>	<b>\$ 228,172.13</b>	<b>\$ 181,576.66</b>	<b>\$ 409,748.79</b>	<b>\$ 236,748.25</b>	<b>\$ 1,598,221.21</b>	20.41%	16.67%	-3.74%	4.07%
<b>Revenues over expenditures</b>	<b>(127,718.00)</b>	<b>\$ (212,100.49)</b>	<b>\$ (179,080.56)</b>	<b>\$ (391,181.05)</b>	<b>\$ (213,560.20)</b>	<b>\$ 263,463.05</b>				
Other financing sources (uses):										
Transfer to/from Water Fund		\$ -	\$ -	\$ -	\$ -	\$ -				
Fund Balance Appropriated:	\$ 127,718.00	\$ -	\$ -	\$ -	\$ -	\$ 127,718.00				
Total other financing sources	<b>\$ 127,718.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 127,718.00</b>				
Revenues and other sources over expenditures and other uses	<b>\$ -</b>	<b>\$ (212,100.49)</b>	<b>\$ (179,080.56)</b>	<b>\$ (391,181.05)</b>	<b>\$ (213,560.20)</b>	<b>\$ 391,181.05</b>				
<b>Expenditure Recap:</b>										
Salaries & Benefits	\$ 939,449.00	\$ 69,159.28	\$ 66,912.56	\$ 136,071.84	\$ 147,882.65	\$ 803,377.16				
Other Operating	\$ 394,521.00	\$ 57,627.95	\$ 114,664.10	\$ 172,292.05	\$ 86,417.86	\$ 222,228.95				
<i>CIP/Grant Projects</i>	\$ 674,000.00	\$ 101,384.90	\$ -	\$ 101,384.90	\$ 2,447.74	\$ 572,615.10				
Total Expenditures	<b>\$ 2,007,970.00</b>	<b>\$ 228,172.13</b>	<b>\$ 181,576.66</b>	<b>\$ 409,748.79</b>	<b>\$ 236,748.25</b>	<b>\$ 1,598,221.21</b>				

**Water Fund**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
For the Period Ended August 31, 2017

	FYE 2018 Budgeted	Previously Reported	Current Month	FYE 2018 YTD Actual	FYE 17 Comparison YTD Actual	FYE 2018 Remaining Budget	Actual to Budget Percent	Statement Period	Variance	8/31/16
								<b>2</b>		
<b>Revenues:</b>										
Ad valorem taxes			\$ -			\$ -				
Other taxes and licenses		\$ -	\$ -	\$ -		\$ -				
MRA Comm Svc Fee	\$ -		\$ -			\$ -				
Permits and Fees			\$ -			\$ -				
Sales and Services	\$ 315,700.00	\$ 32,844.42	\$ 27,388.34	\$ 60,232.76	\$ 59,086.55	\$ 255,467.24				
Investment earnings	\$ 193.00	\$ 23.13	\$ 23.37	\$ 46.50	\$ 39.87	\$ 146.50				
Other revenues	\$ 52,710.00	\$ 275.87	\$ 462.88	\$ 739.75	\$ 711.50	\$ 51,970.25				
Subtotal - Normal Operating	\$ 368,603.00	\$ 33,143.42	\$ 27,874.59	\$ 61,019.01	\$ 59,837.92	\$ 307,583.99				
<i>Restricted intergovernmental</i>			\$ -			\$ -				
Total revenues	\$ 368,603.00	\$ 33,143.42	\$ 27,874.59	\$ 61,019.01	\$ 59,837.92	\$ 307,583.99	16.55%	16.67%	-0.11%	1.12%
<b>Expenditures:</b>										
Water Department	\$ 364,711.00	\$ 4,607.75	\$ 5,135.89	\$ 9,743.64	\$ 6,533.13	\$ 354,967.36	2.67%	16.67%	14.00%	14.73%
Total expenditures	\$ 364,711.00	\$ 4,607.75	\$ 5,135.89	\$ 9,743.64	\$ 6,533.13	\$ 354,967.36	2.67%	16.67%	14.00%	14.73%
<b>Revenues over expenditures</b>	\$ 3,892.00	\$ 28,535.67	\$ 22,738.70	\$ 51,275.37	\$ 53,304.79	\$ (47,383.37)				
Other financing sources (uses):										
Transfers to/from General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Fund Balance Appropriated:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Total other financing sources (uses)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Revenues and other sources over expenditures and other uses	\$ 3,892.00	\$ 28,535.67	\$ 22,738.70	\$ 51,275.37	\$ 53,304.79	\$ (47,383.37)				
<b>Expenditure Recap:</b>										
Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Other Operating	\$ 284,711.00	\$ 2,789.05	\$ 5,135.89	\$ 7,924.94	\$ 6,533.13	\$ 276,786.06				
<i>CIP/Grant Projects</i>	\$ 80,000.00	\$ 1,818.70	\$ -	\$ 1,818.70	\$ -	\$ 78,181.30				
Total Expenditures	\$ 364,711.00	\$ 4,607.75	\$ 5,135.89	\$ 9,743.64	\$ 6,533.13	\$ 354,967.36				

Town of Montreat			Cash & Investments Report			As of	August 31, 2017		
<u>Institution</u>	<u>Type</u>	<u>Maturity Date</u>	<u>Balance</u>		<u>Central</u>	<u>General</u>	<u>Water</u>	<u>Int. Rate</u>	<u>Int for mo</u>
Avl Sav Bank	Checking x2519		\$ 243,051.10		\$ 243,051.10			0.00%	\$ -
Avl Sav Bank	Cent'l Dep x 6863		\$ 53,177.86		\$ 53,177.86			0.00%	\$ -
Avl Sav Bank	Savings - Powell Bill 3572		\$ 190,895.97			\$ 190,895.97		0.10%	\$ 16.21
Avl Sav Bank	Savings - Water Res. 7727		\$ 58,211.73				\$ 58,211.73	0.10%	\$ 4.94
Avl Sav Bank	MMkt Acct xxx1204		\$ 1,306,778.20			\$ 1,306,778.20		0.35%	\$ 375.75
Avl Sav Bank	Subtotal		\$ 1,852,114.86						
BB&T	MMkt Act - General Fund		\$ 450,500.02			\$ 450,500.02		0.10%	\$ 38.26
BB&T	MMkt Act - Water Fund		\$ 157,655.31				\$ 157,655.31	0.10%	\$ 13.39
BB&T	Subtotal		\$ 608,155.33						
NCCMT	Investment - General Fund		\$ 6,475.69			\$ 6,475.69		0.90%	\$ 4.83
NCCMT	Investment - Water Fund		\$ 6,762.82				\$ 6,762.82	0.89%	\$ 5.04
NCCMT	Subtotal		\$ 13,238.51						
All Accts	Subtotal		\$ 2,473,508.70		\$ 296,228.96	\$ 1,954,649.88	\$ 222,629.86	0.22%	\$ 458.42
All Accts	Fiscal Year to Date		\$ 2,588,922.31					0.22%	\$ 948.76
			(average)					(average)	(cumulative)
Avl Sav Bank	CD, 1yr x6827 Empl Benf	11/24/2017	\$ 54,579.20			\$ 54,579.20		0.20%	
Avl Sav Bank	CD x5119	11/12/2017	\$ 10,373.22			\$ 10,373.22		0.20%	
CDs	Subtotal		\$ 64,952.42					0.20%	\$ -
All Accts + CDs	Total		\$ 2,538,461.12					0.22%	\$ 458.42
All Accts + CDs	Fiscal Year to Date		\$ 2,653,874.73					0.21%	\$ 948.76
			(average)					(average)	



## TOWN OF MONTREAT

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P. O. Box 423  
Montreat, NC 28757  
Tel: (828)669-8002 Fax: (828)669-3810  
[www.townofmontreat.org](http://www.townofmontreat.org)

### MEMORANDUM

To: Board of Commissioners  
From: Stefan Stackhouse, Finance Officer  
Date: October 5, 2017  
RE: August 2017 Financial Reports

Attached are the August 2017 financial reports. We are still early in the fiscal year, and readers should be cautioned that these few preliminary items tend not to be indicative of anything this early in the year. A few items to bring to your attention:

#### General Fund:

- Our general fund revenues are running about the same as last year. We usually don't start seeing an influx of property tax and state tax revenues in these first couple of months.
- Our August expenditures are running a little higher than the previous year. A paving project expense was posted to this fiscal year even though encumbered in the previous year because the invoice was received so late and the audit field work had already started.

#### Water Fund:

- Our total revenues through August are running slightly above the same time last year.
- Our expenditures are also slightly higher than July of last year.
- We continue to run a healthy surplus through the summer, which is typical.

#### Cash & Investments:

- Our total cash and investment in all accounts as of August 31, 2017 was \$2,473,508.70. This is a very strong position for mid-summer.
- We earned \$458.42 in interest for the month. Rates continue to improve slightly.



## TOWN OF MONTREAT

### Administration

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### MEMORANDUM

**DATE:** October 12, 2017  
**TO:** Montreat Board of Commissioners  
**FROM:** Alex Carmichael, Town Administrator  
**RE:** Revisions to Town of Montreat Official Zoning Map

**BRIEF SUMMARY:** To consider the possibility of rezoning the eastern side of Florida Terrace as R-1 Low-Density Residential.

**POTENTIAL MOTION:** 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.

**BACKGROUND:** On April 6, 2017, the Montreat Board of Commissioners directed the Planning and Zoning Commission to review a potential rezoning of eastern Florida Terrace properties from (I/R) Institutional/Residential to (R-1) Low-Density Residential for conformity with the Comprehensive Plan and other developmental regulations as necessary. The Planning Zoning Commission met on May 18<sup>th</sup>, and again on June 1<sup>st</sup> to consider this review. On July 13<sup>th</sup> the Planning and Zoning Commission reported its recommendations back to the Commission. The Planning and Zoning Commission recommended that all three of the following options meet the requirements of the Comprehensive Plan:

1. the proposed zoning of Florida Terrace,
2. the proposed rezoning omitting the Sylvan Heights property,
3. and maintaining the existing zoning map without change.

On September 13<sup>th</sup> 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 13<sup>th</sup> meeting constituted the "date of introduction," which requires a two-thirds favorable vote to pass. The motion thus failed.

At this meeting of October 12<sup>th</sup>, 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) excluding the property known as Sylvan Heights PIN # 0720-15-4916.

**ATTACHMENTS:** Maps showing the existing and proposed zoning district boundaries for the subject area and procedural chart/timeline.

FLORIDA TERRACE REZONING PETITION 3-20-17

PETITION TO: The Town of Montreat

PROPERTY: One city block bound on the West by Florida Terrace and on the East by Arkansas Trail consisting of ten(10) houses(hereafter referred to as Block A).

PETITION REQUEST: That "Block A" be rezoned from Institutional/Residential to Residential.

Supporting this Petition are the following homeowners with addresses on Block A.

Louisa and David Berry  
367 Arkansas Trail.  
Montreat NC

Nancy and Francis Burris  
351 Florida Terrace  
360 Arkansas Trail  
376 Arkansas Trail

John and Anne Wilson  
Florida Terrace

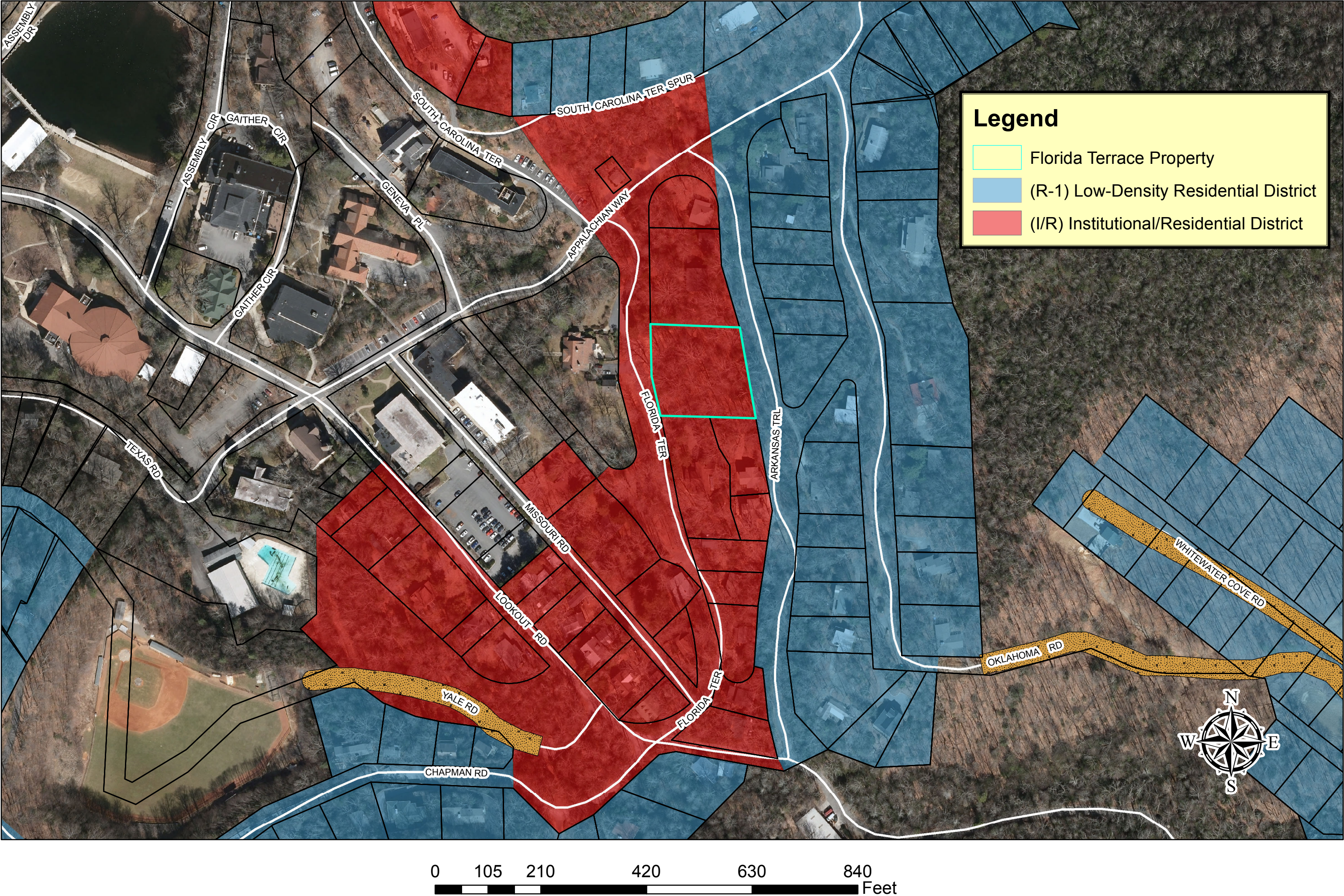
Susan Duncan  
372 Arkansas Trail

Jane and Steve Unti  
372 Arkansas Trail

Richards Roddey  
Gail Roddey  
Martha Dunlap Neblett  
345 Lookout Road

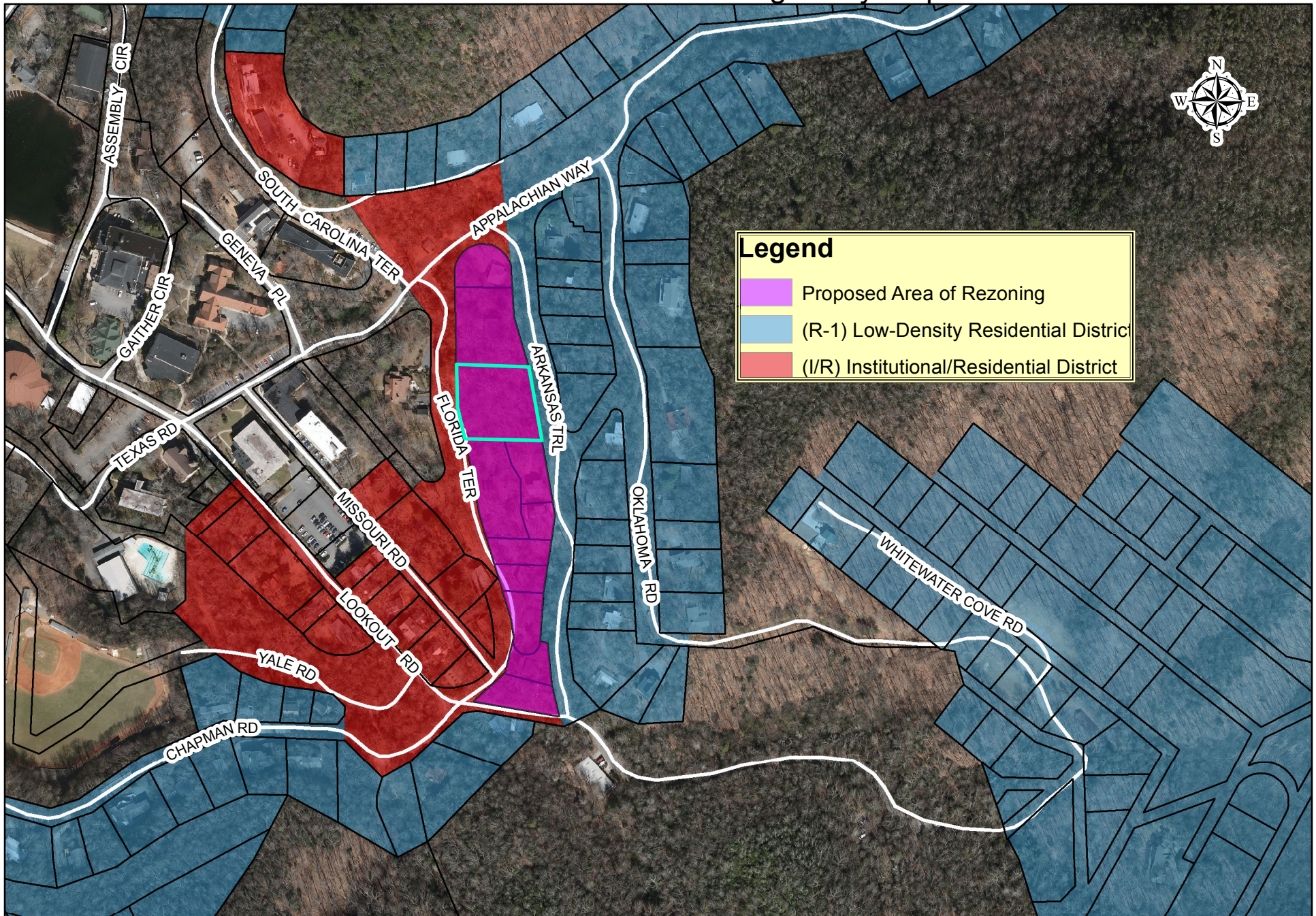


# Existing Zoning Boundaries - Florida Terrace Site





# Florida Terrace Lot - Rezoning Study Map



0 145 290 580 870 1,160 Feet



## Florida Terrace Property - Rezoning Schedule

Steps in the Process	Normal Schedule for Action Taken
Council directs staff to prepare a revised delineation of the (I/R) Institutional/Residential District boundaries to exclude parcels fronting the eastern side of Florida Terrace (see maps), and extension of the R-1 Low Density Residential boundaries to include same for review by the Planning and Zoning (P&Z) Commission at a special called meeting later in May, as possible;	May 11, 2017
P&Z reviews the proposed rezoning for conformity with the adopted Comprehensive Plan and provides their recommendations to Town Council at their June (6/8/17) meeting;	May 2017
Town Council calls for a public hearing of the proposed map amendment at the July (7/13/17) meeting;	June 8, 2017
Staff physically posts the property affected by the rezoning & mails notification of the pending hearing to abutting property owners (normally within 200' of the subject property);	June 19, 2017
Staff provides notice of the required hearing in the local newspaper for two (2) consecutive weeks at least 10 days, but not more than 25 days, prior to hearing date;	June 19 & July 3, 2017
Council holds a public hearing to receive input as to the proposed rezoning. Council may then decide to vote on the matter or postpone action for further consideration. Council must adopt a statement as part of the rezoning that describes how their action is either consistent or inconsistent with the comprehensive plan and why they consider their action reasonable and in the public interest;	July 13, 2017 (or later, if action postponed)
Staff physically amends the Official Zoning Map of Montreat to reflect the adopted change;	July 14, 2017 (or later, if action postponed)

## MEMORANDUM

TO: Board of Commission, Town of Montreat

FROM: Emory Underwood, Chair of Planning and Zoning

DATE: July 13, 2017

SUBJECT: Review and Recommendation of Potential Rezoning of Eastern Florida Terrace Properties from (I/R) Institutional/Residential to (R-1) Low-Density Residential for conformity with the Comprehensive Plan and other Developmental Regulations as Necessary

On April 6, 2017, the Montreat Board of Commissioners directed the Planning and Zoning Commission to review a potential rezoning of eastern Florida Terrace properties from (I/R) Institutional/Residential to (R-1) Low-Density Residential for conformity with the Comprehensive Plan and other developmental regulations as necessary. The Planning Zoning Commission met on May 18<sup>th</sup>, and again on June 1<sup>st</sup> to consider this review.

At the meeting of May 18<sup>th</sup> all appointed members of the Commission were present along with three members of Town staff and seven members of the public. Tanner Pickett representing the MRA read a prepared statement from Richard DuBose. In it, he urged the Planning and Zoning Commission to seek zoning alternatives that would preserve the Sylvan Heights property's full status for institutional use. The Commission considered the precedent of rezoning requests in Montreat, the fact that the property had not been yet been placed on the market, residential stakeholders on Florida Terrace, and the process by which the Town Council requested the review. The Planning and Zoning Commission heard additional public comment and recessed until additional information was gathered.

At the June 1<sup>st</sup> meeting, all members of the Planning and Zoning Commission were present along with three members of Town staff and seven members of the public. The Commission heard public comment. Three people spoke in favor of rezoning Florida Terrace to R-1 Low-Density Residential, one thanked the Commission for all of their hard work, one spoke in favor of an additional zoning designation that would allow residential quadraplexes, and one cautioned that the Commission needed to be thoughtful and methodical when making zoning decisions.

The Commission discussed the public comment, and the additional information provided by staff, the status of the Sylvan Heights property, the time period for public engagement, the need for affordable housing, setting negative precedent, and the proposal's alignment with the Comprehensive Plan. Members of the Commission discussed some goals of the Comprehensive Plans that were in alignment with the proposed rezoning and some goals that were in conflict with the proposed rezoning. The Commission expressed its desire that if the Town did rezone Florida Terrace that it would exclude Sylvan Heights.

Though members of the Commission questioned the wisdom of rezoning Florida Terrace ultimately they found that Comprehensive Plan was broad, if at time contradictory, in its

goals. The Planning and Zoning Commission voted unanimously to recommend that all three of the following options meet the requirements of the Comprehensive Plan:

1. the proposed zoning of Florida Terrace,
2. the proposed rezoning omitting the Sylvan Heights property,
3. and maintaining the existing zoning map without change.



## Town of Montreat

P.O. Box 423, Montreat, North Carolina 28757  
Phone: (828) 669-8002 • Fax: (828) 669-3810

### **MEMORANDUM: PUBLIC HEARING NOTICE CERTIFICATION**

TO: MONTREAT BOARD OF COMMISSIONERS  
FROM: ALEX CARMICHAEL, TOWN ADMINISTRATOR  
SUBJECT: PUBLIC HEARING NOTICE CERTIFICATION  
DATE: SEPTEMBER 7, 2017

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Article XIII, section 1303 B 1 of the Town of Montreat Zoning Ordinance states the following:

If the proposed change to the Official Zoning Map affects fewer than fifty (50) different properties, the owners (as shown on county tax listing) of the parcel(s) of land affected by the proposed change in the zoning map and the owners (as shown on the county tax listings) of all parcels of land abutting that parcel of land shall be mailed a notice of a public hearing on the proposed change by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person(s) mailing such notices shall certify to the Board of Commissioners that the notices were mailed in accordance with this section, and such certificate shall be deemed conclusive in the absence of fraud.

This memorandum certifies that notices were mail on September 8, 2017 for the Public Hearing: Proposed Rezoning of Eastern Side of Florida Terrace From Institutional/Residential (I/R) to Residential Low Density (R1) Followed by Possible Action to be held on September 14, 2017. I do certify by this memorandum that the notices were mailed in accordance with Article XIII, section 1303 B 1 of the Town of Montreat Zoning Ordinance.

JAC





## TOWN OF MONTREAT

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### ADVISORY BOARD/COMMITTEE MEMBERSHIP APPLICATION

Full Legal Name: Culpepper Everett T.  
(Last) (First) (Middle)  
Physical Address: 202 Harmony Lane  
Mailing Address: P.O. 473 Montreat, NC 28757  
Home Phone: 828 669 7692 Alternate Phone: 866 820-9574  
Email Contact Information: ETCULPEPPER@gmail.com

On which Board or Committee do you wish to serve?

- ☒ Board of Adjustment ☐ Open Space Conservation Committee  
☐ Comprehensive Plan Steering Committee ☐ Planning and Zoning Commission  
☐ Montreat Landcare Committee

Please explain why you want to be a member of this board/committee:

I feel a responsibility to serve  
this community.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe serving on the selected board/committee can play a role in addressing each issue:

- ① Planning for responsible growth
- ② Find common ground for all affected groups

List any abilities, skills, specialized training or interest you have which are applicable to this board/committee:

Business career of 46 years which  
required personnel oversight and buying/  
selling numerous properties in several communities.

Have you ever attended a regularly scheduled meeting of the selected board/committee? No

Full time resident since Jan. 2014  
How much time are you able to devote to fulfill this obligation? \_\_\_\_\_

As much as needed.

Everett T. Culpepper

of the state constitution. Most of the procedures by which a local government is permitted to sell or otherwise dispose of property are competitive, and the North Carolina Supreme Court has indicated that the price resulting from an open and competitive procedure will be accepted as the market value.<sup>48</sup> If a sale is privately negotiated, the price will normally be considered appropriate unless strong evidence indicates that it is so significantly below market value as to show an abuse of discretion.<sup>49</sup>

It is not always constitutionally necessary that a local government receive monetary consideration when it conveys property. If the party receiving the property agrees to put it to some public use, that promise constitutes sufficient consideration for the conveyance.<sup>50</sup> (The recipient in this case is often, but not always, another government unit.) The General Statutes expressly permit the following such conveyances: those made to the state and to local governments within North Carolina (G.S. 160A-274); those made to volunteer fire departments and rescue squads (G.S. 160A-277); conveyances to nonprofit preservation or conservation organizations (G.S. 160A-266(b)); to nonprofit agencies to which the county or city is authorized to appropriate money (G.S. 160A-279); and to governmental units within the United States, nonprofits, charter schools, and sister cities (G.S. 160A-280).

## Disposal Methods

G.S. Chapter 160A, Article 12, sets out three competitive methods of sale, each of which is appropriate in any circumstance for disposing of both real and personal property: sealed bid, negotiated offer and upset bid, and public auction. Article 12 also permits privately negotiated exchanges of property in any circumstance (so long as equal value changes hands) and privately negotiated sales or other dispositions of property in a number of limited circumstances. In addition, a few other statutes permit privately negotiated sales or other dispositions of property, again in limited circumstances. These various methods of disposition are summarized in the following sections. In undertaking any of them a local government must remember that the statutory procedure must be exactly followed or the transaction may be invalidated by a court.<sup>51</sup>

### Sealed Bids

A local government may sell any real or personal property by sealed bid (G.S. 160A-268). The procedure is based on that set forth in G.S. 143-129 for entering into purchase contracts in the formal bidding range, with one modification for real property. An advertisement for sealed bids must be published in a newspaper that has general circulation in the county (for a county government) or in the county in which the city is located (for a city government). Publication must occur seven full days (not counting the day of publication or the day of opening) before the bids are opened if personal property is being sold and thirty days before the bids are opened if real property is being sold. The advertisement should generally describe the property; tell where it can be examined and when and where the bids will be opened; state whether a bid deposit is required and, if so, how much it is and the circumstances under which it will be retained; and reserve the governing board's right to reject any and all bids. Bids must be opened in public, and the award is made to the highest responsible bidder.

The sealed bid procedure appears to be designed to obtain wide competition by providing public notice and good opportunity for bidders to examine the property being sold. Invitations to bid may be mailed to prospective buyers, just as they are typically sent to prospective bidders in the formal purchasing procedures for personal property.

48. *Id.*

49. *Painter v. Wake Cnty. Bd. of Educ.*, 288 N.C. 165 (1975).

50. *Brumley v. Baxter*, 225 N.C. 691 (1945). However, see *infra* note 53 regarding the limitation on disposal of local school property.

51. *Bagwell v. Town of Brevard*, 267 N.C. 604 (1966). Some government boards routinely declare as surplus any property that is to be sold. No statute requires such a declaration, however, and it does not appear to be necessary. A city or county evidences its conclusion that property is surplus by selling it.

### Negotiated Offer and Upset Bids

A local government may sell any real or personal property by negotiated offer and upset bid (G.S. 160A-269). The procedure begins when the local government receives and proposes to accept an offer to purchase specified government property. The offer may be either solicited by the local government or made directly by a prospective buyer on his or her own initiative. The governing board then requires the offeror to deposit a 5 percent bid deposit with its clerk and causes a notice of the offer to be published. The notice must describe the property; specify the amount and terms of the offer; and give notice that the bid may be raised by not less than 10 percent of the first \$1,000 originally bid, plus 5 percent of any amount above \$1,000 of the original bid. Upset bids must also be accompanied by a 5 percent bid deposit. Prospective bidders have ten days from the date on which the notice is published to offer an upset bid. This procedure is repeated until ten days have elapsed without the local government receiving a qualifying upset bid. After that time the board may sell the property to the final offeror. At any time in the process, it may reject any and all offers and decide not to sell the property.

### Public Auctions

A local government may sell any real or personal property by public auction under G.S. 160A-270. The statute sets out separate procedures for the auctioning of real and personal property and authorizes electronic auctions. For real property, the governing board must adopt a resolution that authorizes the sale; describes the property; specifies the date, time, place, and terms of the sale; and states that the board must accept and confirm the successful bid. The board may require a bid deposit. A notice containing the information set out in the resolution must be published at least once and not less than thirty days before the auction. The highest bid is reported to the governing board, which then has thirty days to accept or reject it.

For personal property, the same procedure is followed except that (1) the board may in the resolution authorize an appropriate official to complete the sale at the auction and (2) the notice must be published not less than ten days before the auction.

G.S. 160A-270(c) permits a local government to sell either real or personal property electronically. The governing board must follow the same procedures as set out above, but in addition the notice must specify the electronic address where information about the property to be sold can be found and the electronic address at which electronic bids may be posted. In recent years, electronic auctions through sites such as GovDeals<sup>52</sup> have largely replaced public auctions and have become the most common method of competitive sale disposal for personal property.

### Exchange of Property

A local government may exchange any real or personal property for other real or personal property if it receives full and fair consideration for the property (G.S. 160A-271). After the terms of the exchange agreement are developed by private negotiations, the governing board will authorize the exchange at a regular meeting. A notice of intent to make the exchange must be published at least ten days before it occurs. The notice must describe the properties involved; give the value of each, as well as the value of other consideration changing hands; and cite the date of the regular meeting at which the board proposes to confirm the exchange. The exchange procedure is probably most useful in connection with a trade of real property when boundaries must be adjusted or when an individual who owns land needed by the county or city wants some other tract of government land.

### Trade-In

A local government may convey surplus property as a "trade-in" as part of a purchase contract (G.S. 143-129.7). The local government must include a description of the surplus property in its bid specifications, and the amount offered by bidders for the surplus property is taken into account when evaluating bids. The unit awards one contract to the winning bidder for both the sale of the surplus property and the purchase of the new property. While the purchase

52. See [www.govdeals.com/](http://www.govdeals.com/).

contract must comply with the applicable competitive bidding requirements, the transaction need not comply with the disposal procedures of G.S. 160A-271 (exchange of property).

### **Private Negotiation and Sale: Personal Property**

A local government may use private negotiation and sale to dispose of personal property valued at less than \$30,000 for any one item or any group of similar items (G.S. 160A-266, -267). Note that this procedure may not be used to dispose of real property. Under G.S. 160A-266(b) and -267, the governing board, by resolution adopted at a regular meeting, may authorize an appropriate official to dispose of identified property by private sale. The board may set a minimum price but is not required to do so. The resolution must be published at least ten days before the sale.

Alternatively, G.S. 160A-266(c) authorizes a governing board to establish procedures under which county or city officials may dispose of personal property valued at less than \$30,000 for any one item or any group of similar items without further board action and without published notice. The procedures must be designed to secure fair market value for the property disposed of and to accomplish the disposal efficiently and economically. The procedures may permit one or more officials to declare qualifying property to be surplus, to set its market value, and to sell it by public or private sale. The board may require the official to use one of the statutory methods, including an electronic auction, or may permit other sorts of procedures, such as a consignment agent or a surplus property warehouse. The statute requires the selling official to maintain a record of property sold under any such procedures.

### **Private Negotiation and Conveyance to Other Governments**

G.S. 160A-274 authorizes any governmental unit in the state, on terms and conditions it "deems wise," to sell to, purchase from, exchange with, lease to, or lease from any other governmental unit in North Carolina any interest in real or personal property that one or the other unit may own. "Governmental unit" is defined to include cities, counties, the state, school units, and other state and local agencies. The only limitations on this broad authority are that before a local board of education may lease real property that it owns, it must determine that the property is unnecessary or undesirable for school purposes, and it may not lease the property for less than \$1 per year.<sup>53</sup> While governing board approval is required, bids or published notices are not. Thus, when reaching agreements on property with another governmental unit, a unit's governing board has full discretion concerning procedure.

### **Other Negotiated Conveyances: Real and Personal Property**

A city or county may, in limited circumstances, convey real and personal property by private negotiation and sale, and sometimes without monetary consideration.

### **Economic Development**

G.S. 158-7.1(d) permits a county or city (but no other form of local government) to convey interests in property suitable for economic development by private sale. Before making such a conveyance, the governing board must hold a public hearing with at least ten days' published notice of the hearing. The notice must describe the interest to be conveyed; the value of the interest; the proposed consideration the government will receive; and the board's intention to approve the conveyance. In addition, before making the conveyance the board must determine the probable average wage that will be paid to workers at the business to be located on the property.

The statute requires the governing board to determine the fair market value of the property and prohibits the board from conveying the property for less than that value. The county or city, in arriving at the amount of consideration it will receive, may count prospective tax revenues for the next ten years from improvements added to the property after

53. Although in general local governments may transfer property among themselves without monetary consideration, the North Carolina Supreme Court has held that a local school board must receive fair consideration whenever it conveys property for some nonschool use, including some other governmental use. *Boney v. Bd. of Trs.*, 229 N.C. 136 (1948). The \$1 requirement for leases of school property presumably is a legislative determination that this amount is adequate consideration when title to the property remains with the school administrative unit.

the conveyance; prospective sales tax revenues generated by the business located on the property during that period; and any other income coming to the government during the ten years as a result of the conveyance.

### ***Community Development***

G.S. 160A-457 permits a city (but not a county or any other sort of local government) to convey interests in property by private sale when such property is within a community development project area. The property must be sold subject to covenants that restrict its eventual use to those consistent with the community development plan for the project area. The statute requires that the property be appraised before it is sold and prohibits the city from selling it for less than the appraised value.

Once a city has reached agreement on a conveyance pursuant to this statute, it must publish notice of a public hearing on the transaction for the two weeks running up to the hearing. The notice should describe the property, disclose the terms of the transaction, and give notice of the city's intention to convey the property. At the hearing itself, the city must disclose the appraised value of the property.

### ***Nonprofit Agencies***

G.S. 160A-279 permits a county or city to convey real or personal property to any nonprofit agency to which it is authorized by law to appropriate funds. (Property acquired through condemnation may not be so conveyed.) The same procedures must be followed as are required by G.S. 160A-267 for other private sales. In making a conveyance under this statute, a county or city may accept as consideration the nonprofit agency's promise to put the property to some public use. G.S. 160A-280 authorizes conveyances of personal property to nonprofits and governmental entities outside of the state.

### ***Property for Affordable Housing***

Both counties and cities may convey property by private sale in order to provide affordable housing (i.e., housing for persons of low or moderate income), but they do so under separate statutes that have somewhat different provisions. G.S. 153A-378 includes two provisions that permit a county to make two sorts of conveyances. First, a county may convey residential property directly to persons of low or moderate income. If it does so, it must follow the same procedures as are required by G.S. 160A-267 for other private sales. Second, a county may convey property to a public or private entity that provides affordable housing for others. The statute imposes no procedural requirements for such a conveyance.

A complicated series of statutes permits cities to convey property to nonprofit entities that will construct affordable housing. First, G.S. 160A-456(b) permits a city council to exercise any power granted by law to a housing authority. Second, G.S. 157-9 authorizes a housing authority to provide "housing projects," a term defined in G.S. 157-3 to include programs that assist developers and owners of affordable housing. Third, G.S. 160A-20.1 permits a city to appropriate money to a private organization to do anything a city is authorized to do, including providing affordable housing. And fourth, G.S. 160A-279, summarized in the subsection just above, authorizes a city to convey property to any nonprofit agency to which it may appropriate money.

### ***Fire or Rescue Services***

G.S. 160A-277 permits counties and cities to lease or convey to volunteer fire departments or rescue squads serving their jurisdictions land to be used for constructing or expanding fire or rescue facilities. The governing board must approve the transaction by adoption of a resolution at a regular meeting after ten days' published notice. The notice should describe the property, state its value, set out the proposed monetary consideration or the lack thereof, and declare the board's intention to approve the transaction. (Almost all fire or rescue organizations are nonprofit in nature, so a local government may also use G.S. 160A-279 to convey property to them, including personal property; G.S. 160A-280 also provides authority for donating personal property to these nonprofit organizations.)

### **Architectural and Cultural Property**

G.S. 160A-266(b) permits a county or city to convey, after private negotiation, real or personal property that is significant for its archaeological, architectural, artistic, cultural, or historic associations; for its association with such property; or for its natural, scenic, or open condition. The conveyance must be to a nonprofit corporation or trust whose purposes include the preservation or the conservation of such property, and the deed must include covenants and other restrictions securing and promoting the property's protection.<sup>54</sup> A local government making a conveyance under this provision must follow the same procedures as noted earlier for the private sale of real or personal property under G.S. 160A-267.

### **Open Space**

G.S. 160A-403 permits a local government to conserve open space by acquiring title to property, then conveying it to the original owner or to a new owner, in each case subject to covenants that require the property to be maintained as open space. If the conveyance is back to the original owner, the statute permits it to be made by private sale. If the conveyance is to an appropriate entity, it may be made by private sale pursuant to G.S. 160A-266(b), discussed in a preceding paragraph. Otherwise, however, the government must use one of the competitive sale methods.

### **Other Private Conveyances**

A number of other statutes permit private sales of property in narrow circumstances; only one of these statutes includes any required procedures.

1. G.S. 160A-321 permits the private sale of any entire city enterprise. Unless the enterprise is conveyed to another government, however, the statute requires the city's voters to approve the conveyance for the following kinds of enterprises: electric power distribution; water supply and distribution; wastewater collection, treatment, and disposal; natural gas distribution; public transportation; cable television; and stormwater management.
2. G.S. 105-376(c) permits a government that has acquired property through a tax foreclosure to convey the property back to the original owner or to any other person or entity that had an interest in the property (such as a deed of trust).
3. G.S. 153A-163 permits a government that has acquired property through a loan foreclosure to sell the property by private sale, so long as it receives at least as much as it paid for the property.
4. G.S. 153A-176 permits a government that has been given property for a specified purpose to give the property back to the donor if it will not use the property for the specified purpose.
5. G.S. 40A-70 permits a government that has acquired property through eminent domain which it no longer needs to convey the property back to the condemnee, so long as the government receives in return its original purchase price, the cost of any improvements, and interest.
6. G.S. 160A-342 permits a city that operates a cemetery to convey it to a private operator of cemeteries.

### **Lease of Property**

A county or city may lease any real or personal property it owns that the governing board finds will not be needed during the term of the lease—in essence, the city is permitted to make a temporary disposal of the property since the lease agreement gives exclusive use of the property to the lessee (G.S. 160A-272). The procedure to be followed depends on the length of the lease. The board may, by resolution at any meeting, make leases for one year or less. It may also authorize the manager or some other administrative officer to take similar action concerning government property for the same period.

The governing board may lease government-owned property for periods longer than one year and for up to ten years by a resolution adopted at a regular meeting after ten days' published notice of its intention to do so. The notice

<sup>54</sup> These deed restrictions must be in the form of a preservation agreement or conservation agreement as defined in G.S. 121-35.



must also specify the annual lease payment and give the date of the meeting at which the board proposes to approve the action.

A lease for longer than ten years, including renewal periods, must be treated, for procedural purposes, as if it were a sale of property. It may be executed by following any procedure authorized for selling real property.

### Grant of Easements

A county or city may grant easements over, through, under, or across any of its property (G.S. 160A-273). The authorization should be by resolution of the governing board at a regular meeting. No special published notice is required, nor is the grant subject to competition.

### Sale of Stocks, Bonds, and Other Securities

A county or city that owns stocks, bonds, or other securities that are traded on the national stock exchanges or over the counter by brokers and securities dealers may sell them in the same way and under the same conditions as a private owner would (G.S. 160A-276).

### Warranty Deeds

G.S. 160A-275 authorizes a city council or board of county commissioners to execute and deliver deeds to any governmentally owned real property with full covenants of warranty when the council or board determines that it is in the unit's best interest to do so. Council/board members are relieved of any personal liability arising from the issuance of warranty deeds if their actions are undertaken in good faith.

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### Additional Resources

- Bluestein, Frayda S. *A Legal Guide to Purchasing and Contracting for North Carolina Local Governments*. 2nd ed. Chapel Hill, N.C.: UNC Institute of Government, 2004.
- Houston, Norma R. *A Legal Guide to Construction Contracting with North Carolina Local Governments*. 5th ed. Chapel Hill, N.C.: UNC School of Government, forthcoming 2015.
- \_\_\_\_\_. *North Carolina Local Government Contracting: Quick Reference and Related Statutes*. Chapel Hill, N.C.: UNC School of Government, 2014.
- Lawrence, David M. *Local Government Property Transactions in North Carolina*. 2nd ed. Chapel Hill, N.C.: UNC Institute of Government, 2000.
- School of Government Web materials on purchasing and construction contracting, available at [www.ncpurchasing.unc.edu](http://www.ncpurchasing.unc.edu).

### About the Author

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The author wishes to express her appreciation to Frayda S. Bluestein, David M. Lawrence, and the late Warren Jake Wicker, whose work in public purchasing and authorship of this chapter in the previous editions of this book are reflected in this edition's chapter.